

## SEVENTY-EIGHTH DAY

St. Paul, Minnesota, Monday, March 28, 1994

The Senate met at 10:00 a.m. and was called to order by the President.

### CALL OF THE SENATE

Ms. Flynn imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Monsignor Francis Fleming.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Mondale	Riveness
Belanger	Flynn	Kroening	Morse	Robertson
Benson, D.D.	Frederickson	Laidig	Murphy	Runbeck
Benson, J.E.	Hanson	Langseth	Novak	Sams
Berg	Hottinger	Larson	Oliver	Samuelson
Berglin	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariscaw	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Terwilliger
Chmielewski	Johnston	McGowan	Pogemiller	Vickerman
Cohen	Kelly	Merriam	Price	Wiener
Day	Kiscaden	Metzen	Ranum	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2040.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1994

Mr. President:

I have the honor to announce the passage by the House of the following

Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1691: A bill for an act relating to real property; clarifying and making technical corrections to statutory provisions relating to real property; allowing the examiner of titles in Olmsted county to be compensated as are examiners in counties of fewer than 75,000 population; amending Minnesota Statutes 1992, sections 14.03, subdivision 3; 83.26, subdivision 2; 500.19, subdivision 4; 507.09; 507.332; 508.12, subdivision 1; 508.13; 508.23, subdivision 1; 508.35; 508.37, subdivision 1a; 508.38; 508.45; 508.47, subdivision 5; 508.51; 508.52; 508.55; 508.68; 508.70; 508.71, subdivision 4; 508A.22, subdivision 1; 508A.35; 508A.38; 508A.45; 508A.47, subdivision 5; 508A.51; 508A.52; 508A.55; 508A.68; 508A.71, subdivision 4; 559.21, subdivisions 3, 4, and 8; and 580.12; Minnesota Statutes 1993 Supplement, section 256B.0595, by adding a subdivision; 508.71, subdivision 7; 515B.1-102; 515B.1-103; 515B.1-105; 515B.1-116; 515B.2-104; 515B.2-105; 515B.2-110; 515B.2-118; 515B.2-119; 515B.3-113; 515B.3-116; and 515B.3-117; proposing coding for new law in Minnesota Statutes, chapters 508; and 508A.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1994

### CONCURRENCE AND REPASSAGE

Mr. Betzold moved that the Senate concur in the amendments by the House to S.F. No. 1691 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1691 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Mondale	Riveness
Anderson	Dille	Knutson	Morse	Robertson
Belanger	Finn	Krentz	Murphy	Runbeck
Benson, D.D.	Flynn	Kroening	Novak	Sams
Benson, J.E.	Frederickson	Lesevski	Oliver	Samuelson
Berg	Hanson	Lessard	Olson	Spear
Berglin	Hottinger	Luther	Pappas	Stevens
Bertram	Janezich	Marty	Pariseau	Terwilliger
Betzold	Johnson, D.E.	McGowan	Piper	Vickerman
Chandler	Johnson, D.J.	Merriam	Pogemiller	Wiener
Chmielewski	Johnson, J.B.	Metzen	Price	
Cohen	Johnston	Moe, R.D.	Ranum	

So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following

Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2086: A bill for an act relating to health; extending dispensing authority to physician assistants and advanced practice nurses; amending Minnesota Statutes 1992, sections 147.34, subdivision 1; 148.235, by adding a subdivision; and 151.37, subdivisions 2 and 2a; Minnesota Statutes 1993 Supplement, section 151.01, subdivision 23.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1994

### CONCURRENCE AND REPASSAGE

Ms. Piper moved that the Senate concur in the amendments by the House to S.F. No. 2086 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2086 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Murphy	Runbeck
Belanger	Flynn	Langseth	Novak	Sams
Benson, D.D.	Frederickson	Larson	Oliver	Samuelson
Benson, J.E.	Hanson	Lesewski	Olson	Solon
Berg	Hottinger	Lessard	Pappas	Spear
Berglin	Janezich	Luther	Pariseau	Stevens
Bertram	Johnson, D.E.	Marty	Piper	Terwilliger
Betzold	Johnson, D.J.	McGowan	Pogemiller	Vickerman
Chandler	Johnson, J.B.	Merriam	Price	Wiener
Chmielewski	Johnston	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	

So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2080, 2314, 2435, 2646, 1659, 1936, 2330, 1374 and 2099.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 24, 1994

### FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2080: A bill for an act relating to agriculture; providing for uniformity of certain food laws with federal regulations; amending Minnesota Statutes 1992, sections 31.101; 31.102, subdivision 1; 31.103, subdivision 1; and 31.104.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1975, now on General Orders.

H.F. No. 2314: A bill for an act relating to waste reduction; amending various statutes to be consistent with recent law relating to distribution of reports and materials to legislators; amending Minnesota Statutes 1992, sections 144.672, subdivision 2; 144.70, subdivision 1; 458A.08; and 473.445, subdivision 3.

Referred to the Committee on Health Care.

H.F. No. 2435: A bill for an act relating to animals; changing procedures concerning certain abandoned animals; amending Minnesota Statutes 1992, section 346.37, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2607.

H.F. No. 2646: A bill for an act relating to agriculture; expanding the restricted seed potato growing area; amending Minnesota Statutes 1992, section 21.1196, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2283, now on General Orders.

H.F. No. 1659: A bill for an act relating to probate; updating article 2 on intestacy, wills, and donative transfers; correcting a reference; recodifying the Minnesota multiparty accounts act; amending Minnesota Statutes 1992, sections 524.1-201; 524.2-101; 524.2-102; 524.2-103; 524.2-104; 524.2-105; 524.2-106; 524.2-108; 524.2-109; 524.2-110; 524.2-111; 524.2-113; 524.2-114; 524.2-301; 524.2-302; 524.2-502; 524.2-504; 524.2-505; 524.2-507; 524.2-508; 524.2-509; 524.2-512; 524.2-602; 524.2-603; 524.2-604; 524.2-605; 524.2-606; 524.2-607; 524.2-608; 524.2-609; and 524.2-701; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1992, sections 524.2-112; 524.2-201; 524.2-202; 524.2-203; 524.2-204; 524.2-205; 524.2-206; 524.2-207; 524.2-503; 524.2-610; 524.2-612; 524.3-905; 525.15; 525.151; 525.22; 525.221; and 525.223.

Referred to the Committee on Judiciary.

H.F. No. 1936: A bill for an act relating to game and fish; requiring return to the water of fish snagged in certain waters; amending Minnesota Statutes 1993 Supplement, section 97C.331.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1915, now on General Orders.

H.F. No. 2330: A bill for an act relating to Anoka county; authorizing county to sell tax-forfeited land by sealed bid.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1374: A bill for an act relating to employment; requiring the department of labor and industry to study and report recommendations on child labor.

Referred to the Committee on Jobs, Energy and Community Development.

H.F. No. 2099: A bill for an act relating to change of name; altering procedural requirements for a change of name application; waiving filing fees in certain cases; amending Minnesota Statutes 1992, sections 259.10; and 259.11; Minnesota Statutes 1993 Supplement, section 357.021, subdivision 1a.

Referred to the Committee on Finance.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2550: A bill for an act relating to metropolitan government; providing for appointment of metropolitan area soil and water conservation supervisors by metropolitan counties; amending Minnesota Statutes 1992, section 103C.305, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103C.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2598: A bill for an act relating to local government; authorizing the park and recreation board of the city of Minneapolis to transfer conveyed land to the Minnesota department of transportation.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 1918: A bill for an act relating to crime; making it murder in the first degree to cause the death of a local correctional officer; amending Minnesota Statutes 1992, section 609.185.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after "state" insert "*or local*" and delete "*or a local*"

Page 2, lines 2 to 4, delete the new language and reinstate the stricken language

Amend the title as follows:

Page 1, line 4, delete "officer" and insert "guard"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2669: A bill for an act relating to public employment; establishing a public employees insurance cooperative task force; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1616: A bill for an act relating to environmental law; establishing a private cause of action for abandonment of hazardous waste; proposing coding for new law in Minnesota Statutes, chapter 116.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2326: A bill for an act relating to agriculture; appropriating money for a capital access program to facilitate construction of an agricultural product processing facility.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "\$5,000,000" and insert "\$2,000,000"

Page 1, line 11, delete "\$5,000,000" and insert "\$2,000,000" and after "account" insert "to be called the agricultural product processing account"

Page 1, line 12, delete "used" and insert "transferred" and after "commissioner" insert "as needed"

Page 1, line 19, delete "\$100,000,000" and insert "\$35,000,000" and delete everything after the period and insert "*The money in the agricultural product processing account shall revert back to the general fund if not needed by the commissioner to fund separate reserve accounts established with lenders by July 1, 1997.*"

Page 1, delete lines 20 and 21

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2709: A bill for an act relating to agriculture; amending provisions regarding the pricing of certain dairy products; amending Minnesota Statutes 1993 Supplement, sections 32.72; and 32.73, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 19 to 21, reinstate the stricken language

Page 2, delete section 2

Amend the title as follows:

Page 1, line 4, delete "sections" and insert "section" and delete the semicolon and insert a period

Page 1, delete line 5

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2345: A bill for an act relating to health; classifying data relating to a physician license; modifying provisions relating to foreign medical school graduates; amending Minnesota Statutes 1993 Supplement, sections 147.02, subdivision 1; and 147.037, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "classifying data relating to a physician license;"

Page 1, lines 5 and 6, delete "sections 147.02, subdivision 1; and" and insert "section"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 2135: A bill for an act relating to community social services; modifying certain provisions regarding county community social service plans; amending Minnesota Statutes 1992, section 256E.09, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, reinstate the stricken "proposed" and before "community" insert "and final"

Page 1, lines 12 to 14, delete the new language

Page 1, line 19, delete from "unless" through page 1, line 20, to "plan" and after the period, insert "*The summarized form of the proposed plan must include a prominent notice that the detailed proposed plan to be considered by the county board is available to county residents upon request. The final plan shall be submitted to the commissioner within 30 days after final adoption of the county budget by the county board. If the commissioner's certification of the final plan is delayed beyond January 1 of the first year of the plan, the previous community social services plan shall remain in effect until the final plan is certified. This does not affect the plan approval process in section 256E.05, subdivision 2.*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1786: A bill for an act relating to partnerships; providing for the registration and operation of limited liability partnerships; appropriating money; amending Minnesota Statutes 1992, sections 319A.02, subdivision 5; 319A.05; 319A.06, subdivision 2; 319A.07; 319A.12, subdivisions 1, 1a, and 2; 323.02, subdivision 8, and by adding a subdivision; 323.06; 323.14; 323.17; 323.35; and 323.39; Minnesota Statutes 1993 Supplement, section 319A.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 323.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 2090: A bill for an act relating to human services; modifying provisions dealing with the administration and enforcement of child support; amending Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"Section 1. [518.551] [ADMINISTRATIVE PROCESS FOR CHILD AND MEDICAL SUPPORT ORDERS.]**

*Subdivision 1. [GENERAL.] (a) An administrative process is established to obtain, modify, and enforce child and medical support orders and maintenance.*

*(b) Effective July 1, 1994, all counties shall participate in the administrative process established in this section in accordance with a statewide implementation plan to be set forth by the commissioner of human services. The implementation plan shall include provisions for training the counties by region no later than July 1995.*

*Subd. 2. [UNCONTESTED ADMINISTRATIVE PROCEEDING.] (a) All actions commenced by the public authority under this section shall be brought within the uncontested administrative proceeding. A party may petition the chief administrative law judge, the chief district court judge, or the chief family court referee to proceed immediately to a contested hearing upon good cause shown. A party may also request in writing that the public authority begin an uncontested administrative proceeding.*

*(b) The public authority shall give the parties written notice requesting the submission of information necessary for the public authority to prepare a proposed child support order. The written notice shall be sent by first-class mail to the parties' last known addresses. The written notice shall describe the information requested, state the purpose of the request, state the date by which the information must be postmarked or received (which shall be at least 30 days from the date of the mailing of the written notice), state that if the*



information is not postmarked or received by that date, the public authority will prepare a proposed order on the basis of the information available, and identify the type of information which will be considered.

(c) Following the submission of information or following the date when the information was due, the public authority shall, on the basis of all information available, complete and sign a proposed child support order and notice. In preparing the proposed child support order, the public authority will establish child support in the highest amount permitted under section 518.551, subdivision 5. The proposed order shall include written findings in accordance with section 518.551, subdivision 5, clauses (i) and (j). The notice shall state that the proposed child support order will be entered as a final and binding default order unless one of the parties requests a conference under subdivision 3 within 14 days following the date of service of the proposed child support order. The method for requesting the conference shall be stated in the notice. The notice and proposed child support order shall be served either personally or by certified mail. The public authority shall prepare and retain an affidavit of service. For the purposes of the contested hearing, and notwithstanding any rule to the contrary, the service of the proposed order pursuant to this paragraph shall be deemed to have commenced a civil action and the judge, including an administrative law judge or a referee, shall have jurisdiction over the contested hearing.

(d) If a conference under subdivision 3 is not requested by a party within 14 days after the date of service of the proposed child support order, the public authority may enter the proposed order as the default order. The default order becomes effective 30 days after the date of service of the notice in paragraph (c). The public authority may also prepare and serve a new notice and proposed child support order if new information is subsequently obtained. The default child support order shall be a final order, and shall be served personally or by first-class mail.

(e) The public authority shall file in the district court copies of the notice served on the parties, all relevant documents sent to or received from the parties, proof of service, and the proposed child support order. The order is effective upon the signature by the court and is retroactive to the date of signature by the public authority.

(f) If a party requests an administrative review, and the public authority denies the request, the public authority shall issue a summary order which denies the request for relief, states the reasons for the denial, and notifies the person of the right to commence an action for relief. If the party commences an action within 30 days from the public authority's denial and the party's action results in a modification of a child support order, the modification may be retroactive to the date the written request was received by the public authority.

Subd. 3. [ADMINISTRATIVE CONFERENCE.] (a) If a party requests a conference within 14 days of the date of service of the proposed order, the public authority shall schedule a conference, and shall serve written notice of the date, time, and place of the conference on the parties.

(b) The purpose of the conference is to review all available information and seek an agreement to enter a consent child support order. The notice shall state the purpose of the conference, and that the proposed child support order will be entered as a final and binding default order if the requesting party fails to appear at the conference. The notice shall be served on the parties by

first-class mail at their last known addresses, and the method of service shall be documented in the public authority file.

(c) A party alleging domestic abuse by the other party shall not be required to participate in a conference. In such a case, the public authority shall meet separately with the parties in order to determine whether an agreement can be reached.

(d) If the party requesting the conference does not appear and fails to provide a reasonable excuse, the public authority may enter a default child support order through the uncontested administrative process.

(e) If the parties appear at the conference, the public authority may seek agreement of the parties to the entry of a consent child support order which establishes child support in accordance with applicable law. The public authority shall advise the parties that if a consent order is not entered, the matter will be scheduled for a hearing before an administrative law judge, or a district court judge or referee, and that the public authority will seek the establishment of child support at the hearing in accordance with the highest amount permitted under section 518.551, subdivision 5. The public authority shall schedule the matter before an administrative law judge, district court judge, or referee.

(f) If an agreement is reached by the parties at the conference, a consent child support order shall be prepared by the public authority, and shall be signed by the parties. All consent and default orders shall be signed by the public authority and shall be submitted to an administrative law judge or the district court for countersignature. The consent order shall be served on the parties either personally or by first-class mail, and shall be filed in district court, along with an affidavit of service.

Subd. 4. [CONTESTED ADMINISTRATIVE PROCEEDING.] (a) The commissioner of human services is authorized to designate counties that are not in compliance with federal child support guidelines to use contested administrative proceedings. The contested administrative hearing process may also be initiated upon request of a county board. The administrative hearing process shall be implemented in counties designated by the commissioner.

(b) Nothing contained herein shall prevent a party, upon timely notice to the public authority, from bringing a motion for the establishment, modification, or enforcement of child support or maintenance orders in district court if additional issues involving domestic abuse, establishment or modification of custody or visitation, or property issues, or other issues outside the jurisdiction of the administrative process, are part of the motion or action, or if a motion or action brought by another party containing one or more of these issues is pending in district court. The matter may be decided in district court if the public authority is a party or provides services to a party if a motion for child support is pending in court.

(c) Contested proceedings commenced by the public authority or in which the public authority is a party, shall be heard by an administrative hearing officer in the following cases:

- (1) establishing, modifying, or enforcing child support;
- (2) establishing, modifying, or enforcing medical support;

(3) *modifying maintenance, if combined with child support or medical support issues; or*

(4) *adjudicating uncontested parentage.*

(d) *The following proceedings may not be heard in a contested administrative process:*

(1) *adjudication of contested parentage;*

(2) *motions to set aside a paternity adjudication, declaration, or recognition of parentage;*

(3) *evidentiary hearing on contempt motions; or*

(4) *motions to sentence or to revoke the stay of a jail sentence in contempt proceedings.*

(e) *An administrative law judge may approve a stipulation reached on a contempt motion brought by the public authority. Any stipulation that involves a finding of contempt and a jail sentence, whether stayed or imposed, shall require the review and signature of a district court judge.*

(f) *For the purpose of this process, all powers, duties, and responsibilities conferred on judges of the district court to obtain and enforce child and medical support and maintenance obligations, subject to the limitation set forth herein, are conferred on the administrative law judge conducting the proceedings, including the power to issue subpoenas for the production of documents, to issue orders to show cause, and to issue bench warrants for failure to appear.*

(g) *Before implementing the process in a county, the chief administrative law judge, the commissioner of human services, the director of the county human services agency, the county attorney, the county court administrator, and the county sheriff shall jointly establish procedures, and the county shall provide hearing facilities for implementing this process in the county. A contested administrative hearing shall be conducted in a courtroom, if one is available, or a conference or meeting room with at least two exits and of sufficient size to permit adequate physical separation of the parties. Security personnel shall either be present during the administrative hearings, or be available to respond to a request for emergency assistance.*

(h) *The contested administrative hearings shall be conducted under the rules of the office of administrative hearings, Minnesota Rules, parts 1400.7100 to 1400.7500, 1400.7700, and 1400.7800, as adopted by the chief administrative law judge. Other aspects of the case, including, but not limited to, pleadings, discovery, and motions, shall be conducted under the rules of family court, the rules of civil procedure, and chapter 518.*

(i) *Pursuant to a contested administrative hearing, the administrative law judge shall make findings of fact, conclusions, and a final decision and issue an order. Orders issued by an administrative law judge are enforceable by the contempt powers of the district courts.*

(j) *The decision and order of the administrative law judge is appealable to the court of appeals in the same manner as a decision of the district court.*

**Subd. 5. [NONATTORNEY AUTHORITY.]** *Nonattorney employees of the public authority responsible for child support may prepare, sign, serve, and*

file complaints, motions, notices, and proposed orders for obtaining, modifying, or enforcing child and medical support orders, maintenance orders, orders establishing paternity, and related documents. The nonattorney may also conduct prehearing conferences, and participate in proceedings before an administrative law judge. This activity shall not be considered to be the unauthorized practice of law. After the commencement of the administrative process, the public authority and the administrative law judge shall each have the authority to issue subpoenas for the production of documents.

Subd. 6. [PUBLIC AUTHORITY LEGAL ADVISOR.] At all stages of the administrative process prior to the contested hearing, the county attorney, or other attorney under contract, shall act as the legal advisor for the public authority, but shall not play an active role in the review of information and the preparation of default and consent orders.

Subd. 7. [COSTS ASSOCIATED WITH THE ADMINISTRATIVE PROCESS.] The commissioner of human services shall distribute money for this purpose to counties to cover the costs of the administrative process, including the salaries of administrative law judges. If available appropriations are insufficient to cover the costs, the commissioner shall prorate the amount among the counties.

Subd. 8. [TRAINING AND RESTRUCTURING.] The commissioner of human services shall provide training to child support officers and other employees of the public authority involved in the administrative process. The commissioner of human services shall prepare simple and easy to understand forms for all notices and orders prescribed in this subdivision, and the public authority shall use them. The commissioner of human services, in consultation with the commissioner's advisory committee for child support enforcement, shall continue to develop and implement a plan to restructure the administrative process, specifically the contested hearings.

Sec. 2. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10, is repealed.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1994."

Amend the title as follows:

Page 1, line 4, delete "amending" and insert "proposing coding for new law in Minnesota Statutes, chapter 518; repealing"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2291: A bill for an act relating to attorneys-at-law; prohibiting fees for public bond counsel from being based primarily on the amount of bonds sold; proposing coding for new law in Minnesota Statutes, chapter 481.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2552: A bill for an act relating to courts; increasing the number of trial court judgeships; extending the deadline for compliance with case disposition time standards; appropriating money; amending Minnesota Statutes 1992, sections 2.722, subdivision 1; and 631.021.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 1791: A bill for an act relating to data practices; regulating the classification and release of certain department of commerce data; amending Minnesota Statutes 1992, section 13.71, by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete sections 1 and 2 and insert:

“Section 1. Minnesota Statutes 1992, section 13.71, is amended by adding a subdivision to read:

*Subd. 8. [RELEASE OF COMPLAINT TO RESPONDENT.] The commissioner may provide a copy of a complaint to the subject of the complaint when the commissioner determines that the access is necessary in order to effectively conduct the investigation.”*

Page 2, line 6, delete “10” and insert “9”

Page 2, line 10, delete “Sections 1 to 3 are” and insert “Section 2 is”

Renumber the sections in sequence

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 1888: A bill for an act relating to human rights; prohibiting marital status discrimination by public accommodations; amending Minnesota Statutes 1993 Supplement, section 363.03, subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 1133: A bill for an act relating to the environment; establishing a cleanup program for closed landfills; establishing an advisory committee; authorizing rulemaking; providing penalties; providing a voluntary buy-out option for insurance companies; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, section 115B.04, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 115B.42,

subdivision 2; 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2255: A bill for an act relating to insurance; requiring the commissioner of commerce to conduct a study of pollution coverage in Minnesota farm liability policies and report to the legislature.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Ms. Piper from the Committee on Family Services, to which was re-referred

S.F. No. 1930: A bill for an act relating to human services; mental health grants; rules concerning psychopathic personalities; treatment for alcohol, drug abuse, and chemical dependency; stepparent income standards under aid to families with dependent children; child support incentives; medical assistance for needy persons; state and county social service plans; organ and tissue transplants; family preservation; commissioner's reports; group residential housing payments and agreements; and paternity proceedings; amending Minnesota Statutes 1992, sections 245.696, subdivision 2; 254A.02, subdivision 11; 254B.04, subdivision 1; 254B.05, subdivision 1; 256.74, subdivision 1a; 256B.69, subdivision 4; 256E.04; 256E.09, subdivision 3; 256H.24; and 257.60; Minnesota Statutes 1993 Supplement, sections 246B.04; 256.979, subdivision 8; 256B.0629, subdivisions 3 and 4; 256F.11, subdivision 3; and 256I.04, subdivisions 1a and 2a; repealing Minnesota Statutes 1992, section 254A.16, subdivisions 3 and 4; Laws 1993, chapter 337, section 16.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2607: A bill for an act relating to animals; changing procedures concerning certain abandoned animals; amending Minnesota Statutes 1992, section 346.37, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2033: A bill for an act relating to local government; authorizing the board of county commissioners of Benton county to establish an economic development authority.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

H.F. No. 2679: A bill for an act relating to boilers and engines; modifying provisions relating to hobby boilers and show engines; amending Minnesota Statutes 1992, section 183.411, subdivision 2; repealing Minnesota Statutes 1992, section 183.411, subdivision 1a.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2393: A bill for an act relating to the jobs and training department; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1992, sections 248.011; 248.07, subdivisions 1, 2, 3, 4, 5, 13, 14a, and 16; 248.11; 268A.09; and 268A.11, subdivisions 1 and 3; Minnesota Statutes 1993 Supplement, sections 248.10; and 268A.02, subdivision 2; repealing Minnesota Statutes 1992, sections 268A.12.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2680: A bill for an act relating to highways; changing mileage limitation for municipal state-aid streets; amending Minnesota Statutes 1992, section 162.09, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 23, insert:

“Sec. 2. Minnesota Statutes 1992, section 169.825, subdivision 11, is amended to read:

Subd. 11. [GROSS WEIGHT SEASONAL INCREASES.] (a) The limitations provided in this section are increased:

(1) by ten percent from January 1 to March 7 each winter, statewide;

(2) by ten percent from December 1 through December 31 each winter in the zone bounded as follows: beginning at Pigeon River in the northeast corner of Minnesota; thence in a southwesterly direction along the north shore of Lake Superior along trunk highway No. 61 to the junction with trunk highway No. 210; thence westerly along trunk highway No. 210 to the junction with trunk highway No. 10; thence northwesterly along trunk highway No. 10 to the Minnesota-North Dakota border; thence northerly along that border to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior; and

(3) by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets and potatoes within an area having a 75-mile radius from the field of harvest to the point of the first unloading. The commissioner shall not issue permits under this clause if to do so will result in a loss of federal highway funding to the state.

