

EIGHTIETH DAY

St. Paul, Minnesota, Wednesday, March 30, 1994

The Senate met at 11:45 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Warren Jorenby.

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

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

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 House Files, herewith transmitted: H.F. Nos. 2622, 2248, 2665, 2710, 1778, 1915, 2064 and 2373.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 29, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 2622: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2561, now on the Consent Calendar.

H.F. No. 2248: A bill for an act relating to agriculture; changing certain pesticide posting requirements; amending Minnesota Statutes 1992, section 18B.07, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1999, now on the Calendar.

H.F. No. 2665: 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, section 85.013, subdivisions 16, 18a, 24, 26, and 28.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2451, now on the Consent Calendar.

H.F. No. 2710: A bill for an act relating to state government; requiring the commissioner of administration to study and report on the best way to increase electronic services to citizens; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2624.

H.F. No. 1778: A bill for an act relating to retirement; establishing minimum qualifications for audits of police and fire relief associations; establishing reporting requirements for certain public pension funds; requiring notice of meetings of relief associations and requiring meetings to be open to the public; changing employer contributions rates for the Bloomington fire relief association; amending Minnesota Statutes 1992, sections 69.051, subdivision 1; 69.773, subdivision 4; and 424A.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 356.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1641.

H.F. No. 1915: A bill for an act relating to employment; establishing a disaster volunteer leave program in the state civil service; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1734, now on General Orders.

H.F. No. 2064: 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.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 2373: A bill for an act relating to agriculture; modifying certain provisions relating to wheat and barley promotion orders and the payment and refund of checkoff fees; amending Minnesota Statutes 1992, sections 17.53, subdivisions 2, 8, and 13; 17.59, subdivision 2; and 17.63.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2038, now on General Orders.

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. 1948, 2447, 1726, 2036 and reports pertaining to appointments. The motion prevailed.

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

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.

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 re-referred

S.F. No. 1948: A bill for an act relating to agriculture; providing for family farm limited liability companies and authorized farm limited liability companies; removing limitation on number of shareholders or partners for authorized farm corporations and partnerships; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

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

Page 3, line 18, before "*formed*" insert "*it is*"

Page 6, line 11, after "*persons*" insert "*or family farm limited liability companies*"

Page 6, line 24, before "*formed*" insert "*it is*"

Page 6, line 26, delete everything before the second "*or*"

And when so amended the bill do pass. Mr. Morse questioned the reference

thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 1735: A bill for an act relating to children; modifying certain provisions concerning foster care and adoption; amending Minnesota Statutes 1992, section 260.141, subdivision 1; Minnesota Statutes 1993 Supplement, sections 245A.03, subdivisions 2 and 2a; 257.071, subdivision 3; 257.072, subdivision 9; 259.255; and 260.191, subdivision 3b.

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

Page 1, line 16, after the second "a" insert "*county welfare board or agency, or a*"

Page 5, line 4, before the period, insert "*, and evaluating the role of relative status in the reconsideration of disqualifications under section 245A.04, subdivision 3b, and granting variances of licensing requirements under section 245A.04, subdivision 9*"

Page 8, line 26, delete "*periodic*" and insert "*semiannual*"

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

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

S.F. No. 2005: A bill for an act relating to occupations and professions; board of dentistry; expanding the size of the board; providing for exchange of information with other states; providing for board immunity; establishing grounds for discipline; requiring reporting by employers; providing for temporary licenses; providing for appeal of denial of license; amending Minnesota Statutes 1992, sections 150A.02; 150A.03, by adding a subdivision; and 150A.06, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 150A.06, subdivision 4a; and 150A.08, subdivisions 1 and 8; proposing coding for new law in Minnesota Statutes, chapter 150A.

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

Page 1, line 25, delete "*two*" and insert "*three*"

Page 3, delete section 2

Page 8, delete line 30 and insert "*private or confidential data pursuant to*"

Page 9, line 29, delete "*member*" and insert "*members*" and before "*January*" insert "*January 6, 1997, and*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 9 and 10, delete "*150A.03, by adding a subdivision;*"

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. 2577: A bill for an act relating to the human rights act; protecting independent contractors from unfair discriminatory actions in employment; amending Minnesota Statutes 1992, section 363.01, subdivision 16.

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 363.03, subdivision 8a, is amended to read:

Subd. 8a. [BUSINESS DISCRIMINATION.] It is an unfair discriminatory practice for a person engaged in a trade or business or in the provision of a service:

(a) to refuse to do business with or provide a service to a woman based on her use of her current or former surname; or

(b) to impose, as a condition of doing business with or providing a service to a woman, that a woman use her current surname rather than a former surname; or

(c) intentionally to refuse to do business with, to refuse to contract with, or to discriminate in the basic terms, conditions, or performance of the contract because of a person's race, color, sex, sexual orientation, *creed, religion, national origin, marital status, status with respect to public assistance, age*, or disability, unless the alleged refusal or discrimination is because of a legitimate business purpose. *Conduct prohibited by this section specifically includes, but is not limited to, workplace harassment of contract workers, whether employees or independent contractors. This provision applies to the state, its departments and divisions, and political subdivisions.*

Nothing in this subdivision shall prohibit positive action plans.”

Amend the title as follows:

Page 1, line 2, delete from “protecting” through page 1, line 4, to “employment” and insert “expanding and clarifying scope of business discrimination protections”

Page 1, delete line 5 and insert “1993 Supplement, section 363.03, subdivision 8a.”

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

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

S.F. No. 2447: A bill for an act relating to state government; permitting state employees to donate vacation leave for the benefit of a certain state employee.

Reports the same back with the recommendation that 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. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2180: A bill for an act relating to retirement; providing for terms on which surviving spouse benefits are granted to members of the Minneapolis fire department relief association; amending Laws 1965, chapter 519, section 1, as amended.

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

Page 1, after line 6, insert:

“ARTICLE 1

MINNEAPOLIS FIRE RELIEF ASSOCIATION

SURVIVING SPOUSE BENEFIT CHANGE”

Page 1, lines 19 and 20, reinstate the stricken language

Page 1, line 21, reinstate the stricken language and after the reinstated “department” insert “*in the case of a deceased active member*”

Page 1, line 23, strike “one year” and insert “*five years*”

Page 3, after line 27, insert:

“ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 1992, section 353B.11, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY; SURVIVING SPOUSE BENEFIT.] (a) Except as specified in paragraph (b), (c), (d), (e), or (f), the person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least one year before the separation from active service if the deceased member was a deceased, deferred, or retired member and who was residing with the member at the time of the death of the deceased member shall be entitled to receive a surviving spouse benefit.

(b) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member at the time of separation from active service if the deceased member was a deceased deferred or retired member and who was residing with the member at the time of the death of the member shall be entitled to receive a surviving spouse benefit in the case of former members of the following consolidating relief associations:

(1) Albert Lea police relief association;

- (2) Anoka police relief association;
- (3) Austin firefighters relief association;
- (4) Austin police relief association;
- (5) Brainerd police benefit association;
- (6) Columbia Heights police relief association;
- (7) Crookston fire department relief association;
- (8) Crookston police relief association;
- (9) Fairmont police benefit association;
- (10) Faribault police benefit association;
- (11) Mankato fire department relief association;
- (12) Red Wing police relief association;
- (13) South St. Paul police relief association;
- (14) Virginia fire department relief association;
- (15) Virginia police relief association; and
- (16) West St. Paul police relief association.

(c) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, and who was legally married to the member at the time of separation from active service if the deceased member was a deceased deferred or retired member shall be entitled to receive a surviving spouse benefit in the case of former members of the following consolidating relief associations:

- (1) Chisholm police relief association;
- (2) Hibbing police relief association;
- (3) Mankato police benefit association; and
- (4) New Ulm police relief association.

(d) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least ~~one~~ five years before the separation from active service if the deceased member was the recipient of a service pension or was entitled to a deferred service pension, and who was residing with the member at the time of the death of the deceased member in the case of former members of the Minneapolis fire department relief association.

(e) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least three years before the separation from active service if the deceased member was a deceased, retired, or deferred member and who was residing with the member at the time of the death of the member shall be entitled to receive a surviving spouse benefit in the case of former members of the South St. Paul firefighters relief association.

(f) The person who survives a deceased active, deferred, or retired member who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least one year before the separation from active service if the deceased member was a deceased, deferred, or retired member and who had not deserted the member at the time of the death of the deceased member shall be entitled to receive a surviving spouse benefit in the case of former members of the St. Paul police relief association.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the effective date of article 1, section 1."

Amend the title as follows:

Page 1, line 5, after "amending" insert "Minnesota Statutes 1992, section 553B.11, subdivision 1;"

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

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

S.F. No. 2394: A bill for an act relating to retirement; St. Paul police consolidation account; authorizing the payment of refunds to the estates of certain deceased police officers.

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. 1680: A bill for an act relating to the city of Red Wing; authorizing certain police officers to elect retirement coverage by the public employees police and fire fund.

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. 2588: A bill for an act relating to public lands; exempting public lands from certain road dedication provisions; changing notice requirements for sales of tax-forfeited lands; modifying a provision relating to leasing of tax-forfeited lands; amending Minnesota Statutes 1992, sections 160.05, by adding a subdivision; and 282.02; Minnesota Statutes 1993 Supplement, section 282.04, subdivision 1.

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

Page 1, delete section 1

Page 2, line 15, strike from "and" through page 2, line 16, to "parcel"

Page 2, line 17, strike "offered for sale having an appraised value of" and delete "\$5,000" and strike "or"

Page 2, line 18, strike "more"

Page 5, line 2, delete "\$5,000" and insert "\$1,500"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "exempting public lands from certain road dedication provisions;"

Page 1, delete line 7 and insert "section 282.02; and"

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

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

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.