(b) The duration of a ten percent increase in load limits is subject to limitation by order of the commissioner, subject to implementation of springtime load restrictions, or March 7.

(c) When the ten percent increase is in effect, a permit is required for a motor vehicle, trailer, or semitrailer combination that has a gross weight in excess of 80,000 pounds, an axle group weight in excess of that prescribed in subdivision 10, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

(d) In cases where gross weights in an amount less than that set forth in this section are fixed, limited, or restricted on a highway or bridge by or under another section of this chapter, the lesser gross weight as fixed, limited, or restricted may not be exceeded and must control instead of the gross weights set forth in this section.

(e) Notwithstanding any other provision of this subdivision, no vehicle may exceed a total gross vehicle weight of 80,000 pounds on routes which have not been designated by the commissioner under section 169.832, subdivision 11.

*(f) The commissioner may, after determining the ability of the highway structure and frost condition to support additional loads, grant a permit extending seasonal increases for vehicles using portions of routes falling within two miles of the southern boundary of the zone described under paragraph (a), clause (2)."*

Page 1, line 25, delete "Section 1 is" and insert "Sections 1 and 2 are"

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "allowing permits to extend seasonal gross weight limit increases;"

Page 1, line 4, delete "section" and insert "sections" and before the period, insert "; and 169.825, subdivision 11"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2314: A bill for an act relating to probate; modifying provisions governing guardianships and conservatorships; amending Minnesota Statutes 1992, sections 525.539, subdivision 7; 525.55, subdivision 2; 525.551, subdivision 5; 525.56, subdivisions 3 and 4; 525.58, subdivision 1; and 525.64; Minnesota Statutes 1993 Supplement, section 525.703, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 9, reinstate the stricken language

Page 2, delete line 10

Page 2, line 11, delete the new language and reinstate the stricken language

Page 2, line 12, delete the new language



Page 4, line 31, after "525.55" insert "*at least 14 days*"

Page 4, line 33, delete "*object to the proposed change within ten*"

Page 4, delete lines 34 to 36

Page 5, lines 1 to 4, delete the new language and insert "*petition the court to prevent or to initiate a change in abode.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 1764: A bill for an act relating to data privacy; allowing probation and parole agencies and child support enforcement agencies access to vehicle registration information; amending Minnesota Statutes 1993 Supplement, section 168.346.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 1992, section 171.12, subdivision 7, is amended to read:

Subd. 7. [PRIVACY OF RESIDENCE ADDRESS.] An applicant for a driver's license or a Minnesota identification card may request that the applicant's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the driver's license or identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, *probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.*"

Page 2, line 2, delete "*Section 1*" and insert "*This act*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "registration" insert "*and certain identification*" and after "amending" insert "*Minnesota Statutes 1992, section 171.12, subdivision 7;*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2647: A bill for an act relating to local government; giving the Minneapolis school district and the municipal building commission the same authority as the city of Minneapolis to negotiate certain trade and craft contracts; amending Laws 1988, chapter 471, sections 1 and 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2816: A bill for an act relating to metropolitan government; increasing the amount of obligations the metropolitan council may issue for certain transit purposes; amending Minnesota Statutes 1992, section 473.39, subdivision 1b.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Transportation and Public Transit. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 1706: A bill for an act relating to public utilities; providing legislative authorization of the construction of a facility for the temporary dry cask storage of spent nuclear fuel at Prairie Island nuclear generating plant; providing conditions for any future expansion of storage capacity; approving the continued operation of pool storage at Monticello and Prairie Island nuclear generating plants; requiring development of wind power; regulating nuclear power plants; requiring increased conservation investments; providing low-income discounted electric rates; appropriating money; amending Minnesota Statutes 1992, sections 216B.16, by adding a subdivision; 216B.241, subdivision 1a; and 216B.243, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, before "The" insert "Except as provided in section 5"

Page 2, line 6, before "17" insert "up to"

Page 2, line 8, after the period, insert "Up to four of the casks may be used at the approved Prairie Island site if the public utility operating Prairie Island immediately commences and pursues with due diligence the approval and licensure of an alternative site that:

(1) is located outside the 100-year floodplain;

(2) is not within an area that meets the criteria developed by the commissioner of natural resources under Minnesota Statutes, section 103H.101, for identifying sensitive groundwater areas; and

(3) minimizes risk of transport to the extent practicable.

If an alternative site is licensed by December 31, 1997:

(1) the contents of the four casks at Prairie Island shall be transferred to the

*alternative site and a total of 17 casks may be used at the alternative site without further legislative approval;*

*(2) the four casks used at Prairie Island shall be decommissioned; and*

*(3) no dry cask storage is authorized at Prairie Island.*

*If an alternative site is not licensed, legislative approval is again required for the remaining 13 casks. If an alternative site is not licensed and dry cask storage eliminated at Prairie Island by December 31, 1997, the state must, by purchase or condemnation, acquire 1200 contiguous acres of land in Goodhue county by December 31, 1999, for transfer without consideration to the United States in trust for the Mdewakanton Sioux Tribe at Prairie Island. The state shall also provide relocation assistance to members of the Mdewakanton Sioux Tribe residing at Prairie Island for relocation to the land acquired and transferred by the state."*

Page 2, delete lines 10 to 24 and insert:

*"(a) Except as provided under paragraph (b), dry cask storage capacity for high-level nuclear waste within the state may not be increased beyond the 17 casks authorized by section 1.*

*(b) This section does not prohibit a public utility from applying for or the public utilities commission from granting a certificate of need for dry cask storage to accommodate the decommissioning of a nuclear power plant within this state.*

### Sec. 3. [PRAIRIE ISLAND RERACKING.]

*The nuclear waste storage pool at Prairie Island may not be reracked to increase the pool storage capacity."*

Page 2, after line 32, insert:

### "Sec. 5. [CONTRACTUAL AGREEMENT.]

*The authorization for up to 17 dry casks contained in section 1 is not effective until the state and the public utility operating the Prairie Island nuclear plant enter into an agreement binding the parties to the terms of sections 2 and 3. The Mdewakanton Sioux Tribal Council at Prairie Island is an intended third-party beneficiary of this agreement and has standing to enforce the agreement.*

### Sec. 6. [SHIPMENT PRIORITIES; PRAIRIE ISLAND.]

*If a storage or disposal site becomes available outside of the state to accept high-level nuclear waste stored at Prairie Island, the waste contained in dry casks shall be shipped to that site before the shipment of any waste from the spent nuclear fuel storage pool. Once waste is shipped that was contained in a cask, the cask must be decommissioned and not used for further storage."*

Renumber the sections of article 1 in sequence

Page 3, delete section 3

Renumber the sections of article 2 in sequence

Page 5, line 19, delete "by January 1, 2000"

Page 5, line 22, after "state" insert "by January 1, 2000, and an additional 150,000 kilowatts by January 1, 2005"

Page 5, after line 23, insert:

**"Sec. 3. [BIOMASS POWER MANDATE.]**

*A public utility, as defined in Minnesota Statutes, section 216B.02, subdivision 4, that operates a nuclear powered electric generating plant within this state must by January 1, 1999, develop and operate a biomass fueled electric generating plant within this state of 50,000 kilowatts or more, using biomass supplies that are compatible with existing crop rotation systems used by Minnesota farmers."*

Renumber the sections of article 3 in sequence

Page 6, delete section 2

Page 6, line 31, delete "Section 2 is"

Page 6, delete line 32

Renumber the sections of article 4 in sequence

Amend the title as follows:

Page 1, line 15, delete "subdivisions" and insert "a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 1995: A bill for an act relating to elections; providing for access to broadcast facilities for state and local candidates; imposing penalties; amending Minnesota Statutes 1992, section 211B.05, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete from "during" through page 1, line 17, to "candidate." and insert "from the first day for filing affidavits of candidacy for office until the day before the general or special election."

Page 1, line 18, delete from "10A.01" through page 1, line 20, to "commissioner" and insert "211B.01, subdivision 3"

Page 1, line 21, before "The" insert "A candidate may petition the district court for equitable relief to enforce this subdivision and" and delete "fine" and insert "penalty"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 2671: A bill for an act relating to Itasca county; permitting the county board to submit a question to nonbinding referendum.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 2011: A bill for an act relating to elections; providing for simulated elections for minors; proposing coding for new law in Minnesota Statutes, chapter 204B.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1969: A bill for an act relating to state government; revising procedures used for adoption and review of administrative rules; making various technical changes; amending Minnesota Statutes 1992, sections 14.05, subdivision 1; 14.12; 14.38, subdivisions 7, 8, and 9; 14.46, subdivisions 1 and 3; 14.47, subdivisions 1, 2, and 6; 14.50; 14.51; 17.84; 84.027, by adding a subdivision; and 128C.02, subdivision 4; Minnesota Statutes 1993 Supplement, sections 3.841; and 3.984, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; repealing Minnesota Statutes 1992, sections 3.842; 3.843; 3.844; 3.845; 3.846; 14.03, subdivision 3; 14.05, subdivisions 2 and 3; 14.06; 14.08; 14.09; 14.11; 14.115; 14.131; 14.1311; 14.14; 14.15; 14.16; 14.18; 14.19; 14.20; 14.22; 14.225; 14.23; 14.235; 14.24; 14.25; 14.26; 14.27; 14.28; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; 14.365; 14.38, subdivisions 4, 5, and 6; and 17.83; Minnesota Statutes 1993 Supplement, section 14.10.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 3.841, is amended to read:

3.841 [LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES; COMPOSITION; MEETINGS.]

A legislative commission to review administrative rules, consisting of five senators appointed by the committee on committees of the senate and five representatives appointed by the speaker of the house of representatives shall be appointed *within 30 days after the convening of a legislative session*. Its members must include the chair or vice-chair of the committees in each body having jurisdiction over administrative rules. The commission shall meet at the call of its chair or upon a call signed by two of its members or signed by five members of the legislature. The office of chair of the legislative commission shall alternate between the two houses of the legislature every two years.

Sec. 2. Minnesota Statutes 1992, section 3.842, subdivision 2, is amended to read:

Subd. 2. [JURISDICTION.] The jurisdiction of the commission includes all rules as defined in section 14.02, subdivision 4. The commission also has

jurisdiction of rules which are filed with the secretary of state in accordance with ~~section~~ sections 14.38, subdivisions 5, 6, 7, 8, 9, and 11 ~~or were filed with the secretary of state in accordance with the provisions of section 14.38, subdivisions 5 to 9, which were in effect on the date the rules were filed;~~ 14.386; and 14.388.

The commission may periodically review statutory exemptions to the rulemaking provisions of this chapter.

Sec. 3. Minnesota Statutes 1992, section 3.842, subdivision 4, is amended to read:

Subd. 4. [SUSPENSIONS.] (a) The commission may, *on any of the grounds listed in paragraph (b) and on the basis of the testimony received at the public hearings*, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of section 3.844 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is not enacted in that year's session, the rule is effective upon adjournment of the session unless the agency has repealed it. If the bill is enacted, the rule is repealed.

(b) *A rule suspension under paragraph (a) must be based on one or more of the following reasons:*

- (1) *an absence of statutory authority;*
- (2) *an emergency relating to public health, safety, or welfare;*
- (3) *a failure to comply with legislative intent;*
- (4) *a conflict with state law;*
- (5) *a change in circumstances since enactment of the earliest law upon which the rule is based;*
- (6) *arbitrariness and capriciousness, or imposition of an undue hardship.*

(c) *This section authorizes the commission to suspend a rule only when the vote to suspend is taken, and the effective date of the suspension occurs, at a time when the legislature could not enact a bill to repeal the rule.*

Sec. 4. Minnesota Statutes 1992, section 3.842, is amended by adding a subdivision to read:

Subd. 4a. [OBJECTIONS TO RULES.] (a) *If the legislative commission to review administrative rules objects to all or some portion of a rule, including a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), the commission may file that objection in the office of the secretary of state. The filed objection must contain a concise statement of the commission's reasons for its action. An objection to a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), may not be filed before the rule is adopted.*

(b) *The secretary of state shall affix to each objection a certification of the date and time of its filing and as soon after the objection is filed as practicable shall transmit a certified copy of it to the agency issuing the rule in question, the revisor of statutes, and the administrative rules counsel. The secretary of state shall also maintain a permanent register open to public inspection of all objections by the commission.*

(c) *The legislative commission to review administrative rules shall publish and index an objection filed under this section in the next issue of the State Register. The revisor of statutes shall indicate its existence adjacent to the rule in question when that rule is published in Minnesota Rules.*

(d) *Within 14 days after the filing of an objection by the commission to a rule, the issuing agency shall respond in writing to the commission. After receipt of the response, the commission may withdraw or modify its objection.*

(e) *After the filing of an objection by the commission that is not subsequently withdrawn, the burden is upon the agency in any proceeding for judicial review or for enforcement of the rule to establish that the whole or portion of the rule objected to is valid.*

(f) *The failure of the commission to object to a rule is not an implied legislative authorization of its validity.*

(g) *Pursuant to sections 14.44 and 14.45, the commission may petition for a declaratory judgment to determine the validity of any rule objected to by the commission.*

*This action must be started within two years after an objection is filed in the office of the secretary of state.*

(h) *The commission may intervene in litigation arising from agency action. For purposes of this paragraph, agency action means the whole or part of a rule, or the failure to issue a rule.*

Sec. 5. Minnesota Statutes 1992, section 3.842, is amended by adding a subdivision to read:

*Subd. 6. [REPORTS ON GENERAL AND SPECIFIC GRANTS OF RULEMAKING AUTHORITY.] Beginning with a report submitted to the legislature on February 1, 2000, and every four years after that date, the legislative commission to review administrative rules shall compile a list of all general and specific grants of rulemaking of all departments and agencies. The report should include a brief description of each grant and a citation to the authorizing statute.*

Sec. 6. Minnesota Statutes 1993 Supplement, section 3.984, subdivision 2, is amended to read:

*Subd. 2. [CONTENTS.] The note required by subdivision 1 must treat separately each grant of rulemaking authority contained in the bill and must include a detailed explanation of:*

- (1) the reasons for the grant of rulemaking authority;*
- (2) the persons or groups the rules would impact;*
- (3) the estimated cost to the agency of adopting the rule and the estimated cost of the rule for the persons or groups specified pursuant to clause (2); and*
- (4) the areas of controversy anticipated by the agency.*

*The note must be delivered to the chair of the standing committee to which the bill has been referred or rereferred, the chair of the legislative commission to review administrative rules, and the chairs of the committees in each body having jurisdiction over administrative rules.*

Sec. 7. [4.036] [RULE REVIEW BY GOVERNOR.]

*Subdivision 1. [ADOPTED RULES; POWER TO RESCIND OR SUSPEND RULES AUTHORIZED BUT NOT REQUIRED.] The governor may rescind or suspend all or a severable portion of a rule of an agency. In exercising this authority, the governor shall act by an executive order. An executive order under this subdivision is considered a rule and is subject to the rulemaking provisions of chapter 14.*

*Subd. 2. [PROPOSED RULES; POWER TO TERMINATE PROCEEDINGS FOR RULES AUTHORIZED BUT NOT REQUIRED.] The governor may terminate a rulemaking proceeding by an executive order to that effect, stating in the order the reasons for the action. The executive order shall be filed by the governor in the office of the secretary of state. The secretary of state shall promptly forward a certified copy to the agency and the revisor of statutes. An executive order terminating a rulemaking proceeding becomes effective on the date it is filed and shall be published by the governor in the next issue of the State Register.*

*Subd. 3. [APPLICATION.] The authority granted in this section does not apply to rules adopted, and rulemaking proceedings conducted, under a statutory grant of rulemaking authority that requires rules to be adopted.*

*Subd. 4. [ADMINISTRATIVE RULES COUNSEL.] There is created, within the office of the governor, an administrative rules counsel to advise the governor on administrative rules issues. The governor shall appoint the administrative rules counsel who shall serve at the pleasure of the governor.*

Sec. 8. Minnesota Statutes 1992, section 14.04, is amended to read:

**14.04 [AGENCY ORGANIZATION; GUIDEBOOK.]**

To assist interested persons dealing with it, each agency shall, in a manner prescribed by the commissioner of administration, prepare a description of its organization, stating the ~~process whereby~~ *general course and method of its operations and where and how the public may obtain information or make submissions or requests.* The commissioner of administration shall publish these descriptions at least once every four years commencing in 1981 in a guidebook of state agencies. Notice of the publication of the guidebook shall be published in the State Register *and given in newsletters, newspapers, or other publications, or through other means of communication.*

Sec. 9. Minnesota Statutes 1992, section 14.05, subdivision 2, is amended to read:

**Subd. 2. [AUTHORITY TO MODIFY PROPOSED RULE.]** *(a) An agency may modify a proposed rule in accordance with the procedures of the administrative procedure act. However, an agency may not modify a proposed rule so that it is substantially different from the proposed rule in the notice of intent to adopt rules or notice of hearing.*

*(b) A modification does not make a proposed rule substantially different if:*

*(1) the differences are within the scope of the matter announced in the notice of intent to adopt or notice of hearing and are in character with the issues raised in that notice;*

*(2) the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice; and*



*(3) the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question.*

*(c) In determining whether the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question the following factors must be considered:*

*(1) the extent to which persons who will be affected by the rule should have understood that the rulemaking proceeding on which it is based could affect their interests;*

*(2) the extent to which the subject matter of the rule or issues determined by the rule are different from the subject matter or issues contained in the notice of intent to adopt or notice of hearing; and*

*(3) the extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of intent to adopt or notice of hearing.*

Sec. 10. Minnesota Statutes 1992, section 14.05, is amended by adding a subdivision to read:

*Subd. 5. [REVIEW AND REPEAL OF RULES.] By December 1 of each year, an agency shall submit a list of all the rules of the agency to the governor, the legislative commission to review administrative rules, and the revisor of statutes. The list must identify any rules that are obsolete and should be repealed. The list must also include an explanation of why the rule is obsolete and the agency's timetable for repeal.*

Sec. 11. Minnesota Statutes 1992, section 14.06, is amended to read:

#### 14.06 [REQUIRED RULES.]

*(a) Each agency shall adopt rules, in the form prescribed by the revisor of statutes, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public, including a description of all forms and instructions that are to be used by the public in dealing with the agency.*

*(b) Each agency shall, as soon as feasible and to the extent practicable, adopt rules to supersede those principles of law or policy lawfully declared by the agency as the basis for its decisions in particular cases it intends to rely on as precedents in future cases.*

Sec. 12. Minnesota Statutes 1992, section 14.08, is amended to read:

#### 14.08 [REVISOR OF STATUTES APPROVAL OF RULE AND RULE FORM; COSTS.]

*(a) Two copies of a rule adopted pursuant to the provisions of section 14.26 or 14.32 shall be submitted by the agency to the attorney general administrative law judge. The attorney general administrative law judge shall send one copy of the rule to the revisor on the same day as it is submitted by the agency under section 14.26 or 14.32. Within five days after receipt of the rule, excluding weekends and holidays, the revisor shall either return the rule with a certificate of approval of the form of the rule to the attorney general administrative law judge or notify the attorney general administrative law judge and the agency that the form of the rule will not be approved.*

If the ~~attorney general~~ *administrative law judge* disapproves a rule, the agency may modify it and the agency shall submit two copies of the modified rule to the ~~attorney general~~ *administrative law judge* who shall send a copy to the revisor for approval as to form as described in this paragraph.

(b) One copy of a rule adopted after a public hearing shall be submitted by the agency to the revisor for approval of the form of the rule. Within five working days after receipt of the rule, the revisor shall either return the rule with a certificate of approval to the agency or notify the agency that the form of the rule will not be approved.

(c) If the revisor refuses to approve the form of the rule, the revisor's notice shall revise the rule so it is in the correct form.

(d) The ~~attorney general~~ *administrative law judge* shall assess an agency for the ~~attorney general's~~ actual cost of processing rules under this section. ~~The agency shall pay the attorney general's assessments using the procedures of section 8.15.~~ Each agency shall include in its budget money to pay the ~~attorney general's~~ assessments. Receipts from the assessment must be deposited in the ~~state treasury and credited to the general fund~~ *administrative hearings account created in section 14.54.*

Sec. 13. Minnesota Statutes 1992, section 14.09, is amended to read:

#### 14.09 [PETITION FOR ADOPTION OF RULE.]

Any ~~interested~~ person may petition an agency requesting the adoption, ~~suspension~~, amendment, or repeal of any rule. The petition shall be specific as to what action is requested and the need for the action. Upon receiving a petition an agency shall have 60 days in which to make a specific and detailed reply in writing as to its planned disposition of the request. If the agency states its intention to hold a public hearing on the subject of the request, it shall proceed according to sections 14.05 to ~~14.36~~ 14.28. The ~~attorney general~~ *administrative law judge* shall prescribe by rule the form for all petitions under this section and may prescribe further procedures for their submission, consideration, and disposition.

#### Sec. 14. [14.101] [ADVICE ON POSSIBLE RULES.]

*Subdivision 1. [REQUIRED NOTICE.] In addition to seeking information by other methods designed to reach persons or classes of persons who might be affected by the proposal, an agency, before publication of a notice of intent to adopt or a notice of hearing, shall solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by causing notice to be published in the State Register. The notice must include a description of the subject matter of the proposal, the types of groups and individuals likely to be affected, and indicate where, when, and how persons may comment on the proposal and whether and how drafts of any proposal may be obtained from the agency.*

*Subd. 2. [ADVISORY COMMITTEES.] Each agency may also appoint committees to comment, before publication of a notice of intent to adopt or a notice of hearing, on the subject matter of a possible rulemaking under active consideration within the agency. The membership of those committees must be published at least annually in the State Register.*

*Subd. 3. [EFFECT OF GOOD FAITH COMPLIANCE.] If an agency has made a good faith effort to comply with this section, a rule may not be*

invalidated on the grounds that the contents of this notice are insufficient or inaccurate.

**Sec. 15. [14.125] [TIME LIMIT ON AUTHORITY TO ADOPT, AMEND, OR REPEAL RULES.]**

*An agency shall publish a notice of intent to adopt rules or a notice of hearing within 18 months of the effective date of the law authorizing or requiring rules to be adopted, amended, or repealed. If the notice is not published within the time limit imposed by this section, the authority for the rules expires. The agency shall not use other law in existence at the time of the expiration of rulemaking authority under this section as authority to adopt, amend, or repeal these rules.*

*An agency that adopts or amends rules within the time limit specified in this section may subsequently amend or repeal the rules without additional legislative authorization.*

**Sec. 16. Minnesota Statutes 1992, section 14.131, is amended to read:**

**14.131 [STATEMENT OF NEED AND REASONABLENESS.]**

*Before the agency orders the publication of a rulemaking notice required by section 14.14, subdivision 1a, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness of the rule and a fiscal note if required by section 3.982. The statement of need and reasonableness must be prepared under rules adopted by the chief administrative law judge and must include the following:*

*(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;*

*(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;*

*(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule; and*

*(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.*

*For rules setting, adjusting, or establishing, regulatory, licensure, or other charges for goods and services, the statement of need and reasonableness must include the comments and recommendations of the commissioner of finance and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285.*

*The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.*

*The agency shall send a copy of the statement of need and reasonableness to the legislative commission to review administrative rules when it becomes available for public review.*

Sec. 17. Minnesota Statutes 1992, section 14.14, subdivision 1a, is amended to read:

Subd. 1a. [NOTICE OF RULE HEARING.] (a) Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule ~~hearings~~ *proceedings*. The agency may inquire as to whether those persons on the list wish to maintain their names thereon and may remove names for which there is a negative reply or no reply within 60 days. The agency shall, at least 30 days prior to the date set for the hearing, give notice of its intention to adopt rules by United States mail to all persons on its list; and by publication in the State Register. The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency. Each agency may, at its own discretion, also contact persons not on its list ~~and may give who may be affected by the rule being proposed~~. *In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be affected by the rule being proposed by giving notice of its intention in newsletters, newspapers or other publications, or through other means of communication. Subject to paragraph (b), the notice in the State Register must include the proposed rule or an amended rule in the form required by the revisor under section 14.07, together with a citation to the most specific statutory authority for the proposed rule, a statement of the place, date, and time of the public hearing, a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that a rule has been adopted, and other information as required by law or rule. When an entire rule is proposed to be repealed, the agency need only publish that fact, giving the citation to the rule to be repealed in the notice.*

*(b) The administrative rules counsel may authorize an agency to omit from the published notice the text of a proposed rule, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient if:*

*(1) knowledge of the rule is likely to be important to only a small class of persons;*

*(2) the published notice states that a free copy of the entire rule is available upon request to the agency; and*

*(3) the published notice states in detail the specific subject matter of the omitted rule.*

Sec. 18. Minnesota Statutes 1992, section 14.15, subdivision 3, is amended to read:

Subd. 3. [FINDING OF SUBSTANTIAL ~~CHANGE~~ *DIFFERENCE*.] If the report contains a finding that a rule has been modified in a way which makes it substantially different, *as determined under section 14.05, subdivision 2*, from that which was originally proposed, or that the agency has not met the requirements of sections 14.131 to 14.18, it shall be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves the finding of the administrative law judge, the chief administrative law judge shall advise the agency and the revisor of statutes of actions which will correct the defects. The agency shall not adopt the rule until the chief administrative law judge determines that the defects have been corrected *or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.*

Sec. 19. Minnesota Statutes 1992, section 14.15, subdivision 4, is amended to read:

Subd. 4. [NEED OR REASONABLENESS NOT ESTABLISHED.] If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to ~~delay adoption longer~~ wait for the commission's advice for more than 30 60 days after the commission has received the agency's submission. ~~Advice of the commission shall not be binding on the agency.~~

Sec. 20. Minnesota Statutes 1992, section 14.16, subdivision 1, is amended to read:

Subdivision 1. [REVIEW OF MODIFICATIONS.] If the report of the administrative law judge finds no defects, the agency may proceed to adopt the rule. After receipt of the administrative law judge's report, if the agency makes any modifications to the rule other than those recommended by the administrative law judge, it must return the rule to the chief administrative law judge for a review on the issue of ~~substantial change~~ *whether the rule as modified is substantially different, as determined under section 14.05, subdivision 2, from the rule as originally proposed.* If the chief administrative law judge determines that the modified rule is substantially different from that which was originally proposed, the chief administrative law judge shall advise the agency of actions which will correct the defects. The agency shall not adopt the modified rule until the chief administrative law judge determines that the defects have been corrected *or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.*

The agency shall give notice to all persons who requested to be informed that the rule has been adopted and filed with the secretary of state. This notice shall be given on the same day that the rule is filed.

Sec. 21. Minnesota Statutes 1992, section 14.18, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) A rule is effective after it has been subjected to all requirements described in sections 14.131 to 14.20 and five working days after the notice of adoption is published in the State Register unless a later date is required by law or specified in the rule. If the rule adopted is the same as the proposed rule, publication may be made by publishing notice in the State Register that the rule has been adopted as proposed and by citing the prior publication. *Subject to paragraph (b),* if the rule adopted differs from the proposed rule, the portions of the adopted rule which differ from the proposed rule shall be included in the notice of adoption together with a citation to the prior State Register publication of the remainder of the proposed rule. The nature of the modifications must be clear to a reasonable person when the notice of adoption is considered together with the State Register publication of the proposed rule, except that modifications may also be made which comply with the form requirements of section 14.07, subdivision 7.

*(b) The administrative rules counsel may authorize an agency to omit from the notice of adoption the portions of the adopted rule that differ from the proposed rule if the requirements of section 14.14, subdivision 1a, paragraph (b), are satisfied.*

Sec. 22. Minnesota Statutes 1992, section 14.19, is amended to read:

14.19 [DEADLINE TO COMPLETE RULEMAKING.]

The agency shall, within 180 days after issuance of the administrative law judge's report, submit its notice of adoption, amendment, ~~suspension~~, or repeal to the State Register for publication. If the agency has not submitted its notice to the State Register within 180 days, the rule is automatically withdrawn. The agency shall not adopt the withdrawn rules without again following the procedures of sections 14.05 to 14.36. It shall report to the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor its failure to adopt rules and the reasons for that failure. The 180-day time limit of this section does not include any days used for review by the chief administrative law judge, ~~the attorney general~~, or the legislative commission to review administrative rules if the review is required by law.

Sec. 23. Minnesota Statutes 1992, section 14.22, subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] Unless an agency proceeds directly to a public hearing on a proposed rule and gives the notice prescribed in section 14.14, subdivision 1a; the agency shall give notice of its intention to adopt a rule without public hearing. The notice shall be given by publication in the State Register and by United States mail to persons who have registered their names with the agency pursuant to section 14.14, subdivision 1a. The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency. *Each agency may, at its own discretion, also contact persons not on its list who may be affected by the rule being proposed. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be affected by the rule by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. Subject to section 14.14, subdivision 1a, paragraph (b), the notice in the State Register shall include the proposed rule or the amended rule in the form required by the revisor under section 14.07, and a citation to the most specific statutory authority for the proposed rule, a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that a rule has been submitted to the administrative law judge, and other information as required by law or rule.* When an entire rule is proposed to be repealed, the notice need only state that fact, giving the citation to the rule to be repealed in the notice. The notice shall include a statement advising the public:

(1) that they have 30 days in which to submit comment in support of or in opposition to the proposed rule and that comment is encouraged;

(2) that each comment should identify the portion of the proposed rule addressed; the reason for the comment, and any change proposed;

(3) that if 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held;

(4) of the manner in which persons shall request a public hearing on the proposed rule;

(5) ~~that the name and address of the person requesting a public hearing shall be stated of the requirements contained in section 14.25 relating to a written request for a public hearing, and that the requester is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and propose any change proposed desired;~~

(6) that the proposed rule may be modified if the modifications are supported by the data and views submitted; and

(7) that if a hearing is not required, notice of the date of submission of the proposed rule to the ~~attorney general~~ administrative law judge for review will be mailed to *all persons on its mailing list and to any person requesting to receive the notice.*

In connection with the statements required in clauses (1) and (3), the notice must also include the date on which the 30-day comment period ends.

Sec. 24. Minnesota Statutes 1992, section 14.23, is amended to read:

14.23 [STATEMENT OF NEED AND REASONABLENESS.]

Before the date of the section 14.22 notice, the agency shall prepare a statement of need and reasonableness which shall be available to the public. *The statement of need and reasonableness must include the analysis required in section 14.131 and the comments and recommendations of the commissioner of finance, and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285. The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rules or must explain why these efforts were not made.* For at least 30 days following the notice, the agency shall afford ~~all interested persons~~ *the public* an opportunity to request a public hearing and to submit data and views on the proposed rule in writing.

The agency shall send a copy of the statement of need and reasonableness to the legislative commission to review administrative rules when it becomes available to the public.

Sec. 25. Minnesota Statutes 1992, section 14.24, is amended to read:

14.24 [MODIFICATIONS OF PROPOSED RULE.]

The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a ~~substantial change~~ *substantially different rule, as determined under section 14.05, subdivision 2, from the rule as originally proposed.*

Sec. 26. Minnesota Statutes 1992, section 14.25, is amended to read:

14.25 [PUBLIC HEARING REQUIRED.]

*Subdivision 1. [REQUESTS FOR HEARING.] If, during the 30-day period allowed for comment, 25 or more persons submit to the agency a written request for a public hearing of the proposed rule, the agency shall proceed*

under the provisions of sections 14.14 to 14.20. *The written request must include: (1) the name and address of the person requesting the public hearing; and (2) the portion or portions of the rule to which the person objects.* A notice of the public hearing must be published in the State Register and mailed to those persons who submitted a written request for the public hearing *and all persons on the agency's mailing list.* Unless the agency has modified the proposed rule, the notice need not include the text of the proposed rule but only a citation to the State Register pages where the text appears.

*A written request for a public hearing that does not comply with the requirements of this section is invalid and must not be counted by the agency for purposes of determining whether a public hearing must be held.*

*Subd. 2. [WITHDRAWAL OF HEARING REQUESTS.] If a request for a public hearing has been withdrawn, the agency must give written notice of that fact to all persons who have requested the public hearing. The notice must explain why the request is being withdrawn, and must include a description of any action the agency has taken or will take that affected or may have affected the decision to withdraw the request. The notice must also invite persons to submit written comments to the agency relating to the withdrawal. The notice and any written comments received by the agency is part of the rulemaking record submitted to the administrative law judge under section 14.14 or 14.26. The administrative law judge shall review the notice and any comments received and determine whether the withdrawal is consistent with section 14.001, clauses (2), (4), and (5).*

Sec. 27. Minnesota Statutes 1992, section 14.26, is amended to read:

**14.26 [ADOPTION OF PROPOSED RULE; SUBMISSION TO ATTORNEY GENERAL ADMINISTRATIVE LAW JUDGE.]**

*Subdivision 1. [SUBMISSION.] If no hearing is required, the agency shall submit to the ~~attorney general~~ an administrative law judge assigned by the chief administrative law judge the proposed rule and notice as published, the rule as proposed for adoption, any written comments received by the agency, and a statement of need and reasonableness for the rule. The agency shall give notice to all persons who requested to be informed that these materials have been submitted to the ~~attorney general~~ administrative law judge. This notice shall be given on the same day that the record is submitted. If the proposed rule has been modified, the notice shall state that fact, and shall state that a free copy of the proposed rule, as modified, is available upon request from the agency. The rule and these materials shall be submitted to the ~~attorney general~~ administrative law judge within 180 days of the day that the comment period for the rule is over or the rule is automatically withdrawn. The agency shall report its failure to adopt the rules and the reasons for that failure to the legislative commission to review administrative rules, other appropriate legislative committees, and the governor.*

*Subd. 2. [RESUBMISSION.] Even if the 180-day period expires while the ~~attorney general~~ administrative law judge reviews the rule, if the ~~attorney general~~ administrative law judge rejects the rule, the agency may resubmit it after taking corrective action. The resubmission must occur within 30 days of when the agency receives written notice of the disapproval. If the rule is again disapproved, the rule is withdrawn. An agency may resubmit at any time before the expiration of the 180-day period. If the agency withholds some of the proposed rule, it may not adopt the withheld portion without again following the procedures of sections 14.14 to 14.28, ~~or 14.29 to 14.36.~~*



Subd. 3. [REVIEW.] (a) The ~~attorney general~~ administrative law judge shall, *within 14 days*, approve or disapprove the rule as to its legality and its form to the extent the form relates to legality, including the ~~issue~~ *issues* of ~~substantial change~~ whether the rule if modified is substantially different, as determined under section 14.05, subdivision 2, from the rule as originally proposed, and determine whether the agency has the authority to adopt the rule, and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rule ~~within 14 days~~. If the rule is approved, the ~~attorney general~~ administrative law judge shall promptly file two copies of it in the office of the secretary of state. The secretary of state shall forward one copy of each rule to the revisor of statutes. If the rule is disapproved, the ~~attorney general~~ administrative law judge shall state in writing the reasons and make recommendations to overcome the ~~deficiencies, and defects~~.

(b) *The written disapproval must be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves of the findings of the administrative law judge, the chief administrative law judge shall send the statement of the reasons for disapproval of the rule to the agency, the legislative commission to review administrative rules, and the revisor of statutes and advise the agency and the revisor of statutes of actions that will correct the defects. The rule shall not be filed in the office of the secretary of state, nor published until the* ~~deficiencies~~ *chief administrative law judge determines that the defects have been* ~~overcome~~ *corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule. The attorney general shall send a statement of reasons for disapproval of the rule to the agency, the chief administrative law judge, the legislative commission to review administrative rules, and to the revisor of statutes.*

(c) *If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to wait for the commission's advice for more than 60 days after the commission has received the agency's submission.*

(d) The ~~attorney general~~ administrative law judge shall disregard any error or defect in the proceeding due to the agency's failure to satisfy any procedural requirements imposed by law or rule if the ~~attorney general~~ administrative law judge finds:

(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or

(2) that the agency has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Subd. 4. [COSTS.] The ~~attorney general~~ office of administrative hearings shall assess an agency for the actual cost of processing rules under this section. ~~The agency shall pay the attorney general's assessments using the procedures of section 8.15.~~ Each agency shall include in its budget money to pay the ~~attorney general's~~ assessment. Receipts from the assessment must be

deposited in the state treasury and credited to the general fund administrative hearings account created in section 14.54.

Sec. 28. Minnesota Statutes 1992, section 14.365, is amended to read:

14.365 [OFFICIAL RULEMAKING RECORD.]

The agency shall maintain the official rulemaking record for every rule adopted pursuant to sections 14.05 to ~~14.36~~ 14.28. The record shall be available for public inspection. The record required by this section constitutes the official and exclusive agency rulemaking record with respect to agency action on or judicial review of the rule. The record shall contain:

- (1) copies of all publications in the State Register pertaining to the rule;
- (2) all written petitions, requests, submissions, or comments received by the agency, or the administrative law judge, or the attorney general pertaining to the rule;
- (3) the statement of need and reasonableness for the rule, if any;
- (4) the official transcript of the hearing if one was held, or the tape recording of the hearing if a transcript was not prepared;
- (5) the report of the administrative law judge, if any;
- (6) the rule in the form last submitted to the administrative law judge under sections 14.14 to 14.20 or first submitted to the ~~attorney general~~ administrative law judge under sections 14.22 to 14.28;
- (7) the ~~attorney general's~~ administrative law judge's written statement of required modifications and of approval or disapproval by the chief administrative law judge, if any;
- (8) any documents required by applicable rules of the office of administrative hearings or of the attorney general;
- (9) the agency's order adopting the rule;
- (10) the revisor's certificate approving the form of the rule; and
- (11) a copy of the adopted rule as filed with the secretary of state.

Sec. 29. [14.366] [PUBLIC RULEMAKING DOCKET.]

- (a) Each agency shall maintain a current, public rulemaking docket.
- (b) The rulemaking docket must contain a listing of the precise subject matter of each possible proposed rule currently under active consideration within the agency for proposal, the name and address of agency personnel with whom persons may communicate with respect to the matter, and an indication of its present status within the agency.
- (c) The rulemaking docket must list each pending rulemaking proceeding. A rulemaking proceeding is pending from the time it is begun, by publication of the notice of solicitation, the notice of intent to adopt, or notice of hearing, to the time it is terminated, by publication of a notice of withdrawal or the rule becoming effective. For each rulemaking proceeding, the docket must indicate:
  - (1) the subject matter of the proposed rule;

- (2) a citation to all published notices relating to the proceeding;
- (3) where written comments on the proposed rule may be inspected;
- (4) the time during which written comments may be made;
- (5) the names of persons who have made written requests for a public hearing, where those requests may be inspected, and where and when the hearing will be held;
- (6) the current status of the proposed rule and any agency determinations with respect to the rule;
- (7) any known timetable for agency decisions or other action in the proceeding;
- (8) the date of the rule's adoption;
- (9) the date the rule was filed with the secretary of state; and
- (10) when the rule will become effective.

**Sec. 30. [14.386] [PROCEDURE FOR ADOPTING EXEMPT RULES; DURATION.]**

(a) A rule adopted, amended, or repealed by an agency, under a statute authorizing or requiring rules to be adopted but excluded from the rulemaking provisions of chapter 14 or from the definition of a rule, has the force and effect of law only if:

- (1) the revisor of statutes approves the form of the rule by certificate;
- (2) the office of administrative hearings approves the rule as to its legality within 14 days after the agency submits it for approval and files two copies of the rule with the revisor's certificate in the office of the secretary of state; and
- (3) a copy is published by the agency in the State Register.

(b) A rule adopted under this section is effective for a period of two years from the date of publication of the rule in the State Register. The authority for the rule expires at the end of this two-year period.

(c) The chief administrative law judge shall adopt rules relating to the rule approval duties imposed by this section and section 14.388, including rules establishing standards for review.

(d) This section does not apply to rules adopted, amended, or repealed under section 14.388.

This section also does not apply to:

- (1) rules implementing emergency powers pursuant to sections 12.31 to 12.37;
- (2) rules of agencies directly in the legislative or judicial branches;
- (3) rules of the regents of the University of Minnesota;
- (4) rules of the department of military affairs;
- (5) rules of the comprehensive health association provided in section 62E.10;

- (6) rules of the tax court provided by section 271.06;
- (7) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public;
- (8) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's control, and rules adopted under section 609.105 governing the inmates of those institutions;
- (9) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;
- (10) opinions of the attorney general;
- (11) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;
- (12) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932;
- (13) the occupational safety and health standards provided in section 182.655; or
- (14) revenue notices and tax information bulletins of the commissioner of revenue.

Sec. 31. [14.387] [LEGAL STATUS OF EXISTING EXEMPT RULES.]

A rule adopted on or before the day following final enactment of this section, and which was not adopted under sections 14.05 to 14.36 or their predecessor provisions, does not have the force and effect of law on and after July 1, 1996, and the authority for the rule expires on that date.

This section does not apply to:

- (1) rules implementing emergency powers under sections 12.31 to 12.37;
- (2) rules of agencies directly in the legislative or judicial branches;
- (3) rules of the regents of the University of Minnesota;
- (4) rules of the department of military affairs;
- (5) rules of the comprehensive health association provided in section 62E.10;
- (6) rules of the tax court provided by section 271.06;
- (7) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public;
- (8) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's control, and rules adopted under section 609.105 governing the inmates of those institutions;
- (9) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;
- (10) opinions of the attorney general;

(11) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;

(12) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932;

(13) the occupational safety and health standards provided in section 182.655; or

(14) revenue notices and tax information bulletins of the commissioner of revenue.

Sec. 32. [14.388] [GOOD CAUSE EXEMPTION.]

If an agency for good cause finds that the rulemaking provisions of this chapter are unnecessary, impracticable, or contrary to the public interest when adopting, amending, or repealing a rule to:

(1) address a serious and immediate threat to the public health, safety, or welfare;

(2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with sections 14.14 to 14.28;

(3) make changes necessary to conform the rule to changes in applicable statutes; or

(4) make changes that do not alter the sense, meaning, or effect of a rule,

the agency may adopt, amend, or repeal the rule after satisfying the requirements of section 14.386, paragraph (a), clauses (1) to (3). The agency shall incorporate its findings and a brief statement of its supporting reasons in its order adopting, amending, or repealing the rule.

In review of the rule under section 14.386, the office of administrative hearings shall determine whether the agency has provided adequate justification for its use of this section.

Rules adopted, amended, or repealed under clauses (1) and (2) are effective for a period of two years from the date of publication of the rule in the State Register.

Rules adopted, amended, or repealed under clause (3) or (4) are effective upon publication in the State Register.

Sec. 33. Minnesota Statutes 1992, section 14.48, is amended to read:

14.48 [CREATION OF OFFICE OF ADMINISTRATIVE HEARINGS; CHIEF ADMINISTRATIVE LAW JUDGE APPOINTED; OTHER ADMINISTRATIVE LAW JUDGES APPOINTED.]

A state office of administrative hearings is created. The office shall be under the direction of a chief administrative law judge who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. Senate confirmation of the chief administrative law judge shall be as provided by section 15.066. The chief administrative law judge may hear cases and shall appoint additional administrative law judges and compensation judges to serve in the office as necessary to fulfill the duties prescribed in ~~sections 14.48 to 14.56~~ chapters 14 and chapter 176. The chief administrative law judge may

delegate to a subordinate employee the exercise of a specified statutory power or duty as deemed advisable, subject to the control of the chief administrative law judge. Every delegation must be by written order filed with the secretary of state. All administrative law judges and compensation judges shall be in the classified service except that the chief administrative law judge shall be in the unclassified service, but may be removed only for cause. All administrative law judges shall have demonstrated knowledge of administrative procedures and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner. All workers' compensation judges shall be learned in the law, shall have demonstrated knowledge of workers' compensation laws and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.

Sec. 34. Minnesota Statutes 1992, section 14.51, is amended to read:

**14.51 [PROCEDURAL RULES FOR HEARINGS.]**

The chief administrative law judge shall adopt rules to govern: (1) the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings, contested case hearings, and workers' compensation hearings, and to govern the conduct of voluntary mediation sessions for rulemaking and contested cases other than those within the jurisdiction of the bureau of mediation services. ~~Temporary rulemaking authority is granted to the chief administrative law judge for the purpose of implementing Laws 1981, chapter 346, sections 2 to 6, 103 to 122, 127 to 135, and 141; and (2) the review of rules adopted without a public hearing.~~ The procedural rules for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to ~~recessing and reconvening new hearings the procedure to be followed~~ when the proposed final rule of an agency is substantially different, ~~as determined under section 14.05, subdivision 2, from that which was proposed at the public hearing.~~ The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief administrative law judge ~~to determine whether or not a new hearing is required because on the issue of substantial changes whether the proposed final rule of the agency is substantially different than that which was proposed or failure of the agency to meet the requirements of sections 14.131 to 14.18 chapter 14. The rules must also provide an expedited procedure, consistent with section 14.001, clauses (1) to (5), for the adoption of substantially different rules by agencies.~~ Upon the chief administrative law judge's own initiative or upon written request of an interested party, the chief administrative law judge may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Sec. 35. Minnesota Statutes 1993 Supplement, section 16A.1285, subdivision 2, is amended to read:

Subd. 2. [POLICY.] Unless otherwise provided by law, specific charges falling within definitions stipulated in subdivision 1 must be set in the manner prescribed in this subdivision provided that: (1) agencies, when setting, adjusting, or authorizing any charge for goods or services that are of direct, immediate, and primary benefit to an individual, business, or other nonstate

entity, shall set the charges at a level that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services; or (2) that agencies, when setting, adjusting, or establishing regulatory, licensure, or other charges that are levied, in whole or in part, in the public interest shall recover, but are not limited to, the costs involved in performance and administration of the functions involved.

*In setting, adjusting, or authorizing charges that in whole or in part recover previously unrecovered costs, recovery is limited to those unrecovered costs incurred during the two fiscal years immediately preceding the setting, adjustment, or authorization.*

Sec. 36. Minnesota Statutes 1992, section 17.84, is amended to read:

**17.84 [DUTIES OF THE COMMISSIONER.]**

Within 30 days of the receipt of the ~~notices~~ notice provided in section 17.82 ~~or 17.83~~, the commissioner shall review the agency's proposed action, shall negotiate with the agency, and shall recommend to the agency in writing the implementation either of the action as proposed or an alternative. In making recommendations, the commissioner shall follow the statement of policy contained in section 17.80. ~~If the proposed agency action is the adoption of a rule, the recommendation of the commissioner shall be made a part of the record in the rule hearing.~~ If the agency receives no response from the commissioner within 30 days, it shall be deemed a recommendation that the agency take the action as proposed.

Sec. 37. Minnesota Statutes 1992, section 43A.04, is amended by adding a subdivision to read:

*Subd. 11. [TRAINING FOR AGENCY RULEMAKING STAFF.] The commissioner, in cooperation with the office of administrative hearings, the administrative rules counsel, the attorney general, and the revisor of statutes, shall provide training to agency staff involved in rulemaking, including training on the use of professional negotiators and mediators in rulemaking proceedings.*

Sec. 38. Minnesota Statutes 1992, section 84.027, is amended by adding a subdivision to read:

*Subd. 12. [GAME AND FISH RULES.] (a) The commissioner of natural resources may adopt rules under Minnesota Statutes 1992, sections 14.29 to 14.36, and this subdivision that are authorized under:*

*(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game, to prohibit or allow taking of wild animals to protect a species, and to prohibit or allow importation, transportation, or possession of a wild animal; and*

*(2) sections 84.093, 84.14, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas.*

*Clause (2) does not limit or supersede the commissioner's authority to establish opening dates, days, and hours of the wild rice harvesting season under section 84.14, subdivision 3.*

(b) If conditions exist that do not allow the commissioner to comply with Minnesota Statutes 1992, sections 14.29 to 14.36, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under Minnesota Statutes 1992, section 14.32, complying with Minnesota Statutes 1992, section 3.846, subdivision 2, and Minnesota Statutes 1992, section 14.36, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under Minnesota Statutes 1992, section 3.846, subdivision 2, if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding Minnesota Statutes 1992, section 14.35, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

#### Sec. 39. [APPROPRIATION.]

(a) \$35,000 is appropriated from the general fund to the administrative hearings account in Minnesota Statutes, section 14.54, for the purposes of section 40. The appropriation is available until spent. The approved complement of the office of administrative hearings is increased by three positions in the classified service.

(b) The office of the attorney general shall transfer \$15,000 in fiscal year 1995 to the office of administrative hearings.

(c) \$..... is appropriated from the general fund to the legislative commission to review administrative rules for fiscal year 1995.

#### Sec. 40. [TRANSFER OF RULE REVIEW AUTHORITY.]

(a) The rule review duties of the office of the attorney general are transferred to the office of administrative hearings on January 1, 1995. Minnesota Statutes, section 15.039, does not apply to this transfer.