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

H.F. No. 2222: A bill for an act relating to elections; allowing a single polling place for two precincts in certain cases; amending Minnesota Statutes 1992, section 204B.16, subdivision 2.

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

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

H.F. No. 2178 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.
		2178			2017

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. 2692 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.
		2692	2436		

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.

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

S.F. No. 2731: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1992, sections 17.47, subdivision 3; 41A.05, subdivision 2; 60B.04, subdivision 1; 60B.09, subdivisions 1 and 3; 115.41, subdivisions 1 and 2; 115.42; 115.43, subdivision 2; 115.44, subdivision 2; 115.45, subdivision 1; 115.50; 115.52; 115.53; 120.101, subdivisions 2 and 6; 121.88, subdivision 8; 125.611, subdivision 1; 136.24, subdivision 1; 136.622, subdivision 1; 152.02, subdivisions 9, 12, and 13; 160.265; 169.443, subdivision 8; 214.01, subdivision 3; 214.13, subdivision 1; 237.60, subdivision 2; 256D.06, subdivision 1b; 260.151, subdivision 1; 299C.61, subdivision 4; 309.53, subdivision 2; 326.212; 326.224; 326.461, subdivision 1; 327.32, subdivision 8; 327.33; 327.34, subdivision 1; 331A.06, subdivision 4; 348.13; 352.119, subdivision 1; 386.61, by adding a subdivision; 423B.12; 446A.07, subdivision 6; 449.06; 469.174, subdivision 10; 469.181, subdivision 1; and 471A.11; Minnesota Statutes 1993 Supplement, sections 16B.06, subdivision 2a; 16B.122, subdivision 3; 62A.31, subdivision 1n; 62N.075; 82.195, subdivision 2; 115A.542; 115C.082, subdivision 1; 124.195, subdivision 8; 138.96, subdivision 2; 144.991, subdivisions 3 and 4; 152.11, subdivision 1; 169.121, subdivision 1c; 214.103, subdivision 6; 245A.04, subdivision 3b; 256D.44, subdivision 3; 257.67, subdivision 3; 268.92, subdivision 1; 296.035; 325F.755, subdivision 5; 326.111, subdivision 4; 326.975, subdivision 2; 349.217, subdivision 1; 386.66; 491A.01, subdivision 3; 549.09, subdivision 1; 609.5312, subdivision 3; 609.605, subdivision 1; and 609.749, subdivision 5; repealing Minnesota Statutes 1992, sections 216B.164, subdivision 7; 385.08; and 473.872; Laws 1977, chapter 11, section 8; Laws 1982, chapter 514, sections 18 and 19; Laws 1983, chapter 247, section 130; Laws 1984, chapter 628, article 2, section 4; Laws 1985, First Special Session chapters 9, article 2, sections 81 and 82; 13, section 191; and 14, article 9, section 16; Laws 1987, chapters 197, section 1; 315, section 4, subdivision 2; and 336, section 35; Laws 1988, chapters 441, section 2; 486, sections 15 and 68; 496, section 8; 514, section 5; and 636, section 3; Laws 1989, chapters 89, sections 1 (in part) and 13; 133, section 1;

144, article 2, section 8; 209, article 2, sections 8 and 34; 222, sections 10, 21, 22, and 36; 271, section 32; 282, article 2, sections 144 and 186; 293, section 74; 319, article 13, sections 22 and 55; 329, article 5, section 10; 334, article 2, section 17; 335, article 1, sections 200 and 255; 353, section 10; and 356, section 18; Laws 1990, chapters 426, article 1, sections 5 and 32; 480, articles 5, sections 6 and 9; and 9, section 3; 512, section 12; 562, article 10, section 1; 571, section 39; 574, section 5; and 594, article 3, sections 6 and 7; Laws 1991, chapters 58, sections 1, 2, 3, 4, 5, 6, 7, and 8; 130, section 24; 174, section 8; 199, article 1, section 71; 238, article 1, section 7; 265, article 4, section 19; 292, article 4, section 45; 336, article 2, section 2; 340, sections 1 and 32; and 345, article 2, section 46; Laws 1992, chapters 432, article 2, section 41; 437, section 1; and 499, article 6, section 15; Laws 1993, chapters 4, section 9; 47, sections 1, 4, 6, and 9; 78, section 3; 101, section 1; 224, article 13, sections 3 and 43; 247, articles 1, section 11; and 2, section 9; 269, section 17; 286, sections 2 and 21; 303, sections 15, 17, and 18; 339, section 12; and 369, sections 38 and 128; Laws 1993, First Special Session chapter 1, article 2, section 6.

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

Page 49, after line 10, insert:

“Sec. 63. Laws 1991, chapter 306, section 26, is repealed.

Sec. 64. Laws 1992, chapter 513, article 4, section 60, is amended to read:

Sec. 60. [REPEALER.]

Minnesota Statutes 1990, section 41A.051, is repealed. Minnesota Statutes 1990, section 270.185, is repealed effective January 1, 1993. On that date, any balance in the reassessment account of the special revenue fund is transferred to the general fund. ~~The repeal of Minnesota Statutes 1991 Supplement, section 326.991, provided for in Laws 1991, chapter 306, section 26, is postponed until July 31, 1994.~~

Page 7, after line 2, the memorandum of explanation, insert:

“Secs. 63 and 64. *Explanation.* Minnesota Statutes, section 326.991, was repealed effective March 31, 1993, by Laws 1991, chapter 306, section 26. Laws 1992, chapter 513, article 4, section 60 postponed the repeal until July 31, 1994. Laws 1993, chapter 245, section 38, amended section 326.991 and added language providing that subdivision 1 of that section expires March 31, 2000, and subdivision 2 is permanent. The repeal and amendment are necessary to accomplish the department’s intent to keep section 326.991, subdivision 2 in effect.”

Amend the title as follows:

Page 1, line 37, delete “and”

Page 1, line 38, after the semicolon, insert “and Laws 1992, chapter 513, article 4, section 60;”

Page 2, line 19, after the first semicolon, insert “306, section 26;”

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. 2309: A bill for an act relating to civil actions; consolidating and recodifying statutes providing limitations on private personal injury liability; amending Minnesota Statutes 1992, section 144.761, subdivision 5; proposing coding for new law as Minnesota Statutes, chapter 604A; repealing Minnesota Statutes 1992, sections 31.50; 87.021; 87.0221; 87.023; 87.024; 87.025; 87.026; 87.03; 604.05; 604.08; 604.09; and 609.662, subdivision 5.

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

Page 4, line 28, after the semicolon, insert "PHYSICIANS AND TRAINERS;"

Page 4, line 31, delete "or" and after "official" insert ", physician, or certified athletic trainer"

Page 5, line 1, before the period, insert "either at the scene of the event or, in the case of a physician or athletic trainer, while the player, participant, or spectator is being transported to a hospital, physician's office, or other medical facility"

Page 5, lines 9 and 14, delete "or" and after "official" insert ", physician, or certified athletic trainer"

Page 5, after line 22, insert:

"Sec. 3. [604A.12] [LIVESTOCK ACTIVITIES; IMMUNITY FROM LIABILITY.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given them.

(b) "Inherent risks of livestock activities" means dangers or conditions that are an integral part of livestock activities, including:

(1) the propensity of livestock to behave in ways that may result in death or injury to persons on or around them, such as kicking, biting, or bucking;

(2) the unpredictability of livestock's reaction to things like sound; sudden movement, unfamiliar objects; persons, or other animals;

(3) natural hazards such as surface or subsurface conditions; or

(4) collisions with other livestock or objects.

(c) "Livestock" means cattle, sheep, swine, horses, ponies, donkeys, mules, hinnies, goats, buffalo, llamas, or poultry.

(d) "Livestock activity" means an activity involving the maintenance or use of livestock, regardless of whether the activity is open to the general public, provided the activity is not performed for profit. Livestock activity includes:

(1) livestock production;

(2) loading, unloading, or transporting livestock;

(3) livestock shows, fairs, competitions, performances, races, rodeos, or parades;

- (4) livestock training or teaching activities;
- (5) boarding, shoeing, or grooming livestock; or
- (6) riding or inspecting livestock or livestock equipment.

(e) "Livestock activity sponsor" means a person who sponsors, organizes, or provides the facilities for a livestock activity that is open to the general public.

(f) "Participant" means a person who directly and intentionally engages in a livestock activity. "Participant" does not include a spectator who is in an authorized area.

Subd. 2. [IMMUNITY FROM LIABILITY.] Except as provided in subdivision 3, a nonprofit corporation, association, or organization, or a person or other entity donating services, livestock, facilities, or equipment for the use of a nonprofit corporation, association, or organization, is not liable for the death of or an injury to a participant resulting from the inherent risks of livestock activities.

Subd. 3. [EXCEPTIONS.] Subdivision 2 does not apply if any of the following exist:

(1) the person provided livestock for the participant and failed to make reasonable efforts to determine the ability of the participant to safely engage in the livestock activity or to determine the ability of the participant to safely manage the particular livestock based on the participant's representations of the participant's ability;

(2) the person provided equipment or tack for the livestock and knew or should have known that it was faulty to the extent that it caused the injury or death;

(3) the person owns or leases the land upon which a participant was injured or died because of a man-made dangerous latent condition and failed to use reasonable care to protect the participant;

(4) the person is a livestock activity sponsor and fails to comply with the notice requirement of subdivision 4; or

(5) the act or omission of the person was willful or negligent.