(b) *Proposed rules for which a notice under Minnesota Statutes, section 14.22 or 14.30, has been published in the State Register before January 1, 1995, shall continue to be reviewed by the attorney general under the rule review authority transferred by this act and are governed by Minnesota Statutes 1992, chapter 14, and Minnesota Rules, chapter 2010.*

(c) *Except as otherwise provided in paragraph (b), Minnesota Rules, chapter 2010, shall be enforced by the office of administrative hearings until it is amended or repealed by that office.*

#### Sec. 41. [REVISOR INSTRUCTION.]

*The revisor of statutes shall correct or remove the references in Minnesota Statutes and Minnesota Rules to the statutory sections repealed in this act.*

*The revisor of statutes shall change the terms "office of attorney general," "attorney general," or similar terms to "office of administrative hearings," "chief administrative law judge," "administrative law judge," or similar terms in Minnesota Rules, chapter 2010, to reflect the intent of the legislature to transfer the attorney general's rule review functions in the manner provided in this act.*

#### Sec. 42. [REPEALER.]

(a) *Minnesota Statutes 1992, sections 3.846; 14.12; 14.1311; and 14.235, are repealed.*

(b) *Minnesota Statutes 1992, sections 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; and 14.36, are repealed.*

(c) *Minnesota Statutes 1992, sections 14.11; 14.115; 17.83; and Minnesota Statutes 1993 Supplement, section 14.10, are repealed.*

#### Sec. 43. [EFFECTIVE DATE.]

*Sections 1, 3 to 8, 10, 11, 14, 19, 27, subdivision 3, paragraph (c), 31, 35, 36, 42, paragraph (c), and the rulemaking authority granted in sections 30 and 34 are effective the day following final enactment. Section 15 applies to laws authorizing or requiring rulemaking that are finally enacted after January 1, 1995. Section 39 is effective July 1, 1994. The remainder of the act is effective January 1, 1995."*

Delete the title and insert:

*"A bill for an act relating to state government; administrative rulemaking; revising the procedures for the adoption and review of rules by state agencies; appropriating money; amending Minnesota Statutes 1992, sections 3.842, subdivisions 2, 4, and by adding subdivisions; 14.04; 14.05, subdivision 2, and by adding a subdivision; 14.06; 14.08; 14.09; 14.131; 14.14, subdivision 1a; 14.15, subdivisions 3 and 4; 14.16, subdivision 1; 14.18, subdivision 1; 14.19; 14.22, subdivision 1; 14.23; 14.24; 14.25; 14.26; 14.365; 14.48; 14.51; 17.84; 43A.04, by adding a subdivision; 84.027, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 3.841; 3.984, subdivision 2; and 16A.1285, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 4; and 14; repealing Minnesota Statutes 1992, sections 3.842; 3.846; 14.11; 14.115; 14.1311; 14.235; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; and 17.83; Minnesota Statutes 1993 Supplement, section 14.10."*

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2626: A bill for an act relating to public administration; providing for two women's ice centers; establishing a women's ice centers building account; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after "*available*" insert "*100 percent of the prime ice time and*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1982: A bill for an act relating to housing; modifying accessibility loan program provisions; authorizing tribal Indian housing rehabilitation loans; authorizing the payment of housing program costs and expenses; amending Minnesota Statutes 1992, sections 462A.05, subdivision 14d; and 462A.21, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 462A.07, subdivision 14.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 462A.05, subdivision 14d, is amended to read:

Subd. 14d. [ACCESSIBILITY LOAN PROGRAM.] Rehabilitation loans authorized under subdivision 14 may be made to eligible persons and families ~~whose income does not exceed the maximum income limits allowable under section 143(f) of the Internal Revenue Code of 1986, as amended through June 30, 1991 without limitations relating to the maximum incomes of the borrowers.~~

A person or family is eligible to receive an accessibility loan under the following conditions:

(1) the borrower or a member of the borrower's family requires a level of care provided in a hospital, skilled nursing facility, or intermediate care facility for persons with mental retardation or related conditions;

(2) home care is appropriate; and

(3) the improvement will enable the borrower or a member of the borrower's family to reside in the housing.

Sec. 2. Minnesota Statutes 1992, section 462A.05, is amended by adding a subdivision to read:

Subd. 14e. [PURCHASE-REHABILITATION LOANS.] *The agency may agree and enter into commitments to purchase, make, or otherwise participate*

*in making loans to persons or families, without limitations relating to the maximum incomes of the borrowers, for the purchase and rehabilitation of existing owner-occupied residential housing, as provided under subdivision 14.*

Sec. 3. Minnesota Statutes 1992, section 462A.05, is amended by adding a subdivision to read:

*Subd. 39. [EQUITY TAKE-OUT LOANS.] The agency may make equity take-out loans to owners of section 8 project-based rental property upon which the agency holds a first mortgage. The owner must agree to participate in the section 8 program and extend the low-income affordability restrictions on the housing for the maximum term of the section 8 contract. The equity take-out loan must be secured by a subordinate loan on the property and may include additional appropriate security determined necessary by the agency.*

Sec. 4. Minnesota Statutes 1993 Supplement, section 462A.07, subdivision 14, is amended to read:

Subd. 14. [AMERICAN INDIANS.] (a) It may engage in housing programs for low- and moderate-income American Indians developed and administered separately or in combination by the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians, and the Sioux communities as determined by such tribe, band, or communities. In furtherance of the policy of economic integration stated in section 462A.02, subdivision 6, it may engage in housing programs for American Indians who intend to reside on reservations and who are not persons of low and moderate income, provided that the aggregate dollar amount of the loans for each lender's fiscal year shall not exceed an amount equal to 25 percent of the total dollar amount of all loans made by that lender during the lender's fiscal year at the time of loan application. In developing such housing programs, the tribe, band, or communities shall take into account the housing needs of all American Indians residing both on and off reservations within the state. A plan for each such program, which specifically describes the program content, utilization of funds, administration, operation, implementation and other matter, as determined by the agency, must be submitted to the agency for its review and approval prior to the making of eligible loans pursuant to section 462A.21. All such programs must conform to rules promulgated by the agency concerning program administration, including but not limited to rules concerning costs of administration; the quality of housing; interest rates, fees, and charges in connection with making eligible loans; and other matters determined by the agency to be necessary in order to effectuate the purposes of this subdivision and section 462A.21, subdivisions 4b and 4c. All such programs must provide for a reasonable balance in the distribution of funds appropriated for the purpose of this section between American Indians residing on and off reservations within the state. Nothing in this section shall preclude such tribe, band, or communities from requesting and receiving cooperation, advice, and assistance from the agency as regards program development, operation, delivery; financing, or administration. As a condition to the making of such eligible loans, the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians, and the Sioux communities shall:

(1) enter into a loan agreement and other contractual arrangements with the agency for the purpose of transferring the allocated portion of loan funds as set forth in section 462A.26 and to insure compliance with the provisions of this section and this chapter; and

(2) agree that all of their official books and records related to such housing programs shall be subjected to audit by the legislative auditor in the manner prescribed for agencies of state government.

The agency shall submit a biennial report concerning the various housing programs for American Indians, and related receipts and expenditures as provided in section 462A.22, subdivision 9, and such tribe, band, or communities to the extent that they administer such programs, shall be responsible for any costs and expenses related to such administration provided, however, they shall be eligible for payment for costs, expenses, and services pursuant to subdivision 12 and section 462A.21. The agency may provide or cause to be provided essential general technical services as set forth in subdivision 2, and general consultative project assistance services, including, but not limited to, management training, and home ownership counseling as set forth in subdivision 3. Members of boards, committees, or other governing bodies of the tribe, band, and communities administering the programs authorized by this subdivision must be compensated for those services as provided in section 15.0575. Rules promulgated under this subdivision may be promulgated as emergency rules under chapter 14.

(b) The agency may engage in demonstration projects to encourage the participation of financial institutions or other leveraging sources in providing housing opportunities for American Indians. The agency shall consult with the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians, and the Sioux communities in developing the demonstration projects. The income limits specified in paragraph (a) do not apply to the demonstration projects.

(c) *The agency may make home improvement loans under this subdivision without regard to household income.*

Sec. 5. Minnesota Statutes 1992, section 462A.10, is amended by adding a subdivision to read:

*Subd. 10. [DEFERRAL OF ISSUANCE AND DELIVERY.] It may provide that the agency may defer the issuance and delivery of the bonds to the underwriters to a designated future date when the proceeds of the bonds are required for one or more of the purposes specified in section 462A.08.*

Sec. 6. Minnesota Statutes 1992, section 462A.201, is amended by adding a subdivision to read:

*Subd. 7. [CAPACITY BUILDING GRANT SET-ASIDE.] Five percent of the money credited to the housing trust fund account under section 82.24, subdivision 8, may be used to make capacity building grants as provided under section 462A.21, subdivision 3b.*

Sec. 7. Minnesota Statutes 1993 Supplement, section 462A.202, subdivision 7, is amended to read:

Subd. 7. [RESTRICTIONS.] (a) Except as provided in paragraphs (b), (c), (d), and (e), and (f), the city must own the property financed with a loan under this section and use the property for the purposes specified in this section:

(1) the city may sell the property at its fair market value provided it repays the lesser of the net proceeds of the sale or the amount of the loan balance to the agency for deposit in the local government unit housing account; or

(2) the city may use the property for a different purpose provided that the city repays the amount of the original loan.

If the city owns and uses the property for the purposes specified in this section for a 20-year period, the agency shall forgive the loan.

(b) In cases where the property consists of land only, including land on which buildings acquired with a loan under this section are demolished by the city, the city may lease the property for a term not to exceed 99 years to a nonprofit ~~corporation~~ *organization* to use for the purposes specified in this section.

(c) In cases where the property consists of land and buildings, the city may do the following:

(1) demolish the buildings in whole or in part and use or lease the property under paragraph (b);

(2) sell the buildings to a nonprofit ~~corporation~~ *organization* to use for the purposes specified in this section. If sold, the city must sell the buildings for fair market value and repay the proceeds of the sale to the agency for deposit in the local government unit housing account;

(3) lease the buildings to a nonprofit ~~corporation~~ *organization* to use for the purposes specified in this section. If leased, except as provided in paragraph (d), the annual rental must equal the amount of the loan attributable to the cost of the buildings, divided by the number of years of useful life of the buildings as determined in accordance with generally accepted accounting principles. For purposes of determining the required rental, the purchase price of land and buildings must be allocated between them based on standard valuation procedures; or

(4) contract with a nonprofit organization to manage the property.

(d) A city may lease a building to a nonprofit organization for a nominal amount under the following conditions:

(1) the lease does not exceed ten years;

(2) the city must have the option to cancel the lease with or without cause at the end of any three-year period; and

(3) the city must determine annually that the property is being used for the purposes specified in this section and that the terms of the lease, including any income limits for residents, are being met.

(e) A city may sell single-family residential housing directly to persons and families of low and moderate income.

*(f) A city may lease the buildings to a partnership consisting of a nonprofit organization and a limited partner if the nonprofit organization is the general partner and the financing for the land trust project includes low-income housing tax credits. All conditions for leasing buildings to a nonprofit organization as provided under this subdivision apply to the lease authorized under this paragraph.*

Sec. 8. Minnesota Statutes 1992, section 462A.21, is amended by adding a subdivision to read:

*Subd. 21. [COMMUNITY REHABILITATION PROGRAM.] The agency may spend money for the purposes of the community rehabilitation program authorized under section 462A.206 and may pay the costs and expenses necessary and incidental to the development and operation of the program.*

Sec. 9. Minnesota Statutes 1993 Supplement, section 462A.222, subdivision 3, is amended to read:

Subd. 3. [ALLOCATION PROCEDURE.] (a) Projects will be awarded tax credits in three competitive rounds on an annual basis. The date for applications for each round must be determined by the agency. No allocating agency may award tax credits prior to the application dates established by the agency.

(b) Each allocating agency must meet the requirements of section 42(m) of the Internal Revenue Code of 1986, as amended through December 31, 1989, for the allocation of tax credits and the selection of projects.

(c) For applications submitted for the first round, an allocating agency may allocate tax credits only to the following types of projects:

(1) in the metropolitan area:

(i) new construction or substantial rehabilitation of projects in which at least 75 percent of the total units are single-room occupancy projects, efficiency, or one bedroom units and which are affordable by households whose income does not exceed 30 percent of the median income;

(ii) new construction or substantial rehabilitation family housing projects that are not restricted to persons who are 55 years of age or older and in which at least 75 percent of the units contain two or more bedrooms and at least one-third of the 75 percent contain three or more bedrooms; or

(iii) substantial rehabilitation projects in neighborhoods targeted by the city for revitalization;

(2) outside the metropolitan area, projects which meet a locally identified housing need and which are in short supply in the local housing market as evidenced by credible data submitted with the application;

(3) projects in which a percentage of the units are set aside and rented to persons:

(i) with a serious and persistent mental illness as defined in section 245.462, subdivision 20, paragraph (c);

(ii) with a developmental disability as defined in United States Code, title 42, section 6001, paragraph (5), as amended through December 31, 1990;

(iii) who have been assessed as drug dependent persons as defined in section 254A.02, subdivision 5, and are receiving or will receive care and treatment services provided by an approved treatment program as defined in section 254A.02, subdivision 2;

(iv) with a brain injury as defined in section 256B.093, subdivision 4, paragraph (a); or

(v) with physical disabilities if at least 50 percent of the units are accessible as provided under Minnesota Rules, chapter 1340;

(4) projects which preserve existing subsidized housing which is subject to prepayment if the use of tax credits is necessary to prevent conversion to market rate use; or

(5) projects financed by the Farmers Home Administration which meet statewide distribution goals.

(d) Before the date for applications for the second round, the allocating agencies other than the agency shall return all uncommitted and unallocated tax credits to the pool from which they were allocated, along with copies of any allocation or commitment. In the second round, the agency shall allocate the remaining credits from the regional pools to projects from the respective regions.

(e) In the third round, all unallocated tax credits must be transferred to a unified pool for allocation by the agency on a statewide basis.

(f) Unused portions of the state ceiling for low-income housing tax credits reserved to cities and counties for allocation may be returned at any time to the agency for allocation.

Sec. 10. Minnesota Statutes 1992, section 462A.30, subdivision 9, is amended to read:

Subd. 9. [PERSONS AND FAMILIES OF LOW AND MODERATE INCOME.] "Persons and families of low and moderate income" means persons or families whose income does not exceed: (1) 80 percent of the greater of (4) state median income, or (2) area or county median income as determined by the department of housing and urban development, or (2) the amount that qualifies the organization for tax exempt status under United States Code, title 26, section 501(c)(3), whichever is less.

Sec. 11. Minnesota Statutes 1992, section 462A.31, subdivision 4, is amended to read:

Subd. 4. [MORTGAGES.] (a) A ground lease with a neighborhood land trust must prohibit the lessee from mortgaging the lessee's interest in the lease or in buildings or other improvements without the consent of the neighborhood land trust. A ground lease may obligate a neighborhood land trust as lessor and fee title holder to consent to, join in, or subordinate its interest to, a mortgage entered into by a lessee as mortgagor for the purpose of obtaining financing for acquisition, construction, or renovation of housing on the land. A lease provision so obligating a neighborhood land trust must specify that the mortgage must provide to the neighborhood land trust the right to receive from the mortgagee prompt notice of default in the mortgage and the right to cure the default or to purchase the mortgagee's interest in the mortgage. The limited equity price and provisions in subdivision 3 do not apply if the lessee or the neighborhood land trust fails to cure the default or purchase the mortgagee's interest in the mortgage.

(b) A ground lease with a neighborhood land trust must provide that the neighborhood land trust will not, during the term of the lease, mortgage or otherwise encumber its interest in the property or permit any liens on its interest in the property to exist. This prohibition does not apply to mortgages that require the mortgagee to subordinate the lien of its mortgage to a mortgage entered into by a lessee as mortgagor for the purpose of obtaining financing for acquisition, construction, or renovation of housing on the land.

Sec. 12. [EFFECTIVE DATE.]

*Sections 1 to 11 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to housing; modifying programs of the housing finance agency for low-income and tribal housing and for accessibility loans;

amending Minnesota Statutes 1992, sections 462A.05, subdivision 14d, and by adding subdivisions; 462A.10, by adding a subdivision; 462A.201, by adding a subdivision; 462A.21, by adding a subdivision; 462A.30, subdivision 9; and 462A.31, subdivision 4; Minnesota Statutes 1993 Supplement, sections 462A.07, subdivision 14; 462A.202, subdivision 7; and 462A.222, subdivision 3."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 615: A bill for an act relating to human rights; providing for protection for disabled persons in employment; clarifying permissible absenteeism under the "reasonable accommodation" clause; extending the time frame from 45 to 90 days for bringing a civil action after a "no probable cause" determination; providing for the right to a jury trial; amending Minnesota Statutes 1992, sections 363.01, subdivision 13; 363.02, subdivision 5; 363.03, subdivision 1; 363.14, subdivision 2; and 363.117.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2212 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2212	2023				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1880 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1880	1700				

and that the above Senate File be indefinitely postponed.



Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2487 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2487	2056		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2487 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2487 and insert the language after the enacting clause of S.F. No. 2056, the first engrossment; further, delete the title of H.F. No. 2487 and insert the title of S.F. No. 2056, the first engrossment.

And when so amended H.F. No. 2487 will be identical to S.F. No. 2056, and further recommends that H.F. No. 2487 be given its second reading and substituted for S.F. No. 2056, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

## SECOND READING OF SENATE BILLS

S.F. Nos. 2550, 2598, 1918, 1616, 2709, 2345, 2135, 2291, 1791, 1888, 2255, 1930, 2607, 2393, 2680, 2314, 1764, 2647, 1706, 1995, 2671, 2011 and 615 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 2679, 2212, 1880 and 2487 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Solon moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 2011. The motion prevailed.

Mr. Larson moved that the names of Messrs. Langseth, Chmielewski and Ms. Krentz be added as co-authors to S.F. No. 2099. The motion prevailed.

Mr. Vickerman moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2345. The motion prevailed.

Mr. Johnson, D.E. moved that his name be stricken as a co-author to S.F. No. 2523. The motion prevailed.

Mr. Sams moved that the name of Mr. Luther be added as a co-author to S.F. No. 2738. The motion prevailed.

Mr. Finn moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2818. The motion prevailed.

Ms. Pappas moved that the names of Mr. Finn and Ms. Berglin be added as co-authors to S.F. No. 2826. The motion prevailed.

Mr. Belanger introduced—

Senate Resolution No. 69: A Senate resolution congratulating the Bloomington Jefferson High School hockey team for winning the 1994 State High School Class AA Hockey Tournament.

Referred to the Committee on Rules and Administration.

Ms. Krentz moved that S.F. No. 614 be withdrawn from the Committee on Education and re-referred to the Committee on Governmental Operations and Reform. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

### CONSENT CALENDAR

H.F. No. 2090: A bill for an act relating to local government; providing that the statutory procedure for tree removal does not apply to trees removed from town roads dedicated by plat; amending Minnesota Statutes 1992, section 160.22, subdivision 7a, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Mondale	Reichgott Junge
Belanger	Finn	Kroening	Morse	Riveness
Benson, D.D.	Flynn	Langseth	Murphy	Robertson
Benson, J.E.	Frederickson	Larson	Novak	Runbeck
Berg	Hottinger	Lesewski	Oliver	Sams
Berglin	Johnson, D.E.	Lessard	Olson	Samuelson
Bertram	Johnson, D.J.	Luther	Pappas	Solon
Betzold	Johnson, J.B.	Marty	Pariseau	Spear
Chandler	Johnston	McGowan	Piper	Stevens
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

H.F. No. 2016: A bill for an act relating to commerce; regulating mortgage payment services; requiring a bond or other security; amending Minnesota Statutes 1992, section 332.13, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 332.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Reichgott Junge
Belanger	Finn	Krentz	Mondale	Riveness
Benson, D.D.	Flynn	Kroening	Morse	Robertson
Benson, J.E.	Frederickson	Laidig	Novak	Runbeck
Berg	Hanson	Langseth	Oliver	Sams
Berglin	Hottinger	Larson	Olson	Samuelson
Bertram	Janezich	Lesewski	Pappas	Solon
Betzold	Johnson, D.J.	Lessard	Pariseau	Spear
Chandler	Johnson, J.B.	Marty	Piper	Stevens
Chmielewski	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

Mr. Luther voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1835: A bill for an act relating to corrections; prohibiting payment of costs of elective or cosmetic procedures for prison and jail inmates; amending Minnesota Statutes 1992, sections 241.021, subdivision 4, and 641.15, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kroening	Morse	Runbeck
Belanger	Flynn	Laidig	Novak	Sams
Benson, D.D.	Frederickson	Langseth	Oliver	Samuelson
Benson, J.E.	Hanson	Larson	Olson	Solon
Berg	Hottinger	Lesewski	Pappas	Spear
Berglin	Janezich	Lessard	Pariseau	Stevens
Bertram	Johnson, D.J.	Luther	Piper	Terwilliger
Betzold	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chandler	Johnston	McGowan	Price	Wiener
Chmielewski	Kelly	Merriam	Ranum	
Cohen	Kiscaden	Metzen	Reichgott Junge	
Day	Knutson	Moe, R.D.	Riveness	
Dille	Krentz	Mondale	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 1906: A bill for an act relating to state trails; routing an existing trail; establishing new trails; amending Minnesota Statutes 1992, section 85.015, subdivision 7, and by adding subdivisions.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Mondale	Robertson
Belanger	Flynn	Kroening	Morse	Runbeck
Benson, D.D.	Frederickson	Laidig	Novak	Sams
Benson, J.E.	Hanson	Langseth	Oliver	Samuelson
Berg	Hottinger	Larson	Olson	Solon
Berglin	Janezich	Lesewski	Pappas	Spear
Bertram	Johnson, D.E.	Lessard	Pariseau	Stevens
Betzold	Johnson, D.J.	Luther	Piper	Terwilliger
Chandler	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chmielewski	Johnston	McGowan	Price	
Cohen	Kelly	Merriam	Ranum	
Day	Kiscaden	Metzen	Reichgott Junge	
Dille	Knutson	Moe, R.D.	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 2149: A bill for an act relating to the environment; making the field citation pilot project permanent law; authorizing penalties for unauthorized waste disposal; proposing coding for new law in Minnesota Statutes, chapter 116.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Morse	Runbeck
Belanger	Flynn	Laidig	Novak	Sams
Benson, D.D.	Frederickson	Langseth	Oliver	Samuelson
Benson, J.E.	Hanson	Larson	Olson	Solon
Berg	Hottinger	Lesewski	Pappas	Spear
Berglin	Janezich	Lessard	Pariseau	Stevens
Bertram	Johnson, D.E.	Luther	Piper	Terwilliger
Betzold	Johnson, D.J.	Marty	Pogemiller	Vickerman
Chandler	Johnson, J.B.	McGowan	Price	Wiener
Chmielewski	Johnston	Merriam	Ranum	
Cohen	Kelly	Metzen	Reichgott Junge	
Day	Kiscaden	Moe, R.D.	Riveness	
Dille	Knutson	Mondale	Robertson	

So the bill passed and its title was agreed to.

S.F. No. 2237: A bill for an act relating to game and fish; changing certain dates relating to the taking of fish; changing requirements relating to when fish houses and dark houses may be on the ice; amending Minnesota Statutes 1992, sections 97C.345, subdivisions 1, 2, and 3; 97C.355, subdivision 7; and 97C.371, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Chandler	Dille	Hottinger
Belanger	Berglin	Chmielewski	Finn	Janezich
Benson, D.D.	Bertram	Cohen	Flynn	Johnson, D.E.
Benson, J.E.	Betzold	Day	Hanson	Johnson, D.J.

Johnson, J.B.	Larson	Mondale	Price	Spear
Johnston	Lesewski	Morse	Ranum	Stevens
Kelly	Lessard	Novak	Reichgott Junge	Terwilliger
Kiscaden	Luther	Oliver	Riveness	Vickerman
Knutson	Marty	Olson	Robertson	Wiener
Krentz	McGowan	Pappas	Runbeck	
Kroening	Merriam	Pariseau	Sams	
Laidig	Metzen	Piper	Samuelson	
Langseth	Moe, R.D.	Pogemiller	Solon	

So the bill passed and its title was agreed to.

S.F. No. 2242: A bill for an act relating to crimes; defining escaping while held in lawful custody to include absconding from electronic monitoring devices; amending Minnesota Statutes 1992, section 609.485, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Novak	Sams
Benson, J.E.	Hanson	Larson	Oliver	Samuelson
Berg	Hottinger	Lesewski	Olson	Solon
Berglin	Janezich	Lessard	Pappas	Spear
Bertram	Johnson, D.E.	Luther	Pariseau	Stevens
Betzold	Johnson, D.J.	Marty	Piper	Terwilliger
Chandler	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chmielewski	Johnston	Merriam	Price	Wiener
Cohen	Kelly	Metzen	Ranum	
Day	Kiscaden	Moe, R.D.	Reichgott Junge	
Dille	Knutson	Mondale	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 1870: A bill for an act relating to crime victims; requiring the court at sentencing to inform victims how to implement their right to notice of offender release from correctional facilities; proposing coding for new law in Minnesota Statutes, chapter 611A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Mondale	Riveness
Belanger	Flynn	Kroening	Morse	Robertson
Benson, D.D.	Frederickson	Laidig	Murphy	Runbeck
Benson, J.E.	Hanson	Langseth	Novak	Sams
Berg	Hottinger	Larson	Oliver	Samuelson
Berglin	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariseau	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Terwilliger
Chmielewski	Johnston	McGowan	Pogemiller	Vickerman
Cohen	Kelly	Merriam	Price	Wiener
Day	Kiscaden	Metzen	Ranum	
Dille	Knutson	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 2522: A bill for an act relating to Wadena county; permitting the consolidation of the offices of auditor and treasurer.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Novak	Runbeck
Belanger	Janezich	Lesewski	Oliver	Sams
Benson, J.E.	Johnson, D.E.	Lessard	Olson	Samuelson
Berg	Johnson, D.J.	Luther	Pappas	Solon
Berglin	Johnson, J.B.	Marty	Pariseau	Spear
Bertram	Johnston	McGowan	Piper	Stevens
Betzold	Kelly	Merriam	Pogemiller	Terwilliger
Chandler	Kiscaden	Metzen	Price	Vickerman
Chmielewski	Knutson	Moe, R.D.	Ranum	Wiener
Cohen	Krentz	Mondale	Reichgott Junge	
Flynn	Kroening	Morse	Riveness	
Hanson	Langseth	Murphy	Robertson	

Those who voted in the negative were:

Benson, D.D.	Dille	Finn	Frederickson	Laidig
Day				

So the bill passed and its title was agreed to.

S.F. No. 1951: A bill for an act relating to insurance; health; restricting termination or reductions of coverage for fibrocystic conditions; proposing coding for new law in Minnesota Statutes, chapter 62A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Mondale	Riveness
Belanger	Flynn	Kroening	Morse	Robertson
Benson, D.D.	Frederickson	Laidig	Murphy	Runbeck
Benson, J.E.	Hanson	Langseth	Novak	Sams
Berg	Hottinger	Larson	Oliver	Samuelson
Berglin	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariseau	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Terwilliger
Chmielewski	Johnston	McGowan	Pogemiller	Vickerman
Cohen	Kelly	Merriam	Price	Wiener
Day	Kiscaden	Metzen	Ranum	
Dille	Knutson	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 2425: A bill for an act relating to occupations and professions; requiring the state fire marshal to conduct a study on fireworks safety and operator qualifications.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Ranum
Belanger	Finn	Krentz	Mondale	Reichgott Junge
Benson, D.D.	Flynn	Laidig	Morse	Riveness
Benson, J.E.	Frederickson	Langseth	Murphy	Runbeck
Berg	Hanson	Larson	Novak	Sams
Berglin	Hottinger	Lesewski	Oliver	Samuelson
Bertram	Janezich	Lessard	Olson	Solon
Betzold	Johnson, D.E.	Luther	Pappas	Spear
Chandler	Johnson, D.J.	Marty	Pariseau	Stevens
Chmielewski	Johnson, J.B.	McGowan	Piper	Terwilliger
Cohen	Johnston	Merriam	Pogemiller	Vickerman
Day	Kelly	Metzen	Price	Wiener

Ms. Kiscaden, Mr. Kroening and Ms. Robertson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2450: A bill for an act relating to the Minnesota historical society; clarifying law relating to its status; amending Minnesota Statutes 1992, section 138.01, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Novak	Sams
Benson, J.E.	Hanson	Larson	Oliver	Samuelson
Berg	Hottinger	Lesewski	Olson	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Terwilliger
Chandler	Johnston	McGowan	Pogemiller	Vickerman
Chmielewski	Kelly	Merriam	Price	Wiener
Cohen	Kiscaden	Metzen	Ranum	
Day	Knutson	Moe, R.D.	Reichgott Junge	
Dille	Krentz	Mondale	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 2388: A bill for an act relating to consumer protection; regulating deceptive trade practices related to environmental marketing claims; amending Minnesota Statutes 1992, section 8.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325E.

Pursuant to Rule 9, there being three objectors, S.F. No. 2388 was stricken from the Consent Calendar and placed on General Orders.

S.F. No. 1823: A bill for an act relating to government data practices; listing provisions codified outside the government data practices act that limit access to data; amending Minnesota Statutes 1992, section 13.99, subdivisions 7, 39, 45, 53, 60, 71, and by adding subdivisions.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knjtson	Moe, R.D.	Riveness
Belanger	Finn	Krentz	Mondale	Robertson
Benson, D.D.	Flynn	Kroening	Morse	Runbeck
Benson, J.E.	Frederickson	Laidig	Oliver	Sams
Berg	Hanson	Larson	Olson	Samuelson
Berglin	Hottinger	Lesewski	Pappas	Solon
Bertram	Johnson, D.E.	Lessard	Pariseau	Spear
Betzold	Johnson, D.J.	Luther	Piper	Stevens
Chandler	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Chmielewski	Johnston	McGowan	Price	Vickerman
Cohen	Kelly	Merriam	Ranum	Wiener
Day	Kiscaden	Metzen	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 2415: A bill for an act relating to traffic regulations; increasing from \$500 to \$1,000 the threshold level of reportable motor vehicle accidents; amending Minnesota Statutes 1993 Supplement, section 169.09, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Moe, R.D.	Reichgott Junge
Belanger	Finn	Kroening	Morse	Riveness
Benson, D.D.	Flynn	Laidig	Murphy	Robertson
Benson, J.E.	Hanson	Langseth	Novak	Runbeck
Berg	Hottinger	Larson	Oliver	Sams
Berglin	Johnson, D.E.	Lesewski	Olson	Samuelson
Bertram	Johnson, D.J.	Lessard	Pappas	Solon
Betzold	Johnson, J.B.	Luther	Pariseau	Spear
Chandler	Johnston	Marty	Piper	Stevens
Chmielewski	Kelly	McGowan	Pogemiller	Terwilliger
Cohen	Kiscaden	Merriam	Price	Vickerman
Day	Knutson	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

S.F. No. 1968: A bill for an act relating to veterans; extending eligibility for special veterans' license plates to allied veterans; amending Minnesota Statutes 1992, section 168.123, subdivisions 1 and 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Mondale	Runbeck
Belanger	Finn	Laidig	Morse	Sams
Benson, D.D.	Flynn	Langseth	Murphy	Samuelson
Benson, J.E.	Frederickson	Larson	Novak	Solon
Berg	Hottinger	Lesewski	Oliver	Spear
Berglin	Johnson, D.J.	Lessard	Pariseau	Stevens
Bertram	Johnson, J.B.	Luther	Piper	Terwilliger
Betzold	Johnston	Marty	Pogemiller	Vickerman
Chandler	Kelly	McGowan	Price	Wiener
Chmielewski	Kiscaden	Merriam	Ranum	
Cohen	Knutson	Metzen	Reichgott Junge	
Day	Krentz	Moe, R.D.	Riveness	



So the bill passed and its title was agreed to.

S.F. No. 1983: A bill for an act relating to economic development; clarifying applications and criteria for Minnesota companies to participate in the international business partnership program; amending Minnesota Statutes 1992, section 116J.974.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Laidig	Murphy	Runbeck
Belanger	Flynn	Langseth	Novak	Sams
Benson, D.D.	Frederickson	Larson	Oliver	Samuelson
Benson, J.E.	Hanson	Lesewski	Olson	Solon
Berg	Hottinger	Lessard	Pappas	Spear
Berglin	Johnson, D.J.	Luther	Pariseau	Stevens
Bertram	Johnson, J.B.	Marty	Piper	Terwilliger
Betzold	Johnston	McGowan	Pogemiller	Vickerman
Chandler	Kelly	Merriam	Price	Wiener
Chmielewski	Kiscaden	Metzen	Ranum	
Cohen	Knutson	Moe, R.D.	Reichgott Junge	
Day	Krentz	Mondale	Riveness	
Dille	Kroening	Morse	Robertson	

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Luther moved that S.F. No. 2634 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

## GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Frederickson in the chair.

After some time spent therein, the committee arose, and Mr. Frederickson reported that the committee had considered the following:

S.F. Nos. 2262, 1999, 2241, 2303, 1774, 1832, 1702 and H.F. Nos. 1964, 1914, 1934, 1886, which the committee recommends to pass.

S.F. No. 1662, which the committee recommends to pass with the following amendment offered by Mr. Knutson:

Page 22, line 34, before "Confirmation" insert "If a contesting party has received notice of registration under section 518C.605,"

Page 22, line 36, after "order" insert "based upon facts that were known or reasonably should have been known by the contesting party at the time of registration"

The motion prevailed. So the amendment was adopted.

S.F. No. 1483, which the committee recommends to pass with the following amendments offered by Ms. Kiscaden and Mr. Marty:

Ms. Kiscaden moved to amend S.F. No. 1483 as follows:

Page 1, after line 17, insert:

"Section 1. Minnesota Statutes 1992, section 201.061, subdivision 1, is amended to read:

Subdivision 1. [PRIOR TO ELECTION DAY.] At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a registration card and submitting it in person or by mail to the county auditor of that county or to the secretary of state's office. A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration card shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. *A state or local agency or an individual that accepts completed voter registration cards from a voter must submit the completed cards to the secretary of state or the appropriate county auditor within ten days after the cards are dated by the voter.*"

Page 3, line 15, strike "Upon" and insert "Within ten days after"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Marty moved to amend S.F. No. 1483 as follows:

Page 13, line 36, after the first semicolon, insert "10;"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Reports of Committees and Second Reading of Senate Bills. The motion prevailed.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2381, 2117 and 2346. The motion prevailed.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2117: A bill for an act relating to commerce; regulating certain insurance and real property licensing terms and fees; providing for two-year licensing; amending Minnesota Statutes 1992, sections 60A.14, subdivision 1; 60A.19, subdivision 4; 60A.21, subdivision 2; 60K.03, subdivisions 1, 5, and

6; 60K.06; 60K.19, subdivision 8; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 83.25; Minnesota Statutes 1993 Supplement, sections 60A.198, subdivision 3; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, line 7, after "partnership" insert "renewal"

Page 9, delete lines 21 and 22 and insert:

*"(c) Initial licenses issued under this section must be valid for a period not to exceed two years. The commissioner shall assign an expiration date to each initial license so that approximately one-half of all licenses expire each year. Each initial license must expire on October 31 of the expiration year assigned by the commissioner."*

Page 10, line 1, after the period, insert "At least 15 of the 30 credit hours must be completed during the first 12 months of the 24-month licensing period."

Page 10, line 2, delete "12" and insert "six"

Page 10, line 10, delete "reported" and insert "earned"

Page 10, line 17, delete "Licenses" and strike "issued" and insert "Licenses renewed"

Page 13, line 27, after the period, insert "At least 15 of the 30 credit hours must be completed during the first 12 months of the 24-month licensing period."

Page 13, line 31, strike "salespersons and brokers shall report"

Page 13, line 32, after the stricken "basis" insert "must be earned"

Page 14, line 12, reinstate the stricken language

Page 14, delete line 13 and insert:

*"(1) at least two hours of training every year during each license period in courses in"*

Page 14, line 14, reinstate the stricken language

Page 14, line 15, reinstate the stricken "(2)"

Page 14, lines 19 to 23, reinstate the stricken language

Page 15, line 2, before "Licenses" insert "Initial"

Page 15, line 4, delete "of"

Page 15, delete line 5 and insert "not to exceed two years. The commissioner shall assign an expiration date to each initial license so that approximately one-half of all licenses expire each year. Each initial license must expire on August 31 of the expiration year assigned by the commissioner."

Page 15, line 8, after "(a)" insert "Licenses renewed under this chapter are valid for a period of 24 months."

Page 16, after line 6, insert:

"Sec. 20. Minnesota Statutes 1992, section 82B.19, subdivision 1, is amended to read:

Subdivision 1. [LICENSE RENEWALS.] A licensed real estate appraiser shall present evidence satisfactory to the commissioner of having met the continuing education requirements of this chapter before the commissioner renews a license.

The basic continuing education requirement for renewal of a license is the completion by the applicant either as a student or as an instructor, during the immediately preceding term of licensing, of at least ~~15~~ 30 classroom hours ~~per year~~, of instruction in courses or seminars that have received the approval of the commissioner. *If the applicant's immediately preceding term of licensing consisted of 12 or more months, but fewer than 24 months, the applicant must provide evidence of completion of 15 hours of instruction during the license period. If the immediately preceding term of licensing consisted of fewer than 12 months, no continuing education need be reported."*

Page 16, line 33, delete "19" and insert "20"

Page 16, line 35, delete "20" and insert "21"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the second semicolon, insert "82B.19, subdivision 1;"

And when so amended the bill do pass and be placed on the Consent Calendar. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2289: A bill for an act relating to the environment; authorizing a person who wishes to construct or expand an air emission facility to reimburse certain costs of the pollution control agency; amending Minnesota Statutes 1992, section 116.07, subdivision 4d.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 31, delete "or" and insert "and"

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 2168: A bill for an act relating to agricultural businesses; exempting from sales tax the gross receipts of used farm machinery sales; providing matching moneys for federal emergency disaster funds to flood

damaged counties; providing supplemental funding for certain emergency employment programs, financial assistance programs under the ethanol production fund, and small business disaster loan programs; expanding research on grain diseases; increasing funding for the farm advocates program, agricultural resource centers, legal challenges to the federal milk market order system, farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; providing funding to the Agricultural Utilization Research Institute; appropriating money; amending Minnesota Statutes 1992, sections 297A.02, subdivision 2; and 297A.25, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 41B.044, subdivision 2; and Laws 1993, chapter 172, section 7, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 16, before the first period, insert "*in accordance with Minnesota Statutes, section 480.242, subdivision 5*"

Page 4, delete section 11 and insert:

**"Sec. 11. [APPROPRIATION; FARM FINANCIAL ASSISTANCE; STATE BOARD OF TECHNICAL COLLEGES.]**

*(a) \$285,000 is appropriated from the general fund to the state board of technical colleges for farm and small business management programs using the FINPAK computer software program and other training and assistance to provide financial information to farmers affected by the weather conditions in 1993 to be used as follows:*

*(1) \$20,000 for teleconferencing to provide information to farm and small business operators from federal and state agencies; and*

*(2) \$265,000 for support, assistance, and travel expenses for educators to target emergency assistance to persons in counties affected by the weather conditions in 1993.*

*(b) The board must coordinate the delivery of services with Minnesota extension to ensure broad coverage of the state for areas affected by the weather conditions in 1993. This appropriation is available until June 30, 1995.*

**Sec. 12. [APPROPRIATION; FARM FINANCIAL ASSISTANCE; MINNESOTA EXTENSION.]**

*(a) \$315,000 is appropriated from the general fund to the University of Minnesota for the Minnesota extension service for farm and small business management programs using the FINPAK computer software program and other training and assistance to provide financial information to farmers affected by the weather conditions in 1993 to be used as follows:*

*(1) \$50,000 to the center for farm financial management for computer software upgrades and support of educators providing financial information to farmers; and*

*(2) \$265,000 for support, assistance, and travel expenses for educators to target emergency assistance to persons in counties affected by the weather conditions in 1993.*

*(b) Minnesota extension must coordinate the delivery of services with the state board of technical colleges to ensure broad coverage of the state for areas affected by the weather conditions in 1993. This appropriation is available until June 30, 1995."*

Page 5, line 2, after the period, insert *"This appropriation is available until June 30, 1995."*

Page 5, line 4, delete *"as"*

Page 5, line 5, delete *"supplemental funding"* and delete *"This"*

Page 5, delete lines 6 to 10

Page 5, line 14, delete *"and/or"* and insert *"or"* and delete *"great"*

Page 5, line 15, after the period, insert *"This appropriation is available until June 30, 1995."*

Page 5, line 17, before *"\$59,000"* insert *"(a)"*

Page 5, line 18, delete from *"for"* through page 5, line 19, to *"systems"* and insert *"as a one-time appropriation for family farm legal assistance for financially distressed dairy farmers under Minnesota Statutes, section 480.242, subdivision 5, clause (2)"*

Page 5, line 23, after the period, insert *"This appropriation is available until June 30, 1995. The income eligibility rules described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (b), are waived for purposes of this appropriation."*

*(b) The \$20,000 balance on May 22, 1993, of amounts authorized under Laws 1992, chapter 513, article 2, section 6, subdivision 5, is transferred to the general fund and is appropriated to the supreme court for family farm legal assistance rendered from July 1, 1993, through June 30, 1995, for financially distressed dairy farmers under Minnesota Statutes, section 480.242, subdivision 5, clause (2). The income eligibility rules described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (b), are waived for purposes of this appropriation."*

Page 5, line 25, delete *"This act is"* and insert *"Sections 2 and 3 are effective July 1, 1994. The remaining sections are"*

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2346: A bill for an act relating to securities; face-amount certificate companies, open-end management companies, and unit investment trusts; providing for the calculation of registration fees and uniform expiration, renewal, and reporting provisions; amending Minnesota Statutes 1992, sections 80A.12, subdivisions 2, 9, 10, and by adding a subdivision; 80A.13, subdivision 1; and 80A.28, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1992, section 80A.12, subdivision 9.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, delete "do" and insert "does" and delete "investment" and insert "management"

Page 2, line 17, delete "investment" and insert "management"

Page 2, line 26, delete "investment" and insert "management"

Page 2, line 34, delete "investment" and insert "management"

Page 2, line 36, delete the second "investment" and insert "management"

Page 3, line 2, delete "investment" and insert "management"

Pages 3 to 5, delete section 5

Page 5, line 34, delete "\$50" and insert "\$25"

Page 6, delete section 8 and insert:

"Sec. 7. [EFFECTIVE DATE.]

*This act is effective July 1, 1995.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "80A.13, subdivision 1;"

Page 1, line 9, delete the semicolon and insert a period

Page 1, delete lines 10 and 11

And when so amended the bill do pass and be placed on the Consent Calendar. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2381: A bill for an act relating to health; giving the commissioner of administration authority to negotiate contracts for all prescription drugs sold in Minnesota; allowing correction orders to be issued; establishing a cause of action; establishing a formulary and a drug technology assessment committee; requiring price disclosure and cost savings; requiring a study of a statewide list of covered drugs; proposing coding for new law in Minnesota Statutes, chapters 16B; and 144.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [16B.93] [CONTRACTOR FOR PRESCRIPTION DRUGS.]

*Subdivision 1. [DEFINITIONS.] (a) For purposes of sections 16B.93 to 16B.96, the following definitions apply.*

*(b) "Covered drug list" means all drugs that meet the contract bidding requirements set by the commissioner of administration.*

*(c) "Manufacturer" has the meaning provided in section 151.44.*

(d) "Prescription drug" means a drug as defined in section 151.44, paragraph (d).

(e) "Purchaser" means a pharmacy as defined in section 151.01.

(f) "Rebate" means any money, incentives, or credits given.

(g) "Seller" means any person, other than a manufacturer, who sells or distributes drugs to purchasers or other sellers within the state.

**Subd. 2. [MINNESOTA POOLED CONTRACT FOR PRESCRIPTION DRUG DISCOUNTS.]** (a) Effective January 1, 1995, the commissioner of administration shall have the authority to negotiate price contracts for Minnesota purchasers for prescription drugs on the covered drug list established by the commissioner.

(b) The contract price for each drug on the covered drug list shall consist of, at a minimum, the average manufacturer's price minus 15 percent. However, either a better competitive bid price, or a better negotiated price, will be awarded. The initial average manufacturer's price is the purchaser's actual acquisition cost as of March 1, 1994. For purposes of computing the contract price in 1995 and each year thereafter for those drugs on the covered drug list, the commissioner shall not recognize increases in the average manufacturer's contracted price that exceed the rate of increase in the Consumer Price Index for all urban consumers (CPI-U).

**Subd. 3. [EXEMPTION.]** (a) The commissioner of human services may seek an exemption from the Medicaid prescription drug requirements of the Omnibus Budget Reconciliation Act of 1990 (Public Law Number 101-508) in order to allow medical assistance to participate in the state contracting program.

(b) The commissioner shall exempt drugs purchased by a hospital purchaser for its own use from the Minnesota covered drug list, unless the hospital purchaser chooses to participate. "For its own use" means that the purchased drugs are provided to or used for:

(1) patients registered at the hospital who are under active treatment by physicians employed by or under contract with the hospital;

(2) hospital employees, their spouses and dependents; or

(3) ancillary services or facilities for which the hospital is the majority owner.

"For its own use" does not include the provision of drugs to outpatient customers by pharmacies owned by the hospital.

(c) The commissioner shall exempt drugs purchased by community health clinics who meet the criteria listed in Minnesota Rules, part 9505.0255, from the Minnesota covered drug list, unless the community health clinic chooses to participate.

**Subd. 4. [REBATES.]** Rebates offered by manufacturers for drugs delivered to Minnesota sellers and purchasers are a violation of this section. This subdivision does not prohibit rebates received by the commissioner of human services through purchasing drugs for the medical assistance program.

**Subd. 5. [ADDITIONAL DISCOUNTS.]** Sections 16B.93 to 16B.96 do not prevent a purchaser from negotiating further discounts for distribution



services as long as the drug item and contract vendor of that drug remain the same as that established by the commissioner's contract award.

Subd. 6. [EXEMPTION FROM PREFERENCE REQUIREMENTS.] In implementing this section, the commissioner is exempt from sections 16B.101, 16B.102, 16B.121, 16B.18, and 16B.19.

Subd. 7. [RULEMAKING.] The commissioner shall adopt rules to implement and administer sections 16B.93 to 16B.96 and to establish a covered drug list. The commissioner may adopt rules to exempt state agencies from the requirements of section 16B.94.

Sec. 2. [16B.94] [STATE AGENCY PURCHASES.]

A state agency shall not purchase prescription drugs from a manufacturer that does not adhere to the contract price requirements established in section 16B.93. This requirement does not apply to the medical assistance program, to the extent the requirement would conflict with federal Medicaid requirements for the purchase of prescription drugs or would result in the loss of federal financial participation in the state medical assistance program.

Sec. 3. [16B.95] [CIVIL PENALTY.]

The commissioner may issue correction orders requiring violations of section 16B.93 to be corrected. The commissioner may assess administrative penalties for failure to comply with correction orders. The minimum amount of an administrative penalty order is \$1,000 per violation and the maximum amount is \$100,000 per violation.

Sec. 4. [16B.96] [PRICING DISCLOSURE.]

The commissioner of administration, in consultation with the commissioners of health and human services, shall compile the pricing of drugs from manufacturers and sellers serving all Minnesota purchasers. This information shall be updated on an annual basis and shall be filed with the information clearinghouse established under section 62J.33, subdivision 2.

Sec. 5. [62J.48] [DEMONSTRATION OF COST SAVINGS.]

Health plan companies and health care providers shall demonstrate, to the satisfaction of the commissioner of health, that cost savings resulting from participation in the Minnesota drug contracting program under section 16B.93, or resulting from an exemption from this program, are passed on to consumers or patients, in the form of lower premiums or copayments, or lower prices. The commissioner of health shall adopt rules to administer this section.

Sec. 6. [STATEWIDE LIST OF COVERED DRUGS.]

The commissioner of human services, in consultation with the commissioner of administration, shall develop recommendations for a statewide drug formulary. The commissioner shall report these recommendations to the legislature by January 1, 1995."

Delete the title and insert:

"A bill for an act relating to health; giving the commissioner of administration authority to negotiate contracts for all prescription drugs sold in Minnesota; allowing correction orders to be issued; requiring price disclosure

and cost savings; requiring a study of a statewide list of covered drugs; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Ms. Kiscaden questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 2271: A bill for an act relating to family law; requiring publication of names of certain delinquent child support obligors; proposing coding for new law in Minnesota Statutes, chapter 518.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;
- (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;
- (9) to the Minnesota department of jobs and training for the purpose of monitoring the eligibility of the data subject for unemployment compensation, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;
- (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential facilities as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education coordinating board to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a recipient of aid to families with dependent children, medical assistance, general assistance, work readiness, or general assistance medical care may be disclosed to law enforcement officers who provide the name and social security number of the recipient and satisfactorily demonstrate that: (i) the recipient is a fugitive felon, including the grounds for this determination; (ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and (iii) the request is made in writing and in the proper exercise of those duties; ~~or~~

(16) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the food stamp act, in accordance with Code of Federal Regulations, title 7, section 272.1(c); ~~or~~

*(17) data on a child support obligor who is in arrears may be disclosed for purposes of publishing the data pursuant to section 518.575.*

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed in accordance with the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15) or (16); or (b) are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b)."

Page 1, line 9, delete "Once each month" and insert "Every three months" and delete "state" and insert "department of human services"

Page 1, line 10, delete "legal"

Page 1, line 14, after "payment" insert "or had an amount intercepted from federal or state taxes" and after the period, insert "An obligor's name may not be published if the obligor claims in writing, and the department of human services determines, there is good cause for the nonpayment of child support."

Page 1, after line 16, insert:

*"Before publishing the name of the obligor, the department of human services shall send a notice to the obligor's last known address which states the department's intention to publish the obligor's name and the amount of child support the obligor owes. The notice must also provide an opportunity to have the obligor's name removed from the list by paying the arrearage or by entering into an agreement to pay the arrearage, and the final date when the payment or agreement can be accepted."*

Sec. 3. [REPORT TO LEGISLATURE.]