Subd. 4. [POSTING NOTICE.] A livestock activity sponsor shall post plainly visible signs at one or more prominent locations in the premises where the livestock activity takes place that include a warning of the inherent risks of livestock activity and the limitation of liability under this section."

Page 5, line 23, delete "604A.12" and insert "604A.13"

Page 5, after line 27, insert:

"Sec. 5. [EFFECTIVE DATE; APPLICATION.]

Section 3 is effective August 1, 1994, and applies to causes of action arising on or after that date."

Renumber the sections of article 2 in sequence

Page 6, after line 2, insert:

"Subd. 3. [INTENTIONALLY.] 'Intentionally' means that the actor either has a purpose to do the thing or cause the result specified or believes that the act performed by the actor, if successful, will cause that result."

Page 6, line 3, delete "3" and insert "4"

Page 6, line 6, delete "4" and insert "5"

Page 6, line 9, delete "5" and insert "6"

Page 6, line 27, delete "willfully taking action to cause" and insert "intentionally causing"

Page 7, line 8, before "apply" insert "also"

Page 7, line 36, after "DEDICATION" insert "EASEMENT"

Page 8, line 4, after "provided" insert "in writing" and after "owner" insert "nor shall the grant of permission for the use by the owner grant to any person an easement or other property right in the land except as expressly provided in writing by the owner"

Page 8, after line 4, insert:

"Sec. 8. [604A.27] [PROTECTION FROM NUISANCE LAWSUITS.]

If any person brings a claim against an owner for injuries arising from the recreational use of land and the court determines that the owner is not subject to liability under sections 1 to 8, the court may award the owner costs, disbursements, reasonable attorney fees, and witness fees incurred in defending against the claim."

Page 8, line 5, delete "604A.27" and insert "604A.30"

Page 9, line 34, delete "604A.28" and insert "604A.31"

Renumber the sections of article 3 in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing immunity for certain volunteer athletic physicians and trainers; limiting liability for certain injuries arising out of nonprofit livestock activities; modifying provisions dealing with recreational land use liability;"

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

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

S.F. No. 2060: A bill for an act relating to the city of Duluth; clarifying certain language relating to calculation of pension benefits contained in the bylaws of the Duluth firefighters relief association.

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

Page 1, after line 6, insert:

“ARTICLE 1

PENSION PLAN PROVISION CLARIFICATION”

Page 1, line 7, delete “RELIEF ASSOCIATION” and insert “CONSOLIDATION ACCOUNT”

Page 1, line 8, delete “LANGUAGE IN BYLAWS” and insert “SALARY FOR BENEFIT CALCULATION PURPOSES”

Page 1, line 9, after the comma, insert “*for the Duluth joint firefighters and police consolidation account administered by the public employees retirement association,*”

Page 1, line 12, after “*payments*” insert “*for a regular workweek of a firefighter*”

Page 1, line 16, after “*payments*” insert “*to pensioners and other benefit recipients of the former Duluth fire department relief association*”

Page 1, line 17, delete “*made*” and insert “*taken from active Duluth firefighters, where applicable,*” and after the period, insert “*If applicable, any postretirement adjustments paid or payable to pensioners and other benefit recipients of the former Duluth fire department relief association under Minnesota Statutes, section 11A.18, must be appropriately recomputed on account of section 1.*”

Page 1, delete line 19 and insert:

“*Sections 1 and 2 are effective upon approval by a majority of the*”

Page 1, after line 21, insert:

“ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 1993 Supplement, section 353B.02, subdivision 10, is amended to read:

Subd. 10. [SALARY.] (a) “Salary” for benefit computation and contribution purposes means the salary of a first class or first grade firefighter or patrol officer, whichever applies, for the former members of the following consolidating relief associations:

- (1) Anoka police relief association;
- (2) Austin firefighters relief association;
- (3) Austin police relief association;
- (4) Columbia Heights fire department relief association, paid division;
- (5) Fairmont police benefit association;
- (6) Faribault fire department relief association;
- (7) Mankato fire department relief association;
- (8) Minneapolis fire department relief association;
- (9) Minneapolis police relief association;

- (10) Richfield fire department relief association;
- (11) Rochester fire department relief association;
- (12) Rochester police relief association;
- (13) St. Cloud fire department relief association;
- (14) St. Cloud police relief association;
- (15) St. Paul fire department relief association;
- (16) South St. Paul firefighters relief association;
- (17) West St. Paul firefighters relief association;
- (18) West St. Paul police relief association; and
- (19) Winona fire department relief association.

(b) "Salary" for benefit computation purposes means the salary of a first grade patrol officer for the second month of the previous fiscal year and for contribution purposes means the current salary of a first grade patrol officer, for the former members of the following consolidating relief associations:

- (1) Bloomington police relief association;
- (2) Crystal police relief association;
- (3) Fridley police pension association;
- (4) Richfield police relief association;
- (5) St. Louis Park police relief association; and
- (6) Winona police relief association.

(c) "Salary" for benefit computation purposes means the final salary and for contribution purposes means the current salary for the former members of the following consolidating relief associations:

- (1) Albert Lea firefighters relief association;
- (2) Albert Lea police relief association;
- (3) Buhl police relief association;
- (4) Chisholm firefighters relief association;
- (5) Crookston fire department relief association;
- (6) Crookston police relief association;
- (7) Faribault police benefit association;
- (8) Red Wing police relief association; and
- (9) Virginia fire department relief association.

(d) "Salary" for benefit computation purposes means the average earnings or salary for the final six months of employment before retirement and for contribution purposes means the current salary for the former members of the following consolidating relief associations:

- (1) Chisholm police relief association;

(2) Hibbing firefighters relief association; and

(3) Hibbing police relief association.

(e) "Salary" for benefit computation purposes means the greater of the final salary at retirement or the highest salary of a patrol officer and for contribution purposes means the greater of the current salary or the current highest salary of a patrol officer for the former members of the following consolidating relief associations:

(1) Brainerd police benefit association; and

(2) New Ulm police relief association.

(f) "Salary" for benefit computation and contribution purposes means the following for the former members of the consolidating relief associations as indicated:

(1) salary of a top grade patrol officer, including longevity pay and education incentive pay in an amount not to exceed \$235 per month, Columbia Heights police relief association;

(2) maximum pay of a firefighter, *including overtime payments for a regular workweek of a firefighter mandated by the federal Fair Labor Standards Act of 1938, as amended*, Duluth firefighters relief association;

(3) salary of a first class patrol officer with 16 years of service, Duluth police pension association;

(4) base salary for the rank currently held, plus longevity pay, pay for eligibility for next higher rank and pay for first aid care, Mankato police benefit association;

(5) average annual salary for highest three paid years for benefit computation purposes and current salary for contribution purposes, Red Wing fire department relief association;

(6) pay of the highest grade full-time firefighter, St. Louis Park fire department relief association;

(7) maximum monthly pay of a patrol officer, St. Paul police relief association;

(8) prevailing base pay of rank held at retirement for benefit computation purposes and current salary for contribution purposes, South St. Paul police relief association; and

(9) prevailing pay for rank held for at least six months before retirement for benefit computation purposes and current salary for contribution purposes, Virginia police relief association.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective upon the effective date of article 1, section 1."

Amend the title as follows:

Page 1, line 2, after "to" insert "retirement;" and delete "city of" and after "Duluth" insert "joint police and firefighters consolidation account"

Page 1, line 5, before the period, insert "amending Minnesota Statutes 1993 Supplement, section 353B.02, subdivision 10"

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

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

S.F. No. 2724: A bill for an act relating to wetlands; allowing replacement plans under approved county comprehensive wetland management plans; removing restrictions on wetlands that may be used in the statewide wetland banking program; modifying exemptions; clarifying the applicability of the wetland conservation act to the state; amending Minnesota Statutes 1992, section 103G.2242, subdivision 9; Minnesota Statutes 1993 Supplement, sections 103G.222; and 103G.2241.

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 103G.222, is amended to read:

103G.222 [REPLACEMENT OF WETLANDS.]

(a) After the effective date of the rules adopted under section 103B.3355 or 103G.2242, whichever is later, wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under either a replacement plan approved as provided in section 103G.2242, *a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2242, subdivision 1, paragraph (c),* or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242.

(b) Replacement must be guided by the following principles in descending order of priority:

(1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

(2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

(3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;

(4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and

(5) compensating for the impact by replacing or providing substitute wetland resources or environments.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected.

(e) Replacement shall be within the same watershed or county as the impacted wetlands, as based on the wetland evaluation in section 103G.2242, subdivision 2, except that counties or watersheds in which 80 percent or more of the presettlement wetland acreage is intact may accomplish replacement in counties or watersheds in which 50 percent or more of the presettlement wetland acreage has been filled, drained, or otherwise degraded. Wetlands impacted by public transportation projects may be replaced statewide, provided they are approved by the commissioner under an established wetland banking system, or under the rules for wetland banking as provided for under section 103G.2242.

(f) Except as provided in paragraph (g), for a wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

(g) For a wetland located on agricultural land or in counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

(h) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.

(i) Except in counties or watersheds where 80 percent or more of the presettlement wetlands are intact, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

(j) The technical evaluation panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the technical evaluation panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

(k) *This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies.*

Sec. 2. Minnesota Statutes 1993 Supplement, section 103G.2241, is amended to read:

103G.2241 [EXEMPTIONS.]

(a) Subject to the conditions in paragraph (b), a replacement plan for wetlands is not required for:

(1) activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was required to be

set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;

(2) activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:

(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and

(ii) has not been restored with assistance from a public or private wetland restoration program;

(3) activities necessary to repair and maintain existing public or private drainage systems as long as wetlands that have been in existence for more than 20 years are not drained;

(4) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county agricultural stabilization and conservation service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;

(5) activities exempted from federal regulation under United States Code, title 33, section 1344(f);

(6) activities authorized under, and conducted in accordance with, an applicable general permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, except the nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a), clause (14), limited to when a new road crosses a wetland, and all of clause (26);

(7) activities in a type 1 wetland on agricultural land, as defined in United States Fish and Wildlife Circular No. 39 (1971 edition) except for bottomland hardwood type 1 wetlands;

(8) activities in a type 2 wetland that is two acres in size or less located on agricultural land;

(9) activities in a wetland restored for conservation purposes under a contract or easement providing the landowner with the right to drain the restored wetland;

(10) activities in a wetland created solely as a result of:

(i) beaver dam construction;

(ii) blockage of culverts through roadways maintained by a public or private entity;

(iii) actions by public entities that were taken for a purpose other than creating the wetland; or

(iv) any combination of (i) to (iii);

(11) placement, maintenance, repair, enhancement, or replacement of utility or utility-type service, including the transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, electricity, telephone, or radio service or communications if:

(i) the impacts of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible; and

(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;

(12) activities associated with routine maintenance of utility and pipeline rights-of-way, provided the activities do not result in additional intrusion into the wetland;

(13) alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline;

(14) temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest as part of a forest management activity, so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activities do not result in the construction of dikes, drainage ditches, tile lines, or buildings; and the timber harvesting and other silvicultural practices do not result in the drainage of the wetland or public waters;

(15) permanent access for forest roads across wetlands so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not result in the access becoming a dike, drainage ditch or tile line; with filling avoided wherever possible; and there is no drainage of the wetland or public waters;

(16) activities associated with routine maintenance or repair of existing public highways, roads, streets, and bridges, provided the activities do not result in additional intrusion into the wetland outside of the existing right-of-way draining or filling up to one-half acre of wetlands for the repair, rehabilitation, or replacement of a previously authorized, currently serviceable existing public road, provided that minor deviations in the public road's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards, that are necessary to make repairs, rehabilitation, or replacement are allowed if the wetland draining or filling resulting from the repair, rehabilitation, or replacement is minimized;

(17) emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and do not result in the draining or filling, wholly or partially, of a wetland;

(18) normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland;

(19) duck blinds;

(20) aquaculture activities, including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and

conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;

(21) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United State Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;

(22) normal agricultural practices to control pests or weeds, defined by rule as either noxious or secondary weeds, in accordance with applicable requirements under state and federal law, including established best management practices;

(23) activities in a wetland that is on agricultural land annually enrolled in the federal Food, Agricultural, Conservation, and Trade Act of 1990, United States Code, title 16, section 3821, subsection (a), clauses (1) to (3), as amended, and is subject to sections 1421 to 1424 of the federal act in effect on January 1, 1991, except that land enrolled in a federal farm program is eligible for easement participation for those acres not already compensated under a federal program;

(24) development projects and ditch improvement projects in the state that have received preliminary or final plat approval, or infrastructure that has been installed, or having local site plan approval, conditional use permits, or similar official approval by a governing body or government agency, within five years before July 1, 1991. In the seven-county metropolitan area and in cities of the first and second class, plat approval must be preliminary as approved by the appropriate governing body; and

(25) activities that result in the draining or filling of less than 400 square feet of wetlands.

(b) For the purpose of paragraph (a), clause (16), "currently serviceable" means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction. Paragraph (a), clause (16), authorizes the repair, rehabilitation, or replacement of public roads destroyed by storms, floods, fire, or other discrete events, provided the repair, rehabilitation, or replacement is commenced or under contract to commence within two years of the occurrence of the destruction or damage.

(c) A person conducting an activity in a wetland under an exemption in paragraph (a) shall ensure that:

(1) appropriate erosion control measures are taken to prevent sedimentation of the water;

(2) the activity does not block fish passage in a watercourse; and

(3) the activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under chapter 103H.

Sec. 3. Minnesota Statutes 1992, section 103G.2242, subdivision 1, is amended to read:

Subdivision 1. [RULES.] (a) By July 1, 1993, the board, in consultation with the commissioner, shall adopt rules governing the approval of wetland

value replacement plans under this section. These rules must address the criteria, procedure, timing, and location of acceptable replacement of wetland values; may address the state establishment and administration of a wetland banking program for public and private projects, which may include provisions allowing monetary payment to the wetland banking program for alteration of wetlands on agricultural land; the methodology to be used in identifying and evaluating wetland functions; the administrative, monitoring, and enforcement procedures to be used; and a procedure for the review and appeal of decisions under this section. In the case of peatlands, the replacement plan rules must consider the impact on carbon balance described in the report required by Laws 1990, chapter 587, and include the planting of trees or shrubs.

(b) After the adoption of the rules, a replacement plan must be approved by a resolution of the governing body of the local government unit, consistent with the provisions of the rules.

(c) *The board may approve as an alternative to the rules adopted under this subdivision a comprehensive wetland protection and management plan developed by a local government unit, provided that the plan:*

(1) incorporates sections 103A.201, subdivision 2, and 103G.222;

(2) is adopted as part of an approved local water plan under sections 103B.231 and 103B.311; and

(3) is adopted as part of the local government's official controls.

(d) If the local government unit fails to apply the rules, or fails to implement a local program under paragraph (c), the government unit is subject to penalty as determined by the board.

Sec. 4. Minnesota Statutes 1992, section 103G.2242, subdivision 5, is amended to read:

Subd. 5. [PROCESSING FEE.] The local government unit may charge a processing fee of up to \$75 fees in amounts not greater than are necessary to cover the reasonable costs of implementing the rules adopted under subdivision 1.

Sec. 5. Minnesota Statutes 1992, section 103G.2242, subdivision 6, is amended to read:

Subd. 6. [NOTICE OF APPLICATION.] (a) *Except as provided in paragraph (b),* within ten days of receiving an application for approval of a replacement plan under this section, a copy of the application must be submitted to the board for publication in the Environmental Quality Board Monitor and separate copies mailed to individual members of the public who request a copy, the board of supervisors of the soil and water conservation district, the managers of the watershed district, the board of county commissioners, the commissioner of agriculture, and the mayors of the cities within the area watershed. At the same time, the local government unit must give general notice to the public in a general circulation newspaper within the area affected.

(b) *Within ten days of receiving an application for approval of a replacement plan under this section for an activity affecting less than 10,000 square feet of wetland, a summary of the application must be submitted for publication in the Environmental Quality Board Monitor and separate copies*

mailed to the members of the technical evaluation panel, individual members of the public who request a copy, and the managers of the watershed district, if applicable. At the same time, the local government unit must give general notice to the public in a general circulation newspaper within the area affected.

Sec. 6. Minnesota Statutes 1992, section 103G.2242, subdivision 7, is amended to read:

Subd. 7. [NOTICE OF DECISION.] *(a) Except as provided in paragraph (b), at least 30 days prior to the effective date of the approval or denial of a replacement plan under this section, a copy of the approval or denial must be submitted for publication in the Environmental Quality Board Monitor and separate copies mailed to the applicant, the board, individual members of the public who request a copy, the board of supervisors of the soil and water conservation district, the managers of the watershed district, the board of county commissioners, the commissioner of agriculture, and the mayors of the cities within the area watershed.*

(b) Within ten days of the decision approving or denying a replacement plan under this section for an activity affecting less than 10,000 square feet of wetland, a summary of the approval or denial must be submitted for publication in the Environmental Quality Board Monitor and separate copies mailed to the applicant, individual members of the public who request a copy, the members of the technical evaluation panel, and the managers of the watershed district, if applicable. At the same time, the local government unit must give general notice to the public in a general circulation newspaper within the area affected.

Sec. 7. Minnesota Statutes 1992, section 103G.2242, subdivision 8, is amended to read:

Subd. 8. [PUBLIC COMMENT PERIOD.] *Except for activities impacting less than 10,000 square feet of wetland, before approval or denial of a replacement plan under this section, comments may be made by the public to the local government unit for a period of 30 days.*

Sec. 8. Minnesota Statutes 1992, section 103G.237, subdivision 4, is amended to read:

Subd. 4. [COMPENSATION.] *(a) The board shall award compensation in an amount equal to 50 percent of the value of the wetland, calculated by multiplying the acreage of the wetland by the greater of:*

(1) the average equalized estimated market value of agricultural property in the township as established by the commissioner of revenue at the time application for compensation is made; or

(2) the assessed value per acre of the parcel containing the wetland, based on the assessed value of the parcel as stated on the most recent tax statement.

(b) A person who receives compensation under paragraph (a) shall convey to the board a permanent conservation easement as described in section 103F.515, subdivision 4. An easement conveyed under this paragraph is subject to correction and enforcement under section 103F.515, subdivisions 8 and 9.

Sec. 9. [INTERGOVERNMENTAL AGREEMENTS.]

The legislature encourages the use of intergovernmental agreements between federal, state, and local governmental entities for the purpose of further coordinating and simplifying implementation of regulatory programs relating to activities in wetlands.

Sec. 10. [PERMANENT WETLANDS PRESERVE; ELIGIBILITY OF WATER BANK PARTICIPANTS.]

Notwithstanding Minnesota Statutes, section 103F.516, subdivision 1, an owner of property that, as of July 1, 1991, was subject to an easement agreement under Minnesota Statutes, section 103F.601, is eligible for participation in the permanent wetlands preserve program under Minnesota Statutes, section 103F.516.

Sec. 11. [APPROPRIATIONS.]