*The department of human services shall report to the legislature in January 1996, in the department of human services annual report to the legislature, the fiscal implications of the program, including related costs and savings."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 1993 Supplement, section 13.46, subdivision 2;"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 1849: A bill for an act relating to occupations and professions; providing that health-related licensing boards may establish a program to protect the public from impaired regulated persons; providing for appointments; providing for rulemaking; appropriating money; amending Minnesota Statutes 1993 Supplement, section 214.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 214.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, delete "8" and insert "7"

Page 4, line 1, delete "8" and insert "7"

Page 5, line 31, delete "8" and insert "7"

Page 6, line 15, delete "7" and insert "6"

Page 6, delete section 6

Page 7, line 3, delete "7" and insert "6"

Page 7, lines 6 and 15, delete "9" and insert "8"

Page 7, line 10, delete "8" and insert "7"

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 1742: A bill for an act relating to state departments and agencies; environmental quality board; providing that the board may provide its own staff and administration; amending Minnesota Statutes 1992, section 116C.03, subdivision 4; repealing Minnesota Statutes 1992, section 116C.03, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1992, section 116.02, subdivision 1, is amended to read:

Subdivision 1. ~~A pollution control agency, designated as The Minnesota pollution control agency, is hereby created. The agency shall consist~~ consists of nine members appointed by the governor, by and with the advice and consent of the senate, ~~and the commissioner of the agency. One of such the~~ members ~~shall~~ must be a person knowledgeable in the field of agriculture.

Sec. 2. Minnesota Statutes 1992, section 116.02, subdivision 4, is amended to read:

Subd. 4. *The commissioner shall serve as the chair of the agency. The agency shall elect a chair and such other officers as it deems necessary.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "pollution control agency; providing for the commissioner of the pollution control agency to serve as chair of the agency;"

Page 1, line 5, delete "section" and insert "sections 116.02, subdivisions 1 and 4;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2720: A bill for an act relating to human development; appropriating money for preliminary planning and programming for a human development center.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, after "1995" insert "*to the capitol area architectural and planning board*"

Page 1, line 11, delete "*shall*" and insert "*must*"

Page 1, line 19, delete "will" and insert "shall"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2464: A bill for an act relating to retirement; authorizing the purchase of prior service credit in the public employees retirement association by an employee of the city of Minneapolis.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was re-referred

S.F. No. 2072: A bill for an act relating to commerce; agriculture; adding labeling requirements for salvaged food; adding licensing and permit requirements for salvaged food distributors; adding record keeping requirements; requiring salvaged food served for compensation to be identified; appropriating money; amending Minnesota Statutes 1992, section 31.495, subdivisions 1, 2, and 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 31.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1992, section 30.49, subdivision 2, is amended to read:

Subd. 2. [NATURAL LAKE OR RIVER WILD RICE.] (a) (i) A package containing only 100 percent natural lake or river wild rice that is offered for sale at wholesale or retail sale in this state must be plainly and conspicuously labeled as "100 percent naturally grown, lake and river wild rice" in letters of a size and form prescribed by the commissioner. A package of wild rice labeled "100 percent naturally grown, lake and river wild rice" must also contain the license number issued under section 84.152 of the last licensed dealer, if any, who handled the wild rice.

(ii) *A package containing only 100 percent natural lake or river wild rice that contains a portion of wild rice grown in Canada and offered for wholesale or retail sale in Minnesota must be plainly and conspicuously labeled as "Canadian" wild rice in letters of a size and form prescribed by the commissioner.*

(b) A package that does not contain 100 percent natural lake or river wild rice may not contain a label authorized under paragraph (a).

(c) A package containing a portion of 100 percent naturally grown lake and river wild rice that is harvested by use of mechanical harvesting devices and that is offered for sale at wholesale or retail in this state must be plainly and conspicuously labeled as "machine harvested" in letters of a size and form prescribed by the commissioner. In addition, the letters "machine

harvested" must be placed near the product's identity on the label. Packages containing 100 percent hand-harvested wild rice may be labeled as "hand harvested."

Page 2, line 20, delete "or retail"

Page 3, lines 4 and 7, after "processor" insert "or distributor"

Page 3, line 12, after the second comma, insert "at wholesale,"

Page 3, line 16, delete everything after the period

Page 3, delete lines 17 to 21

Page 3, line 29 after "food" insert ", except as described in paragraph (e)."

Page 3, line 32, delete everything after the period

Page 3, delete lines 33 to 36 and insert:

"(c) All persons selling salvaged food, at retail, except as described in paragraph (e), shall notify the consumer that the food is salvaged either by (1) labeling each retail package or container "salvaged" or "reconditioned" or (2) posting a conspicuous placard at the retail display location stating "salvaged food" or "reconditioned food." Placards must be readable, using letters of not less than 1-1/2 inch type. Placards may also state "This item has been reconditioned and has been determined wholesome for human consumption under applicable state requirements by (name of food seller)."

(d)"

Page 4, after line 7, insert:

"(e) Paragraphs (b) and (c) do not apply to food products damaged in the normal course of handling and transportation, where the food is intact in its original container and has not been subject to fire, chemical spills, temperature abuse in perishable food products, immersion in water, or other similar risk of contamination."

Page 4, line 14, delete everything after the comma

Page 4, line 15, delete "address of the manufacturer or distributor,"

Page 4, line 16, delete "and"

Page 4, line 17, after "conducted" insert ", and the purchase of the salvaged food"

Page 5, delete sections 6 and 7 and insert:

"Sec. 7. [COMMISSIONER'S STUDY.]

The commissioner, in consultation with the commissioner of health and affected industry, shall study the need for further regulation of the purchase, reconditioning, and sale of salvaged food from food service establishments and retailers within the state and those received in interstate commerce. The commissioner shall report to the legislature by January 15, 1996, on the results of the study."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "providing for labeling of Canadian wild rice;"

Page 1, line 7, delete "appropriating money;"

Page 1, line 8, delete "section" and insert "sections 30.49, subdivision 2; and"

Page 1, line 9, delete everything after "subdivisions"

Page 1, line 10, delete everything before the period

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2325: A bill for an act relating to agriculture; providing for an agricultural processing facility loan program administered by the rural finance authority; providing for funding; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 41B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [41B.045] [VALUE-ADDED AGRICULTURAL PRODUCT LOAN PROGRAM.]

*Subdivision 1. [DEFINITIONS.] For purposes of this section:*

(1) "Agricultural product processing facility" means land, buildings, structures, fixtures, and improvements located or to be located in Minnesota and used or operated primarily for the processing or production of marketable products from agriculture crops, including waste and residues from agriculture crops, but not including livestock or livestock products, poultry or poultry products, or wood or wood products.

(2) "Value-added agricultural product" means a product derived from agricultural crops, including waste and residues from agricultural crops, but not including livestock or livestock products, poultry or poultry products, or wood or wood products, which are processed by an agricultural product processing facility.

*Subd. 2. [ESTABLISHMENT.] The authority shall establish and implement a value-added agricultural product loan program to help farmers finance the purchase of stock in a cooperative proposing to build or purchase and operate an agricultural product processing facility.*

*Subd. 3. [REVOLVING FUND.] There is established in the state treasury a value-added agricultural product revolving fund which is eligible to receive appropriations. All repayments of financial assistance granted under subdivision 2, including principal and interest, must be deposited into this fund. Interest earned on money in the fund accrues to the fund, and money in the fund is appropriated to the commissioner of agriculture for purposes of the*



value-added agricultural loan program, including costs incurred by the authority to establish and administer the program.

Subd. 4. [ELIGIBILITY.] To be eligible for this program a borrower must:

(1) be a resident of Minnesota or a domestic family farm corporation as defined in section 500.24, subdivision 2;

(2) be a grower of the agricultural product which is to be processed by an agricultural product processing facility;

(3) demonstrate an ability to repay the loan; and

(4) meet any other requirements which the authority may impose by rule.

Subd. 5. [LOANS.] (a) The authority may participate in a stock loan with an eligible lender to a farmer who is eligible under subdivision 4. Participation is limited to 50 percent of the principal amount of the loan or \$30,000, whichever is less. The interest rates and repayment terms of the authority's participation interest may differ from the interest rates and repayment terms of the lender's retained portion of the loan, but the authority's interest rate may not exceed 50 percent of the lender's interest rate.

(b) Loans under this program may not be included in lifetime limitation calculated under section 41B.03, subdivision 1, clause (3).

(c) Security for stock loans must be the stock purchased, a personal note executed by the borrower, and whatever other security is required by the eligible lender or the authority.

(d) The authority may impose a reasonable nonrefundable application fee for each application for a stock loan. The authority may review the fee annually and make adjustments as necessary. The application fee is initially \$50. Application fees received by the authority must be deposited in the value-added agricultural product revolving fund.

(e) Stock loans under this program will be made using money in the value-added agricultural product revolving fund established under subdivision 3.

(f) The authority may not grant stock loans in a cumulative amount exceeding \$10,000,000 for the financing of stock purchases in any one cooperative.

Subd. 6. [RULES.] The authority shall adopt rules necessary for the administration of the program established under subdivision 2, including rules which establish a minimum cost of any agricultural product processing facility for which financial assistance may be given to any farmer to help finance the purchase of stock in a cooperative.

## Sec. 2. [VALUE-ADDED AGRICULTURAL PRODUCT LOAN PROGRAM FUNDING.]

\$..... is appropriated from the general fund to the value-added agricultural revolving fund to fund the authority's value-added agricultural product loan program under section 1.

## Sec. 3. [EFFECTIVE DATE.]

The act is effective the day following final enactment."

Amend the title as follows:

Page 1, lines 2 and 3, delete "an agricultural processing facility" and insert "a value-added agricultural product"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2445: A bill for an act relating to game and fish; clarifying the purposes for which various game and fish revenues may be spent; requiring establishment of citizen oversight committees to review expenditures of game and fish revenues; appropriating money and reducing earlier appropriations; amending Minnesota Statutes 1992, sections 97A.055, by adding a subdivision; 97A.061, subdivision 1; 97A.071, subdivision 3, and by adding subdivisions; 97A.075, subdivisions 2, 3, and 4; 97A.165; 97A.475, subdivisions 6, 7, 8, and 13; and 97A.485, subdivision 7; Minnesota Statutes 1993 Supplement, sections 97A.055, subdivision 4; 97A.061, subdivision 3; 97A.071, subdivision 2; and 97A.475, subdivision 12; repealing Minnesota Statutes 1992, sections 97A.065, subdivision 3; 97A.071, subdivision 4; 97A.475, subdivision 9; and 103E.615, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 3 and 4, delete sections 3 and 4

Page 5, line 8, after "*means*" insert "*noxious weed control and other*"

Page 7, delete section 12

Page 8, after line 34, insert:

"Sec. 15. Minnesota Statutes 1993 Supplement, section 97A.485, subdivision 6, is amended to read:

Subd. 6. [LICENSES TO BE SOLD AND ISSUING FEES.] (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

(1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

(2) Minnesota sporting, the issuing fee is \$1; and

(3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;

(4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and

(5) for stamps other than a trout and salmon stamp, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one

trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) ~~The fee for an angling license paid by a resident 65 years of age or over must be refunded to the licensee upon request to the commissioner, if the request is made within 30 days of the sale. The commissioner shall design a system on the license for this purpose. An auditor or subagent may not provide postage stamps or pre-addressed envelopes for obtaining the refund. An auditor or subagent must provide information on the purposes for which license receipts are spent and the effects of applying for a refund.~~

(g) For duplicate licenses, the issuing fees are:

- (1) for licenses to take big game, 75 cents; and
- (2) for other licenses, 50 cents."

Page 9, after line 12, insert:

"Sec. 17. [FISHING LICENSE REVENUES.]

*For the 1996-1997 biennium, the additional \$2.50 added to the licenses in sections 10 to 16 of this act may only be used in the division of enforcement for enforcement of laws related to fish and in the section of fisheries. Expenditures must be focused on individual lake management, habitat preservation and improvement, and education. Personnel costs must be limited to on-site work."*

Page 9, delete lines 23 to 27

Page 9, line 28, delete "(3)" and insert "(1)"

Page 9, line 29, delete "\$52,000" and insert "\$49,000"

Page 9, line 30, delete "(4)" and insert "(2)"

Page 9, line 32, delete "(5)" and insert "(3)"

Page 9, after line 33, insert:

*"(c) \$200,000 is appropriated from the wildlife acquisition account to the commissioner of natural resources for only the purposes specified in Minnesota Statutes, section 97A.071. This appropriation is available until June 30, 1995."*

Page 10, line 10, delete "13 to 18 and section 21" and insert "10 to 16 and 20"

Page 10, line 12, delete "21" and insert "20"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "abolishing the angling license refund for senior citizens;"

Page 1, lines 8 and 9, delete "97A.061, subdivision 1;"

Page 1, line 11, delete "97A.165;"

Page 1, lines 13 and 14, delete "97A.061, subdivision 3;" and delete "and"

Page 1, line 15, after the semicolon, insert "and 97A.485, subdivision 6;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 1695: A bill for an act relating to veterans; establishing a veterans' cemetery; providing for funding; appropriating money; amending Minnesota Statutes 1992, sections 349.212, subdivision 1; 349.213, subdivision 1; Minnesota Statutes 1993 Supplement, sections 349.12, subdivision 25; and 349.212, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1992, section 197.235.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [197.236] [VETERANS' CEMETERY.]

*Subdivision 1. [ADVISORY COUNCIL; PURPOSE.] The veterans' cemetery advisory council is established for the purpose of advising the commissioner of veterans affairs on all matters relating to the development, operation, and maintenance of the cemetery established under this section, and to manage the fundraising for the veterans' cemetery trust account established in subdivision 7. The advisory council and its members are governed by section 15.059, except that the terms of members are governed by subdivision 2. The council shall meet at least quarterly. The commissioner of veterans affairs shall provide administrative support and meeting space for the advisory council.*

*Subd. 2. [COUNCIL MEMBERSHIP; TERMS.] The advisory council is composed of nine members appointed by the governor to six-year terms. One member each must be appointed from the membership of the following organizations: the Veterans of Foreign Wars, the American Legion, and the Disabled American Veterans. One member must be appointed from the membership of the auxiliary of any of these three veterans' organizations. One member must have experience in mortuary science or funeral home operations. One member must have experience in cemetery management and operation. The remaining members must be persons experienced in policy development, civic and community affairs, forms of public service, or legal work, and at least two of these persons must be veterans. No fewer than four nor more than five of the members must be residents of the metropolitan area as defined in section 473.121, subdivision 2, and not more than six of the members must be of the same gender. All members of the advisory council must be legal residents of the state of Minnesota while serving on the council. No person may serve consecutive terms on the advisory council. The governor shall designate the chair of the council.*

Subd. 3. [OPERATION AND MAINTENANCE.] *The commissioner of veterans affairs shall supervise and control the veterans' cemetery established under this section. The commissioner may contract for the maintenance and operation of the cemetery. All personnel, equipment, and support necessary for maintenance and operation of the cemetery, as well as the expenses and per diem of the advisory council, must be included in the department's budget.*

Subd. 4. [ACQUISITION OF PROPERTY.] *The department of veterans affairs shall receive by gift and establish ownership of the site of approximately 36 acres adjacent to Camp Ripley in Morrison county that has been prepared for the purpose of a state veterans' cemetery by the Minnesota state veterans' cemetery association. Before the acquisition of this land, the department must obtain the approval of the Morrison county board. The department may also receive any equipment and materials granted to the state or any of its political subdivisions for this purpose.*

Subd. 5. [RULES.] *The commissioner of veterans affairs shall adopt rules regarding the operation of the cemetery. If practicable, the commissioner shall require that upright granite markers be used to mark all gravesites.*

Subd. 6. [PERMANENT MAINTENANCE ACCOUNT.] *The veterans' cemetery maintenance account is an account in the special revenue fund of the state treasury. Receipts for burial fees, earnings from the veterans' cemetery trust account, designated appropriations, and any other cemetery receipts must be deposited into this account. This account must be used for the development, operation, maintenance, and improvement of the cemetery, and to pay the expenses and per diem of the advisory council. To the extent practicable, the commissioner of veterans affairs must apply for available federal grants for the development and operation of the cemetery.*

Subd. 7. [PERMANENT TRUST ACCOUNT.] *The veterans' cemetery trust account is an account in the special revenue fund of the state treasury. All designated appropriations and monetary donations to the cemetery must be placed in this account. The principal of this account must be invested by the state board of investment and may not be spent. The income from this account must be transferred as directed by the account manager to the veterans' cemetery maintenance account.*

Subd. 8. [ELIGIBILITY FOR BURIAL.] *The following persons are eligible for burial in the state veterans' cemetery:*

(1) *a veteran who has been discharged, under other than dishonorable conditions, from the armed forces of the United States;*

(2) *a person who has completed qualified service for retirement from, or died in the line of duty for, the Minnesota national guard or any Minnesota reserve component of the United States military forces; and*

(3) *the spouse or dependent child of a person in clause (1) or (2).*

Subd. 9. [BURIAL FEES.] *The commissioner of veterans affairs shall establish a fee schedule, which may be adjusted from time to time, for the interment of eligible family members. The fees shall cover as nearly as practicable the actual costs of interment, excluding the value of the plot. The department may accept the social security burial allowance, if any, of the eligible family members in an amount not to exceed the actual cost of the interment. The commissioner may waive the fee in the case of an indigent eligible person.*

*No plot or interment fees may be charged for the burial of eligible veterans, members of the national guard, or military reservists, except that funds available from the social security or veterans' burial allowances, if any, must be paid to the commissioner in an amount not to exceed the actual cost of the interment, excluding the value of the plot.*

*Prior to the interment of an eligible person, the commissioner shall request the cooperation of the eligible person's next of kin in applying to the appropriate federal agencies for payment to the cemetery of any allowable interment allowance.*

*Subd. 10. [ALLOCATION OF PLOTS.] A person, or survivor of a person, eligible for interment in the state veterans' cemetery may apply for a burial plot for the eligible person by submitting a request to the commissioner of veterans affairs on a form supplied by the department. The department shall allot plots on a first-come, first-served basis. To the extent that it is practical, plots must be allocated in a manner permitting the burial of eligible family members above, below, or adjacent to the eligible veteran, member of the national guard, or military reservist.*

Sec. 2. [INITIAL APPOINTMENTS.]

*Notwithstanding section 1, subdivision 2, the terms of members initially appointed to the veterans' cemetery advisory council are as follows: three persons each must be appointed for two-year, four-year, and six-year terms. Upon expiration of any member's term, a person must be appointed to that position for a six-year term. A person appointed to a two- or four-year term may be reappointed to one consecutive six-year term.*

Sec. 3. [SCHEDULE; ACQUISITION OF PROPERTY.]

*The acquisition of property by the department of veterans affairs required under section 1, subdivision 4, must occur by August 1, 1994, or as soon after that date as practicable.*

Sec. 4. [APPROPRIATION.]

*\$750,000 is appropriated from the general fund to the department of veterans affairs to be placed in the veterans' cemetery maintenance account of the special revenue fund of the state treasury for use in the development, operation, and maintenance of the state veterans' cemetery established in section 1, and to pay the expenses and per diem of its advisory council. This amount is available until expended.*

*\$..... is appropriated from the general fund to the department of veterans affairs to be placed in the veterans' cemetery trust account of the special revenue fund of the state treasury where it must remain permanently as principal for use as specified in section 1, subdivision 7.*

Sec. 5. [REPEALER.]

*Minnesota Statutes 1992, section 197.235, is repealed.*

Sec. 6. [EFFECTIVE DATE.]

*Sections 1 to 5 are effective July 1, 1994."*

Delete the title and insert:

*"A bill for an act relating to veterans; establishing a veterans' cemetery; providing for funding; appropriating money; proposing coding for new law in*

Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1992, section 197.235."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Mondale; for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was re-referred

S.F. No. 2719: A bill for an act relating to cities; authorizing and establishing the Chisholm/Hibbing airport authority.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 3, line 23, after "*act*" insert "*shall*"

Page 3, lines 24 and 26, after "*whom*" insert "*shall be*"

Page 3, line 33, after "*serve*" insert "*until the remainder of their term and*"

Page 6, line 36, delete everything after "(3)"

Page 7, line 2, delete "*real or*"

Page 7, line 9, after "*facilities*" insert "*with approval of the city councils*"

Page 10, line 21, delete "*airports*" and insert "*airport*"

Page 12, line 10, delete "*may*" and insert "*shall, at the request of the authority,*"

Page 13, line 13, after the comma, insert "*the Chisholm/Hibbing airport commission is dissolved and*"

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Ms. Piper from the Committee on Family Services, to which was re-referred

S.F. No. 2572: A bill for an act relating to human services; clarifying the effect of a record of conviction of certain crimes on disqualification in connection with certain human services licenses; strengthening provisions concerning residential treatment programs; modifying certain child abuse reporting requirements; amending Minnesota Statutes 1992, sections 245A.04, subdivision 3a; 245A.12, subdivision 8; 245A.13, subdivisions 1, 3c, and by adding a subdivision; 256.0361, by adding a subdivision; 626.556, subdivisions 3 and 7; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 4; 245A.04, subdivisions 3 and 3b; 626.556, subdivision 10; and Laws 1993, chapter 171, section 6.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 1

Page 13, delete section 9

Page 21, delete lines 2 and 3 and insert:

*"Sections 1 to 7 and section 11 are effective the day following final enactment."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete everything after the semicolon

Page 1, line 11, delete "subdivision;"

Page 1, lines 12 and 13, delete "13.46, subdivision 4;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2430: A bill for an act relating to wild animals; compensation to livestock owners for damage done by certain protected mammals; amending Minnesota Statutes 1992, section 3.737, subdivisions 1 and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, strike "agent" and insert "educator"

Page 1, line 23, strike "agent's" and insert "educator's"

Page 2, line 4, after "mammal" insert "*under the Federal Endangered Species Act of 1973*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2247: A bill for an act relating to agriculture; changing the law on nuisance liability of agricultural operations; amending Minnesota Statutes 1992, section 561.19, subdivisions 1, 2, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, delete "15" and insert "25" and delete "*in the amount of a*"

Page 1, line 23, delete "*particular crop grown or the number*"

Page 2, line 1, delete "*crop,*"

Page 2, line 3, delete "*technique*" and insert "*generally accepted agricultural practice*"

Page 2, delete lines 19 to 24 and insert:

*"(b) An agricultural operation is operating according to generally accepted agricultural practices if it is located in an agriculturally-zoned area*



*and complies with the provisions of all applicable federal and state statutes and rules or any issued permits for the operation."*

Page 3, delete section 3

Amend the title as follows:

Page 1, line 5, delete the first comma and insert "and" and delete ", and by adding a subdivision"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2435: A bill for an act relating to natural resources; appropriating money for beaver damage control.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 2685: A bill for an act relating to lawful gambling; regulating the conduct of lawful gambling; appropriating money; amending Minnesota Statutes 1992, sections 299L.02, subdivision 5, and by adding a subdivision; 349.12, subdivision 18; 349.13; 349.151, subdivision 4; and 349.211, subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 299L.02, subdivision 5, is amended to read:

Subd. 5. [BACKGROUND CHECKS.] In any background check required to be conducted by the division of gambling enforcement under chapter 240, 349, ~~or~~ 349A, or section 3.9221, the director may, or shall when required by law, require that fingerprints be taken and the director may forward the fingerprints to the Federal Bureau of Investigation for the conducting of a national criminal history check. *The director may charge a fee for fingerprint recording and investigation under section 3.9221.*

Sec. 2. Minnesota Statutes 1992, section 299L.02, is amended by adding a subdivision to read:

Subd. 6. [REVOLVING ACCOUNT.] *The director shall deposit in a separate account in the state treasury all money received from charges for investigations and background checks under compacts negotiated under section 3.9221. Money in the account is appropriated to the director for the purposes of carrying out the director's powers and duties under those compacts.*

Sec. 3. Minnesota Statutes 1992, section 349.12, subdivision 18, is amended to read:

Subd. 18. [GAMBLING EQUIPMENT.] "Gambling equipment" means:

bingo cards or sheets, devices for selecting bingo numbers, pull-tabs, jar tickets, paddlewheels, ~~and~~ tipboards, *and pull-tab dispensing devices.*

Sec. 4. Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25, is amended to read:

Subd. 25. (a) "Lawful purpose" means one or more of the following:

(1) any expenditure by or contribution to a 501(c)(3) organization, provided that the organization and expenditure or contribution are in conformity with standards prescribed by the board under section 349.154;

(2) a contribution to an individual or family suffering from poverty, homelessness, or physical or mental disability, which is used to relieve the effects of that poverty, homelessness, or disability;

(3) a contribution to an individual for treatment for delayed posttraumatic stress syndrome or a contribution to a recognized program for the treatment of compulsive gambling on behalf of an individual who is a compulsive gambler;

(4) a contribution to or expenditure on a public or private nonprofit educational institution registered with or accredited by this state or any other state;

(5) a contribution to a scholarship fund for defraying the cost of education to individuals where the funds are awarded through an open and fair selection process;

(6) activities by an organization or a government entity which recognize humanitarian or military service to the United States, the state of Minnesota, or a community, subject to rules of the board, *provided that the rules must impose no limit on the amount of reasonable and necessary expenditures made to support a military marching unit;*

(7) recreational, community, and athletic facilities and activities intended primarily for persons under age 21, provided that such facilities and activities do not discriminate on the basis of gender, as evidenced by (i) provision of equipment and supplies, (ii) scheduling of activities, including games and practice times, (iii) supply and assignment of coaches or other adult supervisors, (iv) provision and availability of support facilities, and (v) whether the opportunity to participate reflects each gender's demonstrated interest in the activity, provided that nothing in this clause prohibits a contribution to or expenditure on an educational institution or other entity that is excepted from the prohibition against discrimination based on sex contained in the Higher Education Act Amendments of 1976, United States Code, title 20, section 1681;

(8) payment of local taxes authorized under this chapter, taxes imposed by the United States on receipts from lawful gambling, and the tax imposed by section 349.212, subdivisions 1 and 4, and the tax imposed on unrelated business income by section 290.05, subdivision 3;

(9) payment of real estate taxes and assessments on licensed gambling premises wholly owned by the licensed organization paying the taxes, not to exceed:

(i) the amount which an organization may expend under board rule on rent for premises used for bingo; or

(ii) \$15,000 per year for premises used for other forms of lawful gambling;

(10) a contribution to the United States, this state or any of its political subdivisions, or any agency or instrumentality thereof other than a direct contribution to a law enforcement or prosecutorial agency;

(11) a contribution to or expenditure by a nonprofit organization, church, or body of communicants gathered in common membership for mutual support and edification in piety, worship, or religious observances; or

(12) payment of one-half of the reasonable costs of an audit required in section 349.19, subdivision 9.