(a) \$250,000 is appropriated from the bond proceeds fund to the board of water and soil resources for acquisition of permanent conservation easements under Minnesota Statutes, section 103F.516.

(b) \$500,000 is appropriated from the bond proceeds fund to the board of water and soil resources for creation and restoration of wetlands to provide credits for deposit in the state wetland bank established under Minnesota Statutes, section 103G.2242, subdivision 1. The board may enter into agreements with counties and the commissioner of transportation for wetland creation and restoration under this paragraph. An agreement with the commissioner of transportation may provide for borrowing existing wetland credits from the wetland bank established by the commissioner.

Sec. 12. [BOND SALE.]

To provide the money appropriated in this act from the bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$750,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 13. [EFFECTIVE DATE.]

Section 8 is effective July 1, 1994, and applies to applications for compensation received by the board of water and soil resources on or after that date. Sections 10 to 12 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to wetlands; allowing alternative wetland regulation under county plans; expanding types of wetlands that may be used in the state wetland bank; modifying exemptions; clarifying the applicability of the wetland conservation act to the state; streamlining notice requirements for smaller wetland projects; adding an alternative compensation formula; expanding eligibility for the permanent wetlands preserve; appropriating money; authorizing the sale of state bonds; amending Minnesota Statutes 1992, sections 103G.2242, subdivisions 1, 5, 6, 7, and 8; and 103G.237, subdivision 4; Minnesota Statutes 1993 Supplement, sections 103G.222; and 103G.2241."

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

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

S.F. No. 1726: A bill for an act relating to traffic regulations; authorizing peace officers to stop drivers and issue citations for seat belt violations without first observing a moving violation; amending Minnesota Statutes 1993 Supplement, section 169.686, subdivision 1.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 2706: A bill for an act relating to motor carriers; exempt carriers; providing an exemption for transportation of potatoes; amending Minnesota Statutes 1993 Supplement, section 221.025.

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

H.F. No. 524: A bill for an act relating to traffic regulations; authorizing rural postal carriers to operate rural mail delivery vehicles equipped with tires having metal studs, with restrictions; requiring permit from commissioner of transportation; providing a penalty; amending Minnesota Statutes 1992, section 169.72, by adding a subdivision.

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. 2472: A bill for an act relating to transportation; authorizing commissioner of transportation to contract with state of Wisconsin to build and operate truck inspection station in Wisconsin.

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. 2354: A bill for an act relating to transportation; regulating the transportation of hazardous material and hazardous waste; making technical changes; specifying that certain federal regulations do not apply to cargo tanks under 3,000 gallons used in the intrastate transportation of gasoline; establishing a uniform registration and permitting program for transporters of hazardous material and hazardous waste; defining terms; establishing requirements for applications; describing methods for calculating fees; specifying treatment of application data; establishing enforcement authority and administrative penalties; providing for suspension or revocation of registration and

permits; providing for base state agreements; preempting and suspending conflicting programs; providing for the deposit and use of fees and grants; establishing exemptions; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; and 221.033, subdivisions 1 and 2b; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1992, section 221.033, subdivision 4.

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

Page 1, line 28, after "Data" insert "*submitted under section 4, subdivision 9, and*"

Page 1, line 31, delete everything after "9" and insert a period

Page 1, delete lines 32 and 33

Page 2, line 15, after "paragraphs" insert "(b), (c),"

Page 2, line 16, after "(c)," insert "(d), clause (1);" and after "(f)," insert "(g),"

Page 2, line 17, strike "3,000" and insert "3,500"

Page 2, line 18, after "if" insert "*before providing transportation under this subdivision*"

Page 2, line 19, delete everything after "(1)"

Page 2, after line 28, insert:

"(b) A cargo tank operated under this subdivision must:

(1) be visually inspected annually by a person authorized to perform such inspections under Code of Federal Regulations, title 49, section 180.409, and a copy of the annual inspection must be kept in the vehicle; and

(2) be visually inspected monthly by the operator in a manner prescribed by the commissioner, and a copy of each monthly inspection must be kept at the operator's principal place of business for at least one year beyond the date of the inspection.

(c) No person may operate a cargo tank described in this subdivision that (1) violates paragraph (a) or (b), or (2) leaks gasoline from any portion of the tank that regularly contains gasoline."

Page 2, line 29, delete "(b)" and insert "(d)"

Page 6, line 15, after the period, insert "A registration is valid for one year from the date a notice of registration form is issued and a permit is valid for three years from the date issued or until a carrier fails to renew its registration, whichever occurs first."

Page 6, after line 26, insert:

"(d) A permit under this subdivision becomes a license under section 221.035, subdivision 1, on August 1, 1996, and is subject to the provisions of section 221.035 until it expires."

Page 6, line 31, before "number" insert "total"

Page 6, line 32, delete "intends to register" and insert "operates"

Page 7, line 11, after the period, insert *"If a carrier operates more than one fleet under the international registration plan the carrier must add all miles traveled by all vehicles in all fleets to calculate its mileage. A Minnesota carrier who operates in an adjacent state under a reciprocal agreement with that state must include the miles operated under the agreement as miles traveled in Minnesota in calculating mileage under this clause."*

Page 8, after line 35, insert:

"Subd. 7a. [RAIL AND WATER CARRIERS.] (a) A carrier of hazardous material by rail or water who is required to comply with Code of Federal Regulations, title 49, sections 107.601 to 107.620, shall file with the commissioner a complete and accurate copy of its current registration statement, on the form described in Code of Federal Regulations, title 49, section 107.608, and a copy of its current federal certificate of registration. The fee for filing the registration statement is \$250. If the carrier is required to pay a fee under section 299K.095, the commissioner shall credit the actual amount paid by carrier during the previous 12 months toward payment of the fee required in this subdivision, not to exceed \$250 annually.

(b) Upon a carrier's compliance with this subdivision, the commissioner shall issue a certificate of registration to the carrier. A certificate of registration must bear an effective date and show the carrier's Minnesota hazardous material transportation registration number. A certificate of registration is valid for one year from the date it is issued and must be kept at the carrier's principal place of business.

(c) A carrier whose name, principal place of business, or business telephone number has changed during the time a certificate of registration is effective, shall notify the commissioner of the change by submitting an amended registration statement not later than 30 days after the change. Upon receiving an amended registration statement, the commissioner shall issue an amended certificate of registration. There is no fee for filing an amended registration statement or for issuing an amended certificate of registration."

Page 11, line 23, delete "SUSPENSION OF OTHER STATE PROGRAMS" and insert "HAZARDOUS WASTE LICENSES"

Page 11, line 27, delete everything after the period and insert *"A person who is licensed under section 221.035 need not obtain a permit under subdivision 4 or 5 until the person's license has expired."*

Page 11, delete lines 28 to 36

Page 12, delete lines 1 to 8 and insert:

"Subd. 16. [REVOLVING ACCOUNT.] (a) The commissioner shall deposit in a separate account in the trunk highway fund all federal funds received for implementing, administering, and enforcing this section. Money in the account is appropriated to the commissioner for those purposes."

Page 12, line 17, delete "or"

Page 12, line 18, after "waste" insert "jointly"

Page 12, line 19, after the first "the" insert "commissioner of transportation and the"

Page 12, line 20, before the period, insert "; or"

(3) *transportation by fertilizer and agricultural chemical retailers while exclusively engaged in the delivery of fertilizer and agricultural chemicals when:*

(i) *the delivery is from the retailer's place of business directly to a farm within a 50-mile radius of the retailer's place of business; and*

(ii) *the fertilizer and agricultural chemicals are for use on the farm to which they are delivered"*

Page 12, after line 20, insert:

"Sec. 5. Minnesota Statutes 1993 Supplement, section 221.036, subdivision 1, is amended to read:

Subdivision 1. [ORDERS.] The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of (1) section 221.021; (2) *section 221.033, subdivision 2b*; (3) section 221.041, subdivision 3; ~~(3)~~ (4) section 221.081; ~~(4)~~ (5) section 221.151; ~~(5)~~ (6) section 221.171; ~~(6)~~ (7) section 221.141; ~~(7)~~ (8) section 221.035, a material term or condition of a license issued under that section; or rules of the board or commissioner relating to the transportation of hazardous waste, motor carrier operations, insurance, or tariffs and accounting. An order must be issued as provided in this section.

Sec. 6. Minnesota Statutes 1993 Supplement, section 221.036, subdivision 3, is amended to read:

Subd. 3. [AMOUNT OF PENALTY; CONSIDERATIONS.] (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.041, subdivision 3; 221.081; 221.141; 221.151; or 221.171, or rules of the board or commissioner relating to motor carrier operations, insurance, or tariffs and accounting, identified during a single inspection, audit, or investigation.

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of *section 221.033, subdivision 2b, or section 221.035, and rules adopted under that section those sections*, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;

(3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;

(4) the economic benefit gained by the person by allowing or committing the violation; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order."

Page 12, line 25, delete "5" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "3,000" and insert "3,500"

Page 1, line 18, after the semicolon, insert "appropriating money;"

Page 1, line 20, after the semicolon, insert "Minnesota Statutes 1993 Supplement, section 221.036, subdivisions 1 and 3;"

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

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

S.F. No. 2749: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in Mower county.

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

Page 1, line 10, delete "sell" and insert "convey without consideration"

Page 1, line 12, delete "under" and insert a period

Page 1, delete line 13

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. 2757: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to make subgrants of certain money; amending Minnesota Statutes 1992, section 84.085, subdivision 1; repealing Minnesota Statutes 1992, section 88.063.

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

Amend the title as follows:

Page 1, line 4, 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 referred

H.F. No. 1186: A bill for an act relating to the environment; adding cross references for existing civil penalties for littering; amending Minnesota Statutes 1992, sections 85.20, subdivision 6; 115A.99; 169.421; 375.18, subdivision 14; and 412.221, subdivision 22.

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

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

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

H.F. No. 2086: A bill for an act relating to local government; abandoning judicial ditch number 37 in Redwood and Lyon counties.

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 re-referred

S.F. No. 2036: A bill for an act relating to human services; permitting certain providers to request a state agency hearing; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, sections 256.045, subdivisions 3, 4, 5 and by adding a subdivision; and 256B.0625, subdivisions 8, 8a, 25, 31, and by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Health Care.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 2184: A bill for an act relating to crime; traffic regulations; requiring automobile insurance identification cards to include the vehicle's registration plate number; increasing the maximum fine applicable to petty misdemeanor traffic violations; clarifying the elements of the driving after license suspension, revocation, and cancellation offenses; increasing the penalty for committing certain escapes from custody; making technical changes; amending Minnesota Statutes 1992, sections 65B.482, subdivision 1; 169.89, subdivision 2; 609.0331; 609.0332; 609.485, subdivision 4; and 626A.05, subdivision 2; Minnesota Statutes 1993 Supplement, section 171.24.

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 169.89, subdivision 2, is amended to read:

Subd. 2. [PENALTY; JURY TRIAL.] A person charged with a petty misdemeanor is not entitled to a jury trial but shall be tried by a judge without a jury. If convicted, the person is not subject to imprisonment but shall be punished by a fine of not more than ~~\$100~~ \$200.

Sec. 2. Minnesota Statutes 1992, section 171.18, subdivision 1, is amended to read:

Subdivision 1. [OFFENSES.] The commissioner may suspend the license of a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) has committed an offense for which mandatory revocation of license is required upon conviction;

(2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;

(3) is an habitually reckless or negligent driver of a motor vehicle;

(4) is an habitual violator of the traffic laws;

(5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

(6) has permitted an unlawful or fraudulent use of the license;

(7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;

(8) has committed a violation of section 169.444, subdivision 2, paragraph (a);

(9) has committed a violation of section 171.22, *except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;*

(10) has failed to appear in court as provided in section 169.92, subdivision 4; or

(11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Sec. 3. Minnesota Statutes 1993 Supplement, section 171.24, is amended to read:

171.24 [VIOLATIONS; DRIVING WITHOUT VALID LICENSE.]

~~(a) Subdivision 1. [DRIVING AFTER SUSPENSION.] Except as otherwise provided in paragraph (e) subdivision 5, any a person whose is guilty of a misdemeanor if:~~

~~(1) the person's driver's license or driving privilege has been canceled, suspended, or revoked and who;~~

~~(2) the person has been given notice of, or reasonably should know of the revocation, suspension, or cancellation,; and who~~

~~(3) the person disobeys such the order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, while~~

such the person's license or privilege is ~~canceled~~, suspended, or ~~revoked~~ is guilty of a misdemeanor.

(b) Subd. 2. [DRIVING AFTER REVOCATION.] A person is guilty of a misdemeanor if:

(1) the person's driver's license or driving privilege has been revoked;

(2) the person has been given notice of or reasonably should know of the revocation; and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is revoked.

Subd. 3. [DRIVING AFTER CANCELLATION.] A person is guilty of a misdemeanor if:

(1) the person's driver's license or driving privilege has been canceled;

(2) the person has been given notice of or reasonably should know of the cancellation; and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled.

Subd. 4. [DRIVING AFTER DISQUALIFICATION.] ~~Any~~ A person ~~who~~ is guilty of a misdemeanor if the person:

(1) has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle; ~~who~~;

(2) has been given notice of or reasonably should know of the disqualification; and ~~who~~

(3) disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege; ~~is guilty of a misdemeanor.~~

(c) Subd. 5. [GROSS MISDEMEANOR.] A person is guilty of a gross misdemeanor if:

(1) the person's driver's license or driving ~~privileges~~ privilege has been canceled or denied under section 171.04, subdivision 1, clause (8); ~~and~~;

(2) the person has been given notice of or reasonably should know of the cancellation or denial; and

(2) (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled or denied.

Subd. 6. [SUFFICIENCY OF NOTICE.] (a) Notice of revocation, suspension, cancellation, or disqualification is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, cancellation, or disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur.

(b) It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

Sec. 4. Minnesota Statutes 1992, section 219.383, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] A railway corporation violating this section is guilty of a misdemeanor and upon conviction is liable for a fine of ~~not less than \$25 nor more than \$200~~ \$700.

Sec. 5. Minnesota Statutes 1992, section 609.0331, is amended to read:

609.0331 [INCREASED MAXIMUM PENALTIES FOR PETTY MISDEMEANORS.]

~~Except as provided in this section, A law of this state that provides, on or after August 1, 1987, for a maximum penalty of \$100 for a petty misdemeanor is considered to provide for a maximum fine of \$200. However, a petty misdemeanor under chapter 168 or 169 remains subject to a maximum fine of \$100, except that a violation of chapter 168 or 169 that was originally charged as a misdemeanor and is being treated as a petty misdemeanor under section 609.131 or the rules of criminal procedure is subject to a maximum fine of \$200.~~

Sec. 6. Minnesota Statutes 1992, section 609.0332, is amended to read:

609.0332 [INCREASED MAXIMUM PENALTY FOR PETTY MISDEMEANOR ORDINANCE VIOLATIONS.]

~~Subdivision 1. [INCREASED FINE.] From August 1, 1987, if a state law or municipal charter sets a limit of \$100 or less on the fines that a statutory or home rule charter city, town, county, or other political subdivision may prescribe for an ordinance violation that is defined as a petty misdemeanor, that law or charter is considered to provide that the political subdivision has the power to prescribe a maximum fine of \$200 for the petty misdemeanor violation.~~

~~Subd. 2. [EXCEPTION.] Notwithstanding subdivision 1, no fine of more than \$100 may be imposed for a petty misdemeanor ordinance violation which conforms in substantial part to a petty misdemeanor provision contained in section 152.027, subdivision 4, or chapter 168 or 169.~~

Sec. 7. Minnesota Statutes 1992, section 609.485, subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] (a) Except as otherwise provided in subdivision 3a, whoever violates this section may be sentenced as follows:

(1) if the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(2) if the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a, to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both; or

(3) if such charge or conviction is for a gross misdemeanor or misdemeanor, or if the person who escapes is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

~~(4) If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.~~

~~(5) (b) If the escape was a violation of subdivision 2, clause (1), (2), or (3), and was effected by violence or threat of violence against a person, the sentence may be increased to not more than twice those permitted in paragraph (a), clauses (1), (3), and (4).~~

~~(6) (c) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when the person escaped.~~

~~(7) (d) Notwithstanding clause (6) paragraph (c), if a person who was committed to the commissioner of corrections under section 260.185 escapes from the custody of the commissioner while 18 years of age, the person's sentence under this section shall commence on the person's 19th birthday or on the person's date of discharge by the commissioner of corrections, whichever occurs first. However, if the person described in this clause is convicted under this section after becoming 19 years old and after having been discharged by the commissioner, the person's sentence shall commence upon imposition by the sentencing court.~~

~~(8) (e) Notwithstanding clause (6) paragraph (c), if a person who is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age escapes from a local juvenile correctional facility, the person's sentence under this section begins on the person's 19th birthday or on the person's date of discharge from the jurisdiction of the juvenile court, whichever occurs first. However, if the person described in this clause paragraph is convicted after becoming 19 years old and after discharge from the jurisdiction of the juvenile court, the person's sentence begins upon imposition by the sentencing court.~~

Sec. 8. Minnesota Statutes 1992, section 626A.05, subdivision 2, is amended to read:

Subd. 2. [OFFENSES FOR WHICH INTERCEPTION OF WIRE OR ORAL COMMUNICATION MAY BE AUTHORIZED.] A warrant authorizing interception of wire, electronic, or oral communications by investigative or law enforcement officers may only be issued when the interception may provide evidence of the commission of, or of an attempt or conspiracy to commit, any of the following offenses:

(1) a felony offense involving murder, manslaughter, assault in the first, second, and third degrees, aggravated robbery, kidnapping, criminal sexual conduct in the first, second, and third degrees, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary in the first, second, and third degrees, forgery, aggravated forgery, check forgery, or financial transaction card fraud, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.221, 609.222, 609.223, 609.2231, 609.245, 609.25, 609.321 to 609.324, 609.342, 609.343, 609.344, 609.42,

609.48, 609.485, subdivision 4, *paragraph (a)*, clause (1), 609.52, 609.53, 609.54, 609.582, 609.625, 609.63, 609.631, 609.821, and 609.825;

(2) an offense relating to gambling or controlled substances, as punishable under section 609.76 or chapter 152; or

(3) an offense relating to restraint of trade defined in section 325D.53, subdivision 1 or 2, as punishable under section 325D.56, subdivision 2.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective August 1, 1994, and apply to offenses occurring on or after that date."

Delete the title and insert:

"A bill for an act relating to crime; traffic regulations; increasing the maximum fine applicable to petty misdemeanor traffic violations; prohibiting suspension of driver's license for certain offenses; clarifying the elements of the driving after license suspension, revocation, and cancellation offenses; increasing penalties for unsafe operation of trains over public roads; increasing the penalty for committing certain escapes from custody; making technical changes; amending Minnesota Statutes 1992, sections 169.89, subdivision 2; 171.18, subdivision 1; 219.383, subdivision 4; 609.0331; 609.0332; 609.485, subdivision 4; and 626A.05, subdivision 2; Minnesota Statutes 1993 Supplement, section 171.24."