(b) Notwithstanding paragraph (a), "lawful purpose" does not include:

(1) any expenditure made or incurred for the purpose of influencing the nomination or election of a candidate for public office or for the purpose of promoting or defeating a ballot question;

(2) any activity intended to influence an election or a governmental decision-making process;

(3) the erection, acquisition, improvement, expansion, repair, or maintenance of real property or capital assets owned or leased by an organization, except as provided in clause (6), unless the board has first specifically authorized the expenditures after finding that (i) the real property or capital assets will be used exclusively for one or more of the purposes in paragraph (a); (ii) with respect to expenditures for repair or maintenance only, that the property is or will be used extensively as a meeting place or event location by other nonprofit organizations or community or service groups and that no rental fee is charged for the use; (iii) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building, a building owned by the organization and destroyed or made uninhabitable by fire or natural disaster, provided that the expenditure may be only for that part of the replacement cost not reimbursed by insurance; or (iv) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building a building owned by the organization that was acquired from the organization by eminent domain or sold by the organization to a purchaser that the organization reasonably believed would otherwise have acquired the building by eminent domain, provided that the expenditure may be only for that part of the replacement cost that exceeds the compensation received by the organization for the building being replaced;

(4) an expenditure by an organization which is a contribution to a parent organization, foundation, or affiliate of the contributing organization, if the parent organization, foundation, or affiliate has provided to the contributing organization within one year of the contribution any money, grants, property, or other thing of value;

(5) a contribution by a licensed organization to another licensed organization unless the board has specifically authorized the contribution. The board must authorize such a contribution when requested to do so by the contributing organization unless it makes an affirmative finding that the contribution will not be used by the recipient organization for one or more of the purposes in paragraph (a);

(6) the erection, acquisition, improvement, or expansion of real property or capital assets which will be used for one or more of the purposes in paragraph (a), clause (7), unless the organization making the expenditures notifies the board at least 15 days before making the expenditure; or

(7) a contribution to a statutory or home rule charter city, county, or town by a licensed organization with the knowledge that the governmental unit intends to use the contribution for a pension or retirement fund.

Sec. 5. Minnesota Statutes 1992, section 349.13, is amended to read:

349.13 [LAWFUL GAMBLING.]

Lawful gambling is not a lottery or gambling within the meaning of sections 609.75 to 609.76 if it is conducted under this chapter. *A pull-tab dispensing device permitted by board rule is not a gambling device within the meaning of sections 609.75 to 609.76 and chapter 299L.*

Sec. 6. Minnesota Statutes 1992, section 349.151, subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] (a) The board has the following powers and duties:

(1) to regulate lawful gambling to ensure it is conducted in the public interest;

(2) to issue licenses to organizations, distributors, bingo halls, manufacturers, and gambling managers;

(3) to collect and deposit license, permit, and registration fees due under this chapter;

(4) to receive reports required by this chapter and inspect all premises, records, books, and other documents of organizations, distributors, manufacturers, and bingo halls to insure compliance with all applicable laws and rules;

(5) to make rules authorized by this chapter;

(6) to register gambling equipment and issue registration stamps;

(7) to provide by rule for the mandatory posting by organizations conducting lawful gambling of rules of play and the odds and/or house percentage on each form of lawful gambling;

(8) to report annually to the governor and legislature on its activities and on recommended changes in the laws governing gambling;

(9) to impose civil penalties of not more than \$500 per violation on organizations, distributors, manufacturers, bingo halls, and gambling managers for failure to comply with any provision of this chapter or any rule of the board;

(10) to issue premises permits to organizations licensed to conduct lawful gambling;

(11) to delegate to the director the authority to issue licenses and premises permits under criteria established by the board;

(12) to suspend or revoke licenses and premises permits of organizations,

distributors, manufacturers, bingo halls, or gambling managers as provided in this chapter;

(13) to register employees of organizations licensed to conduct lawful gambling;

(14) to require fingerprints from persons determined by board rule to be subject to fingerprinting; ~~and~~

(15) to take all necessary steps to ensure the integrity of and public confidence in lawful gambling; *and*

(16) *to permit by rule but not require the sale of pull-tabs from dispensing devices.*

(b) Any organization, distributor, bingo hall operator, or manufacturer assessed a civil penalty may request a hearing before the board. Hearings conducted on appeals of imposition of penalties are not subject to the provisions of the administrative procedure act.

(c) All fees and penalties received by the board must be deposited in the general fund.

Sec. 7. Minnesota Statutes 1992, section 349.16, is amended by adding a subdivision to read:

*Subd. 9. [LICENSE RENEWALS; NOTICE.] The board may not deny or delay the renewal of a license under this section, a premises permit, or a gambling manager's license under section 349.167 because of the licensee's failure to submit a complete application by a specified date before the expiration of the license or permit, unless the board has first (1) sent the applicant by registered mail a written notice of the incomplete application, and (2) given the applicant at least five business days from the date of receipt of the notice to submit a complete application, or the information necessary to complete the application.*

Sec. 8. [349.175] [PULL-TAB DISPENSING DEVICES; LOCATIONS.]

*A pull-tab dispensing device must be located only at a site that is (1) a licensed premises for on-sales of intoxicating liquor or 3.2 percent malt beverages; or (2) a licensed bingo hall that allows gambling only by persons 18 years or older.*

Sec. 9. Minnesota Statutes 1992, section 349.18, subdivision 1, is amended to read:

*Subdivision 1. [LEASE OR OWNERSHIP REQUIRED.] An organization may conduct lawful gambling only on premises it owns or leases. Pull-tabs may be sold and redeemed at any place behind the bar within the room that contains the leased premises, but receptacles for pull-tabs and cash drawers for lawful gambling receipts must be maintained only within the leased premises. Leases must be for a period of at least one year and must be on a form prescribed by the board. Copies of all leases must be made available to employees of the board and the division of gambling enforcement on request. A lease may not provide for payments determined directly or indirectly by the receipts or profits from lawful gambling. The board may prescribe by rule limits on the amount of rent which an organization may pay to a lessor for premises leased for lawful gambling provided that no rule of the board may prescribe a limit of less than \$1,000 per month on rent paid for premises used*

for lawful gambling other than bingo. Any rule adopted by the board limiting the amount of rent to be paid may only be effective for leases entered into, or renewed, after the effective date of the rule.

No person, distributor, manufacturer, lessor, or organization other than the licensed organization leasing the space may conduct any activity on the leased premises during times when lawful gambling is being conducted on the premises.

*Employees of a lessor may participate in lawful gambling on the premises provided (1) if pull-tabs or tipboards are sold, the organization voluntarily posts, or is required to post, the major prizes as specified in section 349.172; and (2) any employee of the lessor participating in lawful gambling is not a gambling employee for the organization conducting lawful gambling on the premises.*

Sec. 10. Minnesota Statutes 1992, section 349.19, subdivision 10, is amended to read:

Subd. 10. [PULL-TAB RECORDS.] (a) The board shall by rule require a licensed organization to require each winner of a pull-tab prize of \$50 or more to present identification in the form of a drivers license, Minnesota identification card, or other identification the board deems sufficient to allow the identification and tracing of the winner. The rule must require the organization to retain winning pull-tabs of \$50 or more, and the identification of the winner of the pull-tab, for 3-1/2 years.

(b) *An organization must maintain separate cash banks for each deal of pull-tabs unless:*

(1) *two or more deals are commingled in a single receptacle; or*

(2) *the organization uses a cash register, of a type approved by the board, which records all sales of pull-tabs by separate deals.*

*The board shall (1) by rule adopt minimum technical standards for cash registers that may be used by organizations, and shall approve for use by organizations any cash register that meets the standards; and (2) before allowing an organization to use a cash register that commingles receipts from several different pull-tab games in play, adopt rules that define how cash registers may be used and that establish a procedure for organizations to reconcile all pull-tab games in play at the end of the month.*

Sec. 11. Minnesota Statutes 1992, section 349.211, subdivision 2a, is amended to read:

Subd. 2a. [PULL-TAB PRIZES.] The maximum prize which may be awarded for any single pull-tab is ~~\$250~~ \$500. An organization may not sell any pull-tab for more than \$2.

Sec. 12. Minnesota Statutes 1992, section 349.212, is amended by adding a subdivision to read:

Subd. 4a. [BASE ADJUSTMENT FOR UNSOLD TICKETS.] *The ideal gross subject to the tax in subdivision 4 will be adjusted annually to reflect the average number of unsold tickets in each deal.*

*The commissioner of revenue will, by June 1 of each year, determine the average percentage of sold tickets per deal for sales during the previous*

*calendar year. The result will be rounded to the next whole percent. Prior to July 1, the commissioner will communicate the result to all licensed distributors.*

*For taxes incurred on or after July 1, the amount subject to the tax in subdivision 4 on each deal will be the ideal gross multiplied by the percentage determined by the commissioner under this subdivision.*

*The commissioner of revenue shall report by March 1 each year to the gaming regulation committee of the senate and the governmental operations and gambling committee of the house of representatives on the average percentage of unsold tickets for sales during the previous calendar year.*

Sec. 13. Minnesota Statutes 1992, section 541.21, is amended to read:

541.21. [COMMITMENTS FOR GAMBLING DEBT VOID.]

Every note, bill, bond, mortgage, or other security or conveyance in which the whole or any part of the consideration shall be for any money or goods won by gambling or playing at cards, dice, or any other game whatever, or by betting on the sides or hands of any person gambling, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gambling or betting, or lent and advanced for any gambling or betting to any persons so gambling or betting, shall be void and of no effect as between the parties to the same, and as to all persons except such as hold or claim under them in good faith, without notice of the illegality of the consideration of such contract or conveyance. The provisions of this section shall not apply to: (1) pari-mutuel wagering conducted under a license issued pursuant to ~~chapters~~ *chapter 240 and 349 or*; (2) purchase of tickets in the state lottery under ~~chapter 349A, or to~~; (3) gaming activities conducted pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq.; or (4) lawful gambling activities permitted under chapter 349.

Sec. 14. [ADVISORY COUNCIL ON GAMBLING.]

*Subdivision 1. [CREATION; MEMBERSHIP.] (a) A state advisory council is established to study the conduct of all forms of gambling in the state of Minnesota, and to make recommendations to the 1995 legislature. The study shall be completed and findings reported to the legislature by January 1, 1995.*

*(b) The advisory council consists of 17 members who serve at the pleasure of the appointing authority as follows:*

*(1) four legislators, two members of the senate, including one member of the minority party, appointed by the subcommittee on committees of the committee on rules and administration and two members of the house of representatives, including one member of the minority party, appointed by the speaker;*

*(2) the commissioner of revenue or the commissioner's designee;*

*(3) the director of the state lottery or the director's designee;*

*(4) the director of the gambling control board or the director's designee;*

*(5) the director of the gambling enforcement division of the department of public safety or the director's designee;*

(6) the executive director of the racing commissioner or the executive director's designee; and

(7) eight members of the public, one from each congressional district appointed by the governor. The governor shall appoint the chair of the advisory council.

*Subd. 2. [SCOPE OF THE STUDY.] In preparing the study, the advisory council shall examine, at least, the following:*

(1) the extent of all forms of gambling in this state;

(2) the purpose, intent, application, integration, and relationship of the provisions of Minnesota laws relating to all forms of gambling in the state;

(3) the relationship among the state government boards and agencies that regulate gambling, including consideration of abolishing the current boards that regulate gambling and replacing them with a single permanent advisory board;

(4) the nature and extent of gambling in the state that is not subject to state regulation;

(5) the financial and social impact of the growth of gambling in the last decade; and

(6) development of a socio-economic model to support decision-making on issues related to gambling.

*Subd. 3. [CONTENTS OF REPORT.] The advisory council's report to the legislature must include recommendations regarding:*

(1) development of a comprehensive public policy on gambling;

(2) establishment of an efficient state government structure for regulation of gambling; and

(3) implementation and funding of compulsive gambling programs.

*Subd. 4. [STAFF.] The staff of the state lottery and legislative staff shall provide administrative and staff assistance when requested by the advisory council. Administrative costs of the advisory council will be paid by the state lottery.*

*Subd. 5. [COOPERATION BY OTHER AGENCIES.] State agencies shall, upon request of the advisory council, provide data or other information that the agencies collect or possess and that is necessary or useful in conducting the study and preparing the report required by this section.*

#### **Sec. 15. [APPROPRIATION.]**

*\$1,900,000 is appropriated from the general fund to the commissioner of human services to pay for compulsive gambling services for fiscal year 1995.*

#### **Sec. 16. [EFFECTIVE DATE.]**

*Sections 1 and 2 are effective June 1, 1994. Sections 3, 5, 6, and 11 are effective July 1, 1994. Section 4 is effective April 1, 1993. Section 12 is effective for taxes incurred on or after July 1, 1994. Section 13 is effective for commitments entered into after June 30, 1994."*

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "adjusting the base of the tax on pull-tabs and tipboards; creating an advisory council on gambling;"



Page 1, line 6, after "4;" insert "349.16, by adding a subdivision; 349.18, subdivision 1; 349.19, subdivision 10;" and delete "and"

Page 1, line 7, before the period, insert "; 349.212, by adding a subdivision; and 541.21; Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 349"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2468: A bill for an act relating to beaver control; allowing local road authorities to remove beaver dams near public roads; proposing coding for new law in Minnesota Statutes, chapter 97B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [97B.667] [REMOVAL OF BEAVER DAMS AND LODGES BY ROAD AUTHORITIES.]

*When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 9, may remove the impairment and any associated beaver lodge within 300 feet of the road, if the commissioner approves."*

Delete the title and insert:

"A bill for an act relating to beaver control; allowing local road authorities to remove beaver dams and lodges near public roads; proposing coding for new law in Minnesota Statutes, chapter 97B."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2451: A bill for an act relating to parks and recreation; adding lands to certain state parks; converting certain recreation areas to state parks; deleting land from a recreation area; combining a trail and certain waysides into a recreation area; abolishing a state park; amending Minnesota Statutes 1992, section 85.054, by adding a subdivision; repealing Minnesota Statutes 1992, sections 85.012, subdivision 24; and 85.013, subdivisions 16, 18a, 24, 26, and 28.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 4, insert:

*"Notwithstanding section 85.012, subdivision 1, tax-forfeited land located within Tettegouche state park is not withdrawn from sale and is not transferred from the custody, control, and supervision of the county board."*

Page 4, line 15, delete "*sections 85.012, subdivision 24;*" and insert "*section*"

Page 4, line 16, delete the first "*and*"

Amend the title as follows:

Page 1, line 6, after the second semicolon, insert "allowing sale of tax-forfeited land within Tettegouche State Park;"

Page 1, line 9, delete everything before "85.013" and insert "section"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 2150: A bill for an act relating to agriculture; establishing a feedlot and manure management advisory committee; providing for development of manure management research and monitoring priorities; amending eligibility requirements for beginning farmer loans; establishing livestock expansion loan program; providing for development of feedlot rules; changing definitions in the corporate farming law; appropriating money; amending Minnesota Statutes 1992, sections 41B.02, by adding a subdivision; and 116.07, subdivision 7; Minnesota Statutes 1993 Supplement, section 41B.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; and 41B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 20, delete "*livestock*"

Page 3, line 23, delete "*except poultry,*"

Page 7, delete lines 5 to 9

Page 7, line 10, delete "*(f)*" and insert "*(e)*" and after "*rules*" insert "*under*"

Page 7, line 13, delete "*(g)*" and insert "*(f)*"

Page 7, line 22, delete "*(h)*" and insert "*(g)*"

Page 7, line 27, delete "*(i)*" and insert "*(h)*"

Page 8, delete sections 9 and 10

Amend the title as follows:

Page 1, line 9, delete "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 1945: A bill for an act relating to water; creating programs to provide financial assistance to address nonpoint source water pollution in the

departments of agriculture and trade and economic development and the pollution control agency; establishing the drinking water revolving fund administered by the public facilities authority and the department of health; changing the membership of the public facilities authority; increasing the authority's bonding authority; requiring rulemaking; providing for certain exemptions from rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 103F.725, by adding a subdivision; 103F.761, subdivision 2; 116.182, subdivisions 2, 3, 4, and 5; 446A.02, subdivision 1, and by adding a subdivision; 446A.03, subdivision 3; 446A.07, subdivisions 4, 6, 8, 9, 10, and 11; 446A.071, subdivision 1; 446A.11, subdivision 1; 446A.12, subdivision 1; and 446A.15, subdivision 6; Minnesota Statutes 1993 Supplement, section 446A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 17; and 446A; repealing Minnesota Statutes 1992, section 446A.08.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, delete "shall be" and insert "are"

Page 10, lines 34 to 36, delete the new language

Page 12, delete section 17

Page 12, line 31, delete "(a)"

Page 13, delete lines 1 to 6

Page 18, after line 27, insert:

"Sec. 23. [APPLICABILITY OF RULES.]

*The rules adopted under Minnesota Statutes, section 103F.745, for the clean water partnership grants program shall be used for implementation of the loan program established in section 3 until January 1, 1996, or the effective date of rules adopted for the loan program, whichever is earlier."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 17, delete "10,"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1858: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell lands in the Gordy Yaeger wildlife management area in Olmsted county; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "natural resources" and insert "administration"

Page 1, line 14, delete "quitclaim" and insert "quitclaim"

Page 1, line 16, delete "appropriated to" and insert "to be deposited in"

Page 1, line 17, delete "*commissioner*" and insert "*general fund and are appropriated to the commissioner of natural resources*"

Page 1, line 23, after the period, insert "*The conveyance must provide that the land reverts to the state if it is not used for public purposes.*"

Page 2, line 4, after the period, insert "*The conveyance must provide that the land reverts to the state if it is not used for public purposes.*"

Amend the title as follows:

Page 1, line 3, delete "*natural resources*" and insert "*administration*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2126: A bill for an act relating to appropriations; providing for a grant for regional land use planning in the northern counties.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete the colon

Page 1, delete lines 18 to 23

Page 1, line 24, delete everything before "*provide*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2561: A bill for an act relating to state lands; authorizing the department of natural resources to sell certain state land in the counties of Itasca and St. Louis.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2017: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders public water in Meeker county.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2436: A bill for an act relating to state lands; authorizing private sale of certain state land in Crow Wing county to resolve an encroachment situation.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred.

S.F. No. 2672: A bill for an act relating to coroners; providing for exemption from educational requirements in certain circumstances; amending Minnesota Statutes 1992, section 390.005, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, after "whether" insert "*or not*"

Page 1, line 16, strike "or not"

Page 1, line 18, after "*serving*" insert "*or has served*" and delete "*on the effective date of this*"

Page 1, line 19, delete "*section*" and insert "*, whether or not a resident of the county*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1959: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Roseau county.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2491: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Stearns county.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred.

S.F. No. 1757: A bill for an act relating to solid waste management; postponing the prohibition on disposing of unprocessed mixed municipal solid waste at substandard landfills under specific circumstances; amending Minnesota Statutes 1993 Supplement, section 115A.415.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2246: A bill for an act relating to natural resources; authorizing the exchange of certain state lands in Wabasha and Fillmore counties under certain conditions.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2071: A bill for an act relating to the department of revenue; providing for the coordination of sales tax schedules for the state and the city of Saint Paul.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "and distributing"

Page 1, line 10, delete "state"

Page 1, line 11, delete "reflects" and insert "is subject to"

Page 1, line 12, delete "rather than eight cents"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 2511: A bill for an act relating to crime prevention; criminal sexual conduct; requiring a sexual assault victim advocacy plan for each judicial district; modifying the definition of consent for purposes of the criminal sexual conduct prosecutions; requiring the collection of data; amending Minnesota Statutes 1992, section 609.341, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [RESOURCE REPORT.]

*The commissioner of corrections shall evaluate existing sexual assault victim advocacy services and estimate the need for additional advocacy services.*

Sec. 2. [SEXUAL ASSAULT COORDINATING BOARD.]

*Subdivision 1. [SEXUAL ASSAULT COORDINATING COUNCILS.] By October 1, 1994, the conference of chief judges shall establish a coordinating council in each judicial district to oversee efforts to coordinate the criminal justice system response to sexual assault cases. Membership shall include representation of at least the following groups:*

(1) judges;

(2) county attorneys;

(3) public defenders;

- (4) law enforcement;
- (5) sexual assault advocacy programs;
- (6) court administration;
- (7) social service agencies;
- (8) medical personnel; and
- (9) the public.

*Subd. 2. [SEXUAL ASSAULT COORDINATION PLAN.] Each sexual assault coordinating council shall prepare a written sexual assault coordination plan to implement the goal of ensuring the appropriate response of the criminal justice system to the handling of sexual assault cases. Each plan must address the following issues:*

- (1) the roles and responsibilities of criminal justice agencies in responding to sexual assault allegations;*
- (2) the needs of the victim for advocacy services in the process;*
- (3) the current range of judicial sanctions imposed;*
- (4) the adequacy of existing services for the victim and defendant; and*
- (5) the coordination of the criminal justice system response to sexual assault cases.*

*Subd. 3. [REVIEW OF JUDICIAL DISTRICT SEXUAL ASSAULT COORDINATING PLAN.] (a) Each judicial district shall submit its sexual assault coordination plan to the conference of chief judges by October 1, 1995. The conference shall review the plans and make recommendations it deems appropriate. Specifically, the conference shall address the adequacy and use of criminal justice resources to respond to sexual assault cases.*

*(b) A copy of each judicial district's plan, along with the conference of chief judges' recommendations for changes in rules, criminal procedure, and statutes, must be filed with the chair of the senate crime prevention committee and the chair of the house of representatives judiciary committee by January 1, 1996.*

### **Sec. 3. [APPROPRIATION.]**

*\$30,000 is appropriated to the trial courts to conduct training for the judicial district coordinating councils on the dynamics of sexual assault and on model programs for handling sexual assault cases."*

*Amend the title as follows:*

*Page 1, delete lines 3 to 8 and insert "requiring a sexual assault coordinating council in each judicial district; appropriating money."*

*And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.*

*Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred*

*S.F. No. 1803: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public*

improvements of a capital nature with certain conditions; authorizing issuance of bonds; authorizing assessments for debt service; reducing certain earlier project authorizations and appropriations; appropriating money, with certain conditions; amending Minnesota Statutes 1992, sections 16A.632, subdivisions 1 and 2; 103F.175; and 136.261, subdivision 2; Minnesota Statutes 1993 Supplement, section 16B.335; repealing Minnesota Statutes 1992, sections 124.491; 124.492; 124.493; 124.494, as amended; 124.4945; 124.4946; and 124.495.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [CAPITAL IMPROVEMENTS APPROPRIATIONS.]

Except as otherwise specifically provided for reduced appropriations and project authorizations, the sums in the column under “APPROPRIATIONS” are appropriated from the bond proceeds fund, or another named fund, to the state agencies or officials indicated, to be spent to acquire and to better public land and buildings and other public improvements of a capital nature, as specified in this act.

SUMMARY

ADMINISTRATION	\$ 56,459,000
CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD	5,485,000
APPROPRIATIONS	\$

STATE GOVERNMENT

Sec. 2. ADMINISTRATION

Subdivision 1. To the commissioner of administration for purposes specified in this section	56,459,000
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Subd. 2. Capital Asset Preservation and Replacement (CAPRA)	16,000,000
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This appropriation is for unanticipated emergencies of a capital nature, projects to remove life safety hazards, elimination or containment of hazardous substances, and replacement and repair of roofs, windows, and other capital assets in accordance with Minnesota Statutes, section 16A.632. This appropriation is available for use at state facilities throughout the state.

The commissioner shall give all state agencies, other than higher education systems, higher education board, and Univer-



sity of Minnesota an opportunity to apply for money for urgently needed projects under this appropriation. The commissioner shall determine project priorities as appropriate based upon need.

Subd. 3. Statewide Building Access

15,000,000

For improvements of a capital nature to remove barriers and make state-owned buildings, programs, and services accessible to individuals with disabilities, including compliance with federal ADA guidelines. The commissioner shall determine project priorities as appropriate based upon need.