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

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

H.F. No. 2187 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.
		2187	2062		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2187 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2187 and insert the language after the enacting clause of S.F. No. 2062, the first engrossment; further, delete the title of H.F. No. 2187 and insert the title of S.F. No. 2062, the first engrossment.

And when so amended H.F. No. 2187 will be identical to S.F. No. 2062, and further recommends that H.F. No. 2187 be given its second reading and substituted for S.F. No. 2062, 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.

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

H.F. No. 2675 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.
		2675	2305		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2675 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2675 and insert the language after the enacting clause of S.F. No. 2305, the first engrossment; further, delete the title of H.F. No. 2675 and insert the title of S.F. No. 2305, the first engrossment.

And when so amended H.F. No. 2675 will be identical to S.F. No. 2305, and further recommends that H.F. No. 2675 be given its second reading and substituted for S.F. No. 2305, 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.

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

H.F. No. 2311 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.
2311	2391				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2311 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2311 and insert the language after the enacting clause of S.F. No. 2391, the first engrossment; further, delete the title of H.F. No. 2311 and insert the title of S.F. No. 2391, the first engrossment.

And when so amended H.F. No. 2311 will be identical to S.F. No. 2391, and further recommends that H.F. No. 2311 be given its second reading and substituted for S.F. No. 2391, 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.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred the following appointment as reported in the Journal for March 21, 1994:

STATE ETHICAL PRACTICES BOARD

Vanne Owens Hayes

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1735, 2005, 2577, 2180, 2394, 1680, 2588, 2731, 2309, 2060, 2706, 2472, 2354 and 2749 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1659, 2314, 2222, 2178, 2692, 524, 1186, 2330, 2086, 2187, 2675 and 2311 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Betzold moved that his name be stricken as a co-author to S.F. No. 1717. The motion prevailed.

Mr. Laidig moved that the name of Mr. Vickerman be added as a co-author to S.F. No. 1795. The motion prevailed.

Mr. Vickerman moved that S.F. No. 2354, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Novak moved that S.F. No. 1982 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Finance. The motion prevailed.

Mr. Chmielewski moved that S.F. No. 2493, on the Consent Calendar, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Pogemiller introduced—

S.F. No. 2868: A bill for an act relating to employment; modifying the emergency jobs program; appropriating money; amending Minnesota Statutes 1992, sections 268.676, subdivision 1; and 268.677, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Mr. Kelly introduced—

S.F. No. 2869: A bill for an act relating to conciliation court; defining consumer credit transactions; amending Minnesota Statutes 1993 Supplement, section 491A.01, subdivision 3.

Referred to the Committee on Judiciary.

Ms. Reichgott Junge, Mrs. Adkins, Mr. Mondale, Ms. Pappas and Mrs. Pariseau introduced—

S.F. No. 2870: A bill for an act relating to taxation; sales and use; providing a tax exemption on construction materials for corrugated recycling facilities; amending Minnesota Statutes 1992, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sams and Moe, R.D. introduced—

S.F. No. 2871: A bill for an act relating to capital improvements; appropriating money to the commissioner of transportation to construct addition to Detroit Lakes welding shop; authorizing the sale of state bonds.

Referred to the Committee on Transportation and Public Transit.

Messrs. Solon and Johnson, D.J. introduced—

S.F. No. 2872: A bill for an act relating to appropriations; appropriating money for permanent berthing of the U.S.S. Des Moines in Duluth.

Referred to the Committee on Veterans and General Legislation.

Messrs. Solon and Johnson, D.J. introduced—

S.F. No. 2873: A bill for an act relating to capital improvements; Duluth; appropriating money for Lake Superior Zoological Gardens; authorizing the sale of state bonds.

Referred to the Committee on Veterans and General Legislation.

Mr. Johnson, D.J.; Ms. Berglin, Messrs. Janezich, Hottinger and Sams introduced—

S.F. No. 2874: A bill for an act relating to health; requiring health program consolidation; expanding the MinnesotaCare program; establishing a standard benefit set; implementing insurance reforms; requiring other initiatives to assure health care access; increasing individual income tax liabilities; appropriating the proceeds of the increased tax to the health care access fund; amending Minnesota Statutes 1992, sections 62D.181, subdivision 8; 62J.03, by adding a subdivision; 256.9358, subdivision 3; 290.06, subdivision 2c; and 290.62; Minnesota Statutes 1993 Supplement, sections 62A.021, subdivision 1; 62E.11, subdivision 12; 256.9352, subdivision 3; 256.9353, by adding a subdivision; and 256.9357, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62J; repealing Minnesota Statutes 1992, section 62E.11, subdivisions 5 and 6; Minnesota Statutes 1993 Supplement, section 256.9357, subdivision 2.

Referred to the Committee on Health Care.

Mses. Olson, Hanson, Messrs. Langseth, Knutson and Janezich introduced—

S.F. No. 2875: A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, by adding a section; affirming the right of parents to direct the upbringing and education of their children.

Referred to the Committee on Education.

Mr. Pogemiller introduced—

S.F. No. 2876: A bill for an act relating to the arts; appropriating money to the city of Minneapolis for a grant to the Hennepin Center for the Arts.

Referred to the Committee on Veterans and General Legislation.

Mr. Pogemiller introduced—

S.F. No. 2877: A bill for an act relating to dangerous dogs; changing the definition of a dangerous dog; restricting the ability to license a dangerous dog; requiring the production of a dog under certain circumstances; imposing penalties; providing a civil fine for dangerous dog offenses; amending Minnesota Statutes 1992, sections 347.50, subdivisions 2, 3, and 6; 347.51, subdivision 2; and 347.54, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 347.

Referred to the Committee on Veterans and General Legislation.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Luther moved that the name of Mr. Betzold be added as a co-author to S.F. No. 2634. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 8:00 p.m. The motion prevailed.

The hour of 8:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

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

Senate Files, herewith returned: S.F. Nos. 1752, 1968, 2522, 1967, 1983 and 2415.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 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. 2260: A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; imposing a penalty for displaying invalid driver's license as being valid; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

Senate File No. 2260 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1994

Ms. Johnston moved that the Senate do not concur in the amendments by the House to S.F. No. 2260, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1512: A bill for an act relating to elections; providing uniform local election procedures; requiring regular city elections to be held in the fall; permitting town elections to be held in November; making uniform certain local government procedures; providing for the identification of judicial offices; authorizing special elections to be conducted by mail ballot; amending Minnesota Statutes 1992, sections 103C.305, subdivision 2; 123.33, subdivision 1; 204B.14, subdivision 8; 204B.36, subdivision 4; 205.02, subdivision 2; 205.065, subdivisions 1 and 2; 205.07, subdivision 1; 205.10, by adding a subdivision; 205.13, subdivision 1, and by adding a subdivision; 205.16,

subdivisions 1 and 2; 205.17, subdivision 4; 205.175; 206.90, subdivision 6; 365.51, subdivisions 1 and 3; and 367.03; proposing coding for new law in Minnesota Statutes, chapter 204D; repealing Minnesota Statutes 1992, sections 205.065, subdivision 3; 205.18; 205.20; and 410.21.

There has been appointed as such committee on the part of the House:

Osthoff, Solberg and Abrams.

Senate File No. 1512 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1994

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2016:

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.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Asch; Johnson, R. and Davids have been appointed as such committee on the part of the House.

House File No. 2016 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1994

Mr. Moe, R.D., for Mr. Solon, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2016, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 942, 1844, 1909, 1927, 1928, 2159, 2277, 2309, 2634, 2762, 2269, 2362, 2365 and 2511.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 942: A bill for an act relating to traffic regulations; requiring every driver to use due care in operating a motor vehicle; amending Minnesota Statutes 1992, section 169.14, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 759.

H.F. No. 1844: A bill for an act relating to highways; designating trunk highway marked No. 212 as the Minnesota Veterans Memorial Highway; amending Minnesota Statutes 1992, section 161.14, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1699, now on General Orders.

H.F. No. 1909: A bill for an act relating to retirement; local police and salaried firefighters relief associations and consolidation accounts; requiring continuation of surviving spouse benefits upon remarriage; amending Minnesota Statutes 1992, section 423A.17; Minnesota Statutes 1993 Supplement, section 353B.11, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1723.

H.F. No. 1927: A bill for an act relating to public employment; authorizing a Medicare coverage referendum for certain city of Karlstad hospital employees.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1818.

H.F. No. 1928: A bill for an act relating to motor vehicles; authorizing special license plates for vehicles owned by volunteer ambulance drivers; amending Minnesota Statutes 1992, section 168.12, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1807, now on General Orders.

H.F. No. 2159: A bill for an act relating to limited liability companies; providing for the application of unemployment compensation laws; amending Minnesota Statutes 1993 Supplement, section 268.04, subdivision 12.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1971.

H.F. No. 2277: A bill for an act relating to the environment; providing for the continuation of certain environmental advisory boards; amending Minnesota Statutes 1992, sections 115A.072, subdivision 1; and 115A.12.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2309: A bill for an act relating to highways; changing highway description; amending Minnesota Statutes 1992, section 161.115, subdivision 224.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2471, now on the Consent Calendar.

H.F. No. 2634: A bill for an act relating to transportation; requiring understandable notice of requirements for appealing town road damage awards; amending Minnesota Statutes 1992, section 164.07, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2119, now on the Consent Calendar.

H.F. No. 2762: A bill for an act relating to traffic regulations; regulating use and operation of Head Start school buses; amending Minnesota Statutes 1992, sections 169.01, by adding a subdivision; 169.28, subdivision 1; 169.441, subdivisions 2 and 4; 169.442, subdivision 5; 169.443, subdivisions 5 and 6; 169.447; 169.448, subdivisions 1 and 3; 169.451; 169.64, subdivision 8; 169.781, subdivision 1; 169.87, subdivision 3; 171.01, by adding a subdivision; 171.3215; 221.011, subdivision 21; and 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 171.321, subdivision 2; 221.025; and 221.031, subdivision 3b.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2510, now on General Orders.

H.F. No. 2269: A bill for an act relating to retirement; teachers retirement association; authorizing annuity adjustment for a certain annuitant.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2028.

H.F. No. 2362: A bill for an act relating to animals; changing the definition of a potentially dangerous dog; changing the identification tag requirements for a dangerous dog; amending Minnesota Statutes 1992, sections 347.50, subdivision 3; and 347.51, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2189, now on General Orders.

H.F. No. 2365: A bill for an act relating to traffic regulations; making technical changes; removing requirement for auxiliary low beam lights to be removed or covered when snowplow blade removed; requiring seat belts for commercial motor vehicles; allowing transportation within state of raw farm and forest products exceeding maximum weight limitation by not more than ten percent; amending Minnesota Statutes 1992, sections 169.743; and 169.851, subdivision 5; Minnesota Statutes 1993 Supplement, sections 169.122, subdivision 5; 169.47, subdivision 1; 169.522, subdivision 1; 169.56, subdivision 5; and 169.686, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1966, now on General Orders.

H.F. No. 2511: A bill for an act relating to railroads; authorizing rail carriers to participate in loan guarantee program; defining terms; amending eligibility requirements; amending Minnesota Statutes 1992, sections 222.55; 222.56, subdivisions 5, 6, and by adding subdivisions; 222.57; and 222.58, subdivision 2.

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

S.F. No. 1860: A bill for an act relating to retirement; state university and state community college individual retirement account plans; clarifying various plan provisions; providing for plan coverage for technical college teachers; providing for an optional election of plan coverage for certain state university and community college teachers; mandating the preparation of plan recodification legislation; amending Minnesota Statutes 1992, sections 354.05, subdivision 2a; 354A.011, subdivision 15, and by adding a subdivision; 354B.01, by adding a subdivision; 354B.015; and 354B.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 352.04, subdivision 9; and 354B.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 354B.

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

Page 1, after line 17, insert:

“ARTICLE 1

TECHNICAL COLLEGE TEACHING PERSONNEL”

Page 2, after line 9, insert:

“Sec. 2. Minnesota Statutes 1992, section 353.27, subdivision 7a, is amended to read:

Subd. 7a. [DEDUCTIONS OR CONTRIBUTIONS TRANSMITTED BY ERROR.] (a) If employee deductions and employer contributions were erroneously transmitted to the association, but should have been transmitted to another *Minnesota* public pension fund listed in section 356.30, subdivision 3 plan, the association shall transfer the erroneous employee deductions and employer contributions to the appropriate retirement fund without interest. The time limitations in subdivisions 7 and 12 do not apply.

(b) *For purposes of this subdivision, a Minnesota public pension plan means a plan specified in section 356.30, subdivision 3, or the plan governed by chapter 354B.*”

Page 2, line 16, after “unless” insert “(1)” and reinstate the stricken language

Page 2, line 17, reinstate the stricken language

Page 2, line 18, after “purposes” insert “or, (2) the person is covered by section 354B.02, subdivision 1 or 5, or 354B.035, and elects coverage by the teachers retirement association”

Pages 2 and 3, delete sections 3 and 4 and insert:

“Sec. 4. Minnesota Statutes 1992, section 354.42, subdivision 7, is amended to read:

Subd. 7. [ERRONEOUS SALARY DEDUCTIONS OR DIRECT PAYMENTS.] (a) Any deductions taken from the salary of an employee for the retirement fund in error shall be refunded to the employee upon discovery and verification by the employing unit making the deduction, and the corresponding employer contribution and additional employer contribution amounts

attributable to the erroneous salary deduction must be refunded to the employing unit.

(b) If salary deductions and employer contributions were erroneously transmitted to the retirement fund and should have been transmitted to another Minnesota public pension fund enumerated in section 356.30, subdivision 3 plan, the retirement fund must transfer these salary deductions and employer contributions to the appropriate public pension fund without interest. *For purposes of this paragraph, a Minnesota public pension plan means a plan specified in section 356.30, subdivision 3, or the plan governed by chapter 354B.*

(c) If a salary warrant or check from which a deduction for the retirement fund was taken has been canceled or the amount of the warrant or check has been returned to the funds of the employing unit making the payment, a refund of the amount deducted, or any portion of it that is required to adjust the salary deductions, shall be made to the employing unit.

(d) Any erroneous direct payments of member paid contributions or erroneous salary deductions that were not refunded in the regular processing of an employing unit's annual summary report shall be refunded to the member with interest computed using the rate and method specified in section 354.49, subdivision 2.

Sec. 5. Minnesota Statutes 1993 Supplement, section 354A.011, subdivision 27, is amended to read:

Subd. 27. [TEACHER.] "Teacher" means any person who renders service in a public school district located in the corporate limits of one of the cities of the first class which was so classified on January 1, 1979, as any of the following:

(a) a full-time employee in a position for which a valid license from the state department of education is required;

(b) an employee of the teachers retirement fund association located in the city of the first class unless the employee has exercised the option pursuant to Laws 1955, chapter 10, section 1, to retain membership in the Minneapolis employees retirement fund established pursuant to chapter 422A;

(c) a part-time employee in a position for which a valid license from the state department of education is required; or

(d) a part-time employee in a position for which a valid license from the state department of education is required who also renders other nonteaching services for the school district unless the board of trustees of the teachers retirement fund association determines that the combined employment is on the whole so substantially dissimilar to teaching service that the service shall not be covered by the association.

The term shall not mean any person who renders service in the school district as any of the following:

(1) an independent contractor or the employee of an independent contractor;

(2) an employee who is a full-time teacher covered by another teachers retirement fund association established pursuant to this chapter or chapter 354;

(3) an employee holding a part-time adult supplementary technical college license who renders part-time teaching service in a technical college if (1) the service is incidental to the regular nonteaching occupation of the person; and (2) the applicable technical college stipulates annually in advance that the part-time teaching service will not exceed 300 hours in a fiscal year; and (3) the part-time teaching service actually does not exceed 300 hours in a fiscal year; or

(4) an employee exempt from licensure pursuant to section 125.031; or

(4) an employee who is a teacher in a technical college located in a city of the first class unless the person elects coverage by the applicable first class city teacher retirement fund association under section 354B.02, subdivision 1, or 354B.035."

Page 3, line 26, delete everything after the period

Page 3, delete lines 27 to 29

Page 3, line 35, after "5," insert "or 354B.035,"

Page 4, line 14, delete the new language

Page 4, line 15, delete "section 354B.01, subdivision 4a, who are" and insert "A person who was"

Page 4, line 16, after "employment" insert "or first included in coverage under section 354B.01, subdivision 4a,"

Page 4, line 20, after "employment" insert "and must be made"

Page 4, line 22, delete "this" and before the period, insert "354 or 354A"

Page 5, after line 3, insert:

"Sec. 9. Minnesota Statutes 1992, section 354B.02, subdivision 2, is amended to read:

Subd. 2. [PERSONS WITH CERTAIN PRIOR ALLOWABLE SERVICE.] A person with less than three years of prior allowable service as a member of the teachers retirement association other than in covered employment under section 354B.01, subdivision 2 or 3, and who is first employed in covered employment after June 30, 1989, remains a member of the teacher's retirement association for all purposes, but a coordinated member may elect to participate in the plan. This election to participate in the plan must be made by January 1, 1995, or within 60 days of the start of covered employment, whichever is later."

Page 5, line 14, after "transfer" insert "election"

Page 5, line 21, after "credit" insert "must"

Page 5, line 23, after "deferred" insert "retirement"

Page 5, line 24, delete "An" and insert "A transfer"

Page 5, line 28, after "prospectively" insert "only" and delete "effective" and insert "effective on"

Page 5, line 29, after "transfer" insert "election"

Page 5, line 31, delete "must" and insert "are" and after "not" insert "eligible to"

Page 6, line 2, delete "Transfers" and insert "Transfer elections"

Page 6, line 4, delete "receives" and insert "provides"

Page 6, line 14, delete "members may" and insert "teaching personnel may either elect to" and delete the second "may"

Page 6, line 15, after "association" insert ", the Duluth teachers retirement fund association, the Minneapolis teachers retirement fund association, or the St. Paul teachers retirement fund association"

Page 6, line 23, after "association" insert "or of a first class city teachers retirement fund association"

Page 6, line 24, before "plan" insert "applicable"

Page 6, line 27, after "354.05" insert ", subdivision 13, or 354A.011, subdivision 4, whichever applies," and after the first "the" insert "applicable"

Page 6, line 28, after "deferred" insert "retirement"

Page 6, line 30, before the period, insert ", or the applicable first class city teachers retirement fund association under section 354A.37, subdivision 2"

Page 6, delete lines 31 to 36 and insert:

"Subd. 3. [EMPLOYER CONTRIBUTION AMOUNT FOR CERTAIN COVERAGE ELECTIONS.] *Employer contributions for technical college teaching personnel who elect coverage by the teachers retirement fund association are governed by section 354.42, subdivisions 3 and 5, and employer contributions for technical college teaching personnel who elect coverage by a first class city teacher retirement fund association are governed by the applicable employer contribution provisions of section 354A.12, subdivision 2a.*"

Page