Subd. 4. Transportation Building Phase III

13,416,000

To continue life safety renovation at the transportation building on the ground, third, fourth, fifth, and sixth floors. This renovation is to include new heating, ventilation, and air conditioning systems, elevators, lighting, windows, and raised floors.

This appropriation is from the trunk highway fund.

Subd. 5. Agency Relocation

1,167,000

This appropriation is to relocate state agencies and institutions.

\$107,000 is from the general fund for relocation costs. \$1,060,000 is from the trunk highway fund for the partial relocation of the department of transportation.

Subd. 6. State History Center Taxes

126,000

To pay real estate taxes due and payable against history center property for the year 1986. This appropriation is from the general fund.

Subd. 7. Capitol Area Elevator Renovation

650,000

To predesign and improve, upgrade, or modify elevator equipment in buildings in the Capitol complex area as determined by the commissioner.

Subd. 8. Military Affairs Facility Predesign

1,100,000

\$1,000,000 is for the acquisition of land that might become available in the part of

the capitol complex area under consideration as the site of the new military affairs facility and parking ramp.

Subd. 9. Electric Utility Infrastructure 600,000

To improve and upgrade the utility infrastructure in the capitol complex area through installation of a third switchgear.

Subd. 10. Support Services Facilities  
Predesign 100,000

For predesign of new facilities for central stores, travel management, print communications, micrographics, and records center.

Subd. 11. Public Safety Facility  
Predesign 300,000

For predesign of a new public safety facility in the capitol complex area in St. Paul.

\$100,000 of this appropriation is to the University of Minnesota school of architecture to examine the proposed master plan for the capitol complex area, investigate potential building options on sites in the area, and develop innovative solutions for state space needs, depending on the availability of university faculty members and students.

Subd. 12. Lake Superior Center Authority 8,000,000

To the commissioner of administration for a grant to the Lake Superior center authority for costs to design, construct, furnish, and equip the center.

Use of this appropriation is contingent upon the authority obtaining matching funds of \$16,000,000 from federal and other nonstate sources.

Subd. 13. Constitutional Officers to State Capitol Building

The commissioners of administration shall perform a study of space needs within the capitol building for the future co-location of constitutional officers including the governor, lieutenant governor, secretary of state, attorney general, state treasurer, and state auditor. This appropriation is from the general fund.

**Sec. 3. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD**

5,485,000

To the commissioner of administration to renovate and improve the Capitol including reroofing, repair of the roof balustrade, and Quadriga restoration. \$35,000 of this appropriation is to the Capitol area architectural and planning board for design review fees.

Sec. 4. Minnesota Statutes 1992, section 16B.24, subdivision 1, is amended to read:

Subdivision 1. [OPERATION AND MAINTENANCE OF BUILDINGS.] The commissioner is authorized to maintain and operate the state capitol building and grounds, subject to whatever standards and policies are set for its appearance and cleanliness by the capitol area architectural and planning board and the commissioner under section 15.50, subdivision 2, clause (h), and the state office building, the judicial center, the jobs and training buildings in Minneapolis and St. Paul, the state department of health building, and the surplus property building, and their grounds, and, when the commissioner considers it advisable and practicable, any other building or premises owned or rented by the state for the use of a state agency. The commissioner shall assign and reassign office space in the capitol and state buildings to make an equitable division of available space among agencies. *The commissioner shall regularly update the long-range strategic plan for locating agencies and shall follow the plan in assigning and reassigning space to agencies. The plan must include locational and urban design criteria, a cost-analysis method to be used in weighing state ownership against leasing of space in specific instances, and a transportation management plan. If the commissioner determines that a deviation from the plan is necessary or desirable in a specific instance, the commissioner shall provide the legislature with a timely written explanation of the reasons for the deviation.* The power granted in this subdivision does not apply to state hospitals or to educational, penal, correctional, or other institutions not enumerated in this subdivision the control of which is vested by law in some other agency.

Sec. 5. Minnesota Statutes 1992, section 16B.305, subdivision 2, is amended to read:

Subd. 2. [REVIEW OF REQUESTS.] The commissioner shall review agency requests for state buildings and help agencies prepare adequate plans for use in presenting their capital budget requests to the commissioner of finance, the governor, and the legislature. The commissioner shall ~~consider locational questions in siting state buildings and include answers to locational questions~~ *provide information on how a building project is consistent with the department's long-range strategic plan for locating state agencies in the commissioner's recommendations on a request.*

Delete the title and insert:

"A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; appropriating money, with certain conditions; amending Minnesota Statutes 1992, sections 16B.24, subdivision 1; and 16B.305, subdivision 2."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2192: A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the regulated all-payer option; requiring administrative rulemaking; setting timelines and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution process; requiring proposed legislation; establishing task forces; providing for demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.15, subdivision 1; 62A.303; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; and 295.50, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.65, subdivisions 2, 3, 4, 5, and by adding subdivisions; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivision 2; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 16, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9356, subdivision 3; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, and 12b; 295.52, subdivision 5; 295.53, subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; 62P; and 144; proposing coding for new law as Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, delete lines 17 to 22 and insert:

*"Subd. 4. [GOVERNING BODY.] At least 51 percent of the members of the governing body of the community integrated service network must be consumers elected by the enrollees from among the enrollees."*

Page 5, line 1, after the period, insert *"In applying sections 62N.27 to 62N.32, the commissioner is exempt from the rulemaking requirements of chapter 14. However, to the extent that there are analogous definitions or procedures in chapter 62D or in rules promulgated thereunder, the commissioner shall follow those existing provisions rather than adopting a contrary approach or interpretation. This rulemaking exemption shall expire on June 1, 1995."*

Page 5, after line 1, insert:

*"Subd. 6a. [NONDISCRIMINATION.] If a community integrated service network offers a health care service as part of its plan, it may not deny provider network status to a qualified health care provider type that meets the credentialing requirements of the network solely because the provider is an allied independent health care provider as defined in section 62N.255."*

Page 6, line 6, delete *"shall"* and insert *"may"*

Page 6, line 30, after the period, insert *"This expanded network option may be offered as a separate health plan."*

Page 7, line 7, after the first comma, insert *"licensed"*

Page 7, line 12, delete *"consulting"*

Page 30, line 32, after *"enrollee,"* insert *"health care provider, or applicant for network provider status,"*

Page 40, line 20, after the period, insert *"The commissioner shall convene an advisory committee made up of a broad array of health care professionals that will be affected by the fee schedule. Recommendations of this committee must be submitted to the commissioner by November 15, 1994, and must be incorporated in the implementation report due January 1, 1995."*

Page 57, line 19, delete *"and"*

Page 57, line 21, delete the period and insert a semicolon

Page 57, after line 21, insert:

*"(9) cost-sharing requirements and benefit or service limitations for outpatient mental health and outpatient chemical dependency services, except for persons placed in chemical dependency services under Minnesota Rules, parts 9530.6600 to 9530.6660, must not place a greater financial burden on the insured or enrollee, or be more restrictive than those requirements and limitations for outpatient medical services; and*

*(10) cost-sharing requirements and benefit or service limitations for inpatient hospital mental health and inpatient hospital and residential chemical dependency services, except for persons placed in chemical dependency services under Minnesota Rules, parts 9530.6600 to 9530.6660, must not place a greater financial burden on the insured or enrollee, or be more restrictive than those requirements and limitations for inpatient hospital medical services."*

Page 153, line 17, strike *"prescription"* and insert *"legend"*

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2523: A bill for an act relating to the environment; reestablishing the office of waste management as the office of environmental assistance; transferring environmental assistance programs from the pollution control agency to the office; transferring waste management and policy planning from the metropolitan council to the office; amending Minnesota Statutes 1992, sections 115A.03, by adding a subdivision; 115A.055; 115A.06, subdivision 2; 115A.072; 115A.12; 115A.14, subdivision 4; 115A.15, subdivision 5; 115A.411, subdivision 1; 115A.42; 115A.5501, subdivision 2; 115A.84, subdivision 3; 115A.86, subdivision 2; 115A.912, subdivision 1; 115A.96, subdivision 2; 116.96, subdivision 4; 116.97, subdivision 1; 116F.02, subdivision 2; 473.149, subdivisions 1, 3, 5, and by adding a subdivision; 473.8011; 473.803, subdivisions 2 and 4; and 473.823, subdivision 5; Minnesota Statutes 1993 Supplement, sections 115A.551, subdivision 4; 115A.96, subdivisions 3 and 4; 115A.981, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; and 473.846; repealing Minnesota Statutes 1992, sections 115A.81, subdivision 3; 115A.914, subdivision 1; 115A.952; 116.96, subdivision 2; 116F.06, subdivisions 2, 3, 4, and 5; 116F.08; 473.181, subdivision 4; and 473.803, subdivision 1b; Minnesota Statutes 1993 Supplement, section 473.149, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 26, after the semicolon, insert "and"

Page 3, delete lines 27 and 28

Page 3, line 29, delete "(5)" and insert "(4)"

Page 3, line 36, delete "; and" and insert a period

Page 4, delete lines 1 to 4

Page 4, line 15, after "5;" insert "and" and delete "; 473.181"

Page 4, line 16, delete everything before "are"

Page 4, delete lines 17 and 18

Pages 14 and 15, delete section 19

Page 24, delete lines 19 to 21

Page 24, line 22, delete "(11)" and insert "(10)"

Page 24, line 24, delete "116.97, subdivision 2; 116.98;"

Page 24, line 25, delete "116.99, subdivisions 7 and 8;"

Page 24, line 27, delete "(12)" and insert "(11)"

Page 24, line 31, delete "(13)" and insert "(12)"

Page 25, line 1, delete "(14)" and insert "(13)"

Page 25, line 8, delete "(15)" and insert "(14)"

Page 25, line 16, delete "(16)" and insert "(15)"

Page 25, line 19, delete "(17)" and insert "(16)"

Page 25, line 22, delete "(18)" and insert "(17)"

Page 25, line 26, delete "(19)" and insert "(18)"

Page 25, line 30, delete "(20)" and insert "(19)"

Page 25, line 32, delete "(21)" and insert "(20)"

Page 25, line 36, delete "21 to 31" and insert "20 to 30"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 14 and 15, delete "116.97, subdivision 1;"

Page 1, line 25, delete everything after "116F.08" and insert a period

Page 1, delete lines 26 and 27

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1906: A bill for an act relating to retirement; correctional employees retirement plan of the Minnesota state retirement system; transferring various employment positions in the departments of corrections and human services from coverage by the general state employees retirement plan or the teachers retirement association to the correctional employees retirement plan; amending Minnesota Statutes 1992, sections 352.91, by adding subdivisions; and 352.92, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete lines 34 to 36

Page 3, delete line 7

Page 3, delete lines 13 and 14

Renumber the clauses in sequence

Page 3, line 30, delete "7.55" and insert "6.99"

Page 7, delete lines 5 to 9 and insert:

*"(c) As a corresponding employer contribution transfer amount, an amount equal to employee contributions plus interest, as determined in paragraph (a), must be"*

Page 7, line 11, after "fund" insert ", as applicable,"

Page 7, line 12, delete everything after the period

Page 7, delete line 13

Page 7, line 14, delete everything before "Additional"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2583: A bill for an act relating to crime prevention; providing for oversight and planning of crime prevention programs; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 5, insert:

*"The task force is dissolved upon submission of its recommendations to the legislature."*

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2169: A bill for an act relating to state government; requiring certain funds to be transferred to the ambulance service personnel longevity award and incentive trust; amending Minnesota Statutes 1992, sections 43A.316, subdivision 9; 69.031, subdivision 5; and 353.65, subdivision 7; Minnesota Statutes 1993 Supplement, section 144C.03, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 1, before "There" insert "(a)"

Page 4, line 3, before the period, insert *"and an ambulance service personnel longevity award and incentive suspense account"* and before "The" insert:

*"(b)"*

Page 4, delete line 5

Page 4, line 6, delete everything before the semicolon and insert *"the ambulance service personnel longevity award and incentive suspense account"*

Page 4, after line 10, insert:

*"(c) The suspense account must be credited with transfers from the excess contributions holding account established in section 353.65, subdivision 7, any per-year-of-service allocation under section 144C.07, subdivision 2, paragraph (c), that was not made for an individual, and investment earnings on those accumulated proceeds. The suspense account must be managed by the commissioner of finance and the state board of investment. From the suspense account to the trust account there must be transferred to the ambulance service personnel longevity award and incentive trust account, as the suspense account balance permits, the following amounts:*

- (1) an amount equal to any appropriation to the ambulance service personnel longevity award and incentive trust account for that fiscal year; and*
- (2) an amount equal to the percentage of the remaining balance in the*



account after the deduction of the amount under clause (1), as specified for the applicable fiscal year:

<i>fiscal year</i>	<i>percentage</i>
1995	20
1996	40
1997	50
1998	60
1999	70
2000	80
2001	90
2002 and thereafter	100.

Sec. 4. Minnesota Statutes 1993 Supplement, section 144C.07, subdivision 2, is amended to read:

Subd. 2. [POTENTIAL ALLOCATIONS.] (a) On September 1, annually, the commissioner of health or the commissioner's designee under section 144C.01, subdivision 2, shall determine the amount of the allocation of the prior year's accumulation to each qualified ambulance service person. The prior year's net investment gain or loss under paragraph (b) must be allocated and that year's appropriation, *plus any transfer from the suspense account under section 144C.03, subdivision 2, and after deduction of administrative expenses, also must be allocated.*

(b) The difference in the market value of the assets of the ambulance service personnel longevity award and incentive trust account as of the immediately previous June 30 and the June 30 occurring 12 months earlier must be reported on or before August 15 by the state board of investment. The market value gain or loss must be expressed as a percentage of the total potential award accumulations as of the immediately previous June 30, and that positive or negative percentage must be applied to increase or decrease the recorded potential award accumulation of each qualified ambulance service person.

(c) The appropriation for this purpose, after deduction of administrative expenses, must be divided by the total number of additional ambulance service personnel years of service recognized since the last allocation or 1,000 years of service, whichever is greater. *If the allocation is based on the 1,000 years of service, any allocation not made for a qualified ambulance service person must be credited to the suspense account under section 144C.03, subdivision 2.* A qualified ambulance service person must be credited with a year of service if the person is certified by the chief administrative officer of the ambulance service as having rendered active ambulance service during the 12 months ending as of the immediately previous June 30. If the person has rendered prior active ambulance service, the person must be additionally credited with one-fifth of a year of service for each year of active ambulance service rendered before June 30, 1993, but not to exceed in any year one additional year of service or to exceed in total five years of prior service. Prior active ambulance service means employment by or the provision of service to a licensed ambulance service before June 30, 1993, as determined by the person's current ambulance service based on records provided by the person that were contemporaneous to the service. The prior ambulance service must be reported on or before August 15 to the commissioner of health in an affidavit from the chief administrative officer of the ambulance service."

Page 4, line 13, after "7." insert "[EXCESS CONTRIBUTIONS HOLDING ACCOUNT.]"

Page 4, line 20, after "(b)" insert "From the amount of the" and after "earnings" insert ", the following amounts"

Page 4, line 21, delete "first" and after "transferred" insert "

(1)"

Page 4, line 22, before the period, insert ", \$500,000 for administrative expenses related to the public employees insurance program;

(2) to the commissioner of employee relations, for fiscal year 1995, \$50,000 to conduct the study specified in section 6, and for succeeding fiscal years, \$1,000,000 for the expenses of any stress detection, prevention, reduction, and accommodation program established as a result of the study specified in section 6; and

(3) to the extent that there is a balance remaining after the deduction of clauses (1) and (2), the remaining amount for deposit in the ambulance service personnel longevity award and incentive suspense account established by section 144C.03, subdivision 2" and delete "To the extent"

Page 4, delete lines 23 to 29 and insert:

"Sec. 6. [STRESS DETECTION, PREVENTION, REDUCTION, AND ACCOMMODATION PROGRAM FEASIBILITY STUDY.]

(a) The commissioner of employee relations shall conduct a feasibility study for the establishment of a program in state government to be known as the Minnesota police officers stress program. This program is intended to provide expertise and resources for the prevention of job-related stress in police work. It must also provide a treatment program for posttraumatic stress as experienced by police officers who are certified and licensed by the police officers standards and training board.

(b) Results of the study required under paragraph (a) must be reported to the chairs of the senate governmental operations and reform committee, the house of representatives governmental operations and gambling committee, the senate finance committee, and the house of representatives ways and means committee by January 5, 1995."

Page 4, line 31, delete "4" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "section" and insert "sections"

Page 1, line 8, after "2" insert "; and 144C.07, subdivision 2"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

## SECOND READING OF SENATE BILLS

S.F. Nos. 2464, 2572, 2468, 2451, 2561, 2017, 2436, 2672, 1959, 2491, 1757, 2246 and 2071 were read the second time.

**MOTIONS AND RESOLUTIONS – CONTINUED**

Mr. Moe, R.D. introduced—

Senate Concurrent Resolution No. 6: A Senate concurrent resolution relating to adjournment for more than three days.

**BE IT RESOLVED** by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon its adjournment on March 30, 1994, or March 31, 1994, the House of Representatives may set its next day of meeting more than three days after the day of adjournment.

2. Upon its adjournment on March 30, 1994, or March 31, 1994, the Senate may set its next day of meeting more than three days after the day of adjournment.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time and referred to the committees indicated.

Ms. Hanson introduced—

S.F. No. 2840: A bill for an act relating to crime prevention; sentencing; requesting the sentencing guidelines commission to consider creating an aggravating factor.

Referred to the Committee on Crime Prevention.

Mr. Pogemiller introduced—

S.F. No. 2841: A bill for an act relating to taxation; exempting from the property tax certain property owned by the University of Minnesota and leased to nonexempt users; amending Minnesota Statutes 1992, section 272.01, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Ms. Ranum introduced—

S.F. No. 2842: A bill for an act relating to data practices; classifying recreational or social data as private; amending Minnesota Statutes 1992, section 13.57.

Referred to the Committee on Judiciary.

Ms. Ranum introduced—

S.F. No. 2843: A bill for an act relating to data practices; giving complainants access to their statements; amending Minnesota Statutes 1992, section 13.39, subdivision 2; Minnesota Statutes 1993 Supplement, section 13.43, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Metzen introduced—

S.F. No. 2844: A bill for an act relating to lawful gambling; increasing the percentage of gross profits for bingo expendable for allowable expenses; amending Minnesota Statutes 1992, section 349.15.

Referred to the Committee on Gaming Regulation.

Mr. Terwilliger introduced—

S.F. No. 2845: A bill for an act relating to waste reduction; amending various statutes to be consistent with recent law relating to distribution of reports and materials to legislators; amending Minnesota Statutes 1992, sections 144.672, subdivision 2; 144.70, subdivision 1; 458A.08; and 473.445, subdivision 3.

Referred to the Committee on Health Care.

Ms. Reichgott Junge introduced—

S.F. No. 2846: A bill for an act relating to civil actions; barring perpetrators of crimes from recovering for injuries sustained during criminal conduct; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Judiciary.

Mr. Metzen introduced—

S.F. No. 2847: A bill for an act relating to taxes; property; providing for the classification of certain hunting property for property tax purposes; amending Minnesota Statutes 1993 Supplement, section 273.13, subdivision 23.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.E. introduced—

S.F. No. 2848: A bill for an act relating to education; providing for a pilot enhanced pairing agreement of independent school district Nos. 648, Danube, 654, Renville, 655, Sacred Heart, and 631, Belview.

Referred to the Committee on Education.

Mr. Novak introduced—

S.F. No. 2849: A resolution for an act memorializing the President and Congress to maintain funding for the low-income home energy assistance program and to continue its operation in Minnesota.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Moe, R.D. introduced—

S.F. No. 2850: A bill for an act relating to education; requiring public post-secondary institutions to adopt the semester system; proposing coding for new law in Minnesota Statutes, chapter 135A.

Referred to the Committee on Education.

Messrs. Pogemiller, Stumpf, Ms. Kiscaden and Mr. Moe, R.D. introduced—

S.F. No. 2851: A bill for an act relating to taxation; exempting sales of certain personal computers and computer software from the sales and use tax; amending Minnesota Statutes 1992, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Beckman introduced—

S.F. No. 2852: A bill for an act relating to education; modifying the interactive television revenue program; amending Minnesota Statutes 1993 Supplement, section 124.91, subdivision 5.

Referred to the Committee on Education.

Mr. Beckman introduced—

S.F. No. 2853: A bill for an act relating to taxation; sales and use; exempting unprocessed gravel; amending Minnesota Statutes 1992, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Beckman introduced—

S.F. No. 2854: A bill for an act relating to education; modifying state aid for districts that reorganize; amending Minnesota Statutes 1992, section 124A.22, subdivision 2a.

Referred to the Committee on Education.

Messrs. Johnson, D.E. and Johnson, D.J. introduced—

S.F. No. 2855: A bill for an act relating to education; transferring management of the F.I.R.E. Center to the higher education board.

Referred to the Committee on Education.

Ms. Runbeck, Messrs. Neuville; Johnson, D.E. and Mrs. Pariseau introduced—

S.F. No. 2856: A bill for an act proposing an amendment to the Minnesota Constitution; adding an article; limiting state expenditures and requiring a special vote to exceed those limits; imposing local government tax limitations and requiring voter approval to exceed those limits.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sams introduced—

S.F. No. 2857: A bill for an act relating to bonding; providing funding for the establishment of the North American prairie wetlands learning center; authorizing the issuance of state bonds; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Ms. Flynn introduced—

S.F. No. 2858: A bill for an act relating to counties; Hennepin; changing the personnel system to a human resources system; making other changes to the system; amending Minnesota Statutes 1992, sections 383B.26; 383B.27; 383B.28; 383B.29; 383B.31; 383B.32, subdivisions 2, 3, and 4; 383B.34, subdivision 2; 383B.37, subdivision 1; 383B.38, subdivision 1; 383B.39; and 383B.41; repealing Minnesota Statutes 1992, sections 383B.33, subdivision 1; 383B.38, subdivisions 2, 3, and 4; and 383B.40.

Referred to the Committee on Metropolitan and Local Government.

Mr. Langseth introduced—

S.F. No. 2859: A bill for an act relating to public safety; providing funding for state costs under the 1993 Presidential Disaster Declaration; increasing funding for emergency management staffing and state patrol radio communication consolidation; requiring quarterly report on mix of state road construction appropriation; appropriating money.

Referred to the Committee on Veterans and General Legislation.

Messrs. Johnson, D.E.; Langseth and Ms. Johnston introduced—

S.F. No. 2860: A bill for an act relating to capital improvements; appropriating money for the construction of priority highway projects for which the predesign and design phases have been completed; authorizing the issuance of state bonds.

Referred to the Committee on Transportation and Public Transit.

Mr. Samuelson introduced—

S.F. No. 2861: A bill for an act relating to elections; providing for a voluntary code of fair campaign practices; prohibiting false, misleading, or deceptive campaigning; expanding the jurisdiction of the conciliation court; imposing penalties; amending Minnesota Statutes 1992, section 211B.06, subdivision 1; Minnesota Statutes 1993 Supplement, section 491A.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 211B.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Metzen introduced—

S.F. No. 2862: A bill for an act relating to education; allowing independent school district No. 199, Inver Grove Heights, to transfer money from its community service fund to its general fund.

Referred to the Committee on Education.

Mr. Beckman introduced—

S.F. No. 2863: A bill for an act relating to tax increment financing; allowing the city of Lake Crystal to extend the duration of a redevelopment tax increment financing district.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf, Lessard and Stevens introduced—

S.F. No. 2864: A resolution for an act memorializing Congress and the President to negotiate with Canadian officials over fishing disputes in border waters.

Referred to the Committee on Environment and Natural Resources.

Messrs. Sams and Moe, R.D. introduced—

S.F. No. 2865: A bill for an act relating to military affairs; appropriating money for capital improvements at the armory in Detroit Lakes.

Referred to the Committee on Veterans and General Legislation.

Messrs. Merriam; Johnson, D.J. and Johnson, D.E. introduced—

S.F. No. 2866: A bill for an act relating to state and local revenues; providing for state financial management reform; modifying proposed property tax notices; appropriating money; amending Minnesota Statutes 1992, sections 16A.11, by adding a subdivision; and 124.196; Minnesota Statutes 1993 Supplement, sections 16A.04, subdivision 1; 16A.11, subdivision 1; and 275.065, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 16A; and 275.

Referred to the Committee on Taxes and Tax Laws.

### MEMBERS EXCUSED

Messrs. Beckman, Neuville and Stumpf were excused from the Session of today. Mrs. Adkins was excused from the Session of today at 10:30 a.m. Mr. Janezich was excused from the Session of today from 10:30 to 11:15 a.m. Mr. Larson was excused from the Session of today at 11:15 a.m. Mr. Novak was excused from the Session of today at 11:20 a.m. Mr. Kelly was excused from the Session of today from 10:00 to 10:30 a.m.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 4:00 p.m., Tuesday, March 29, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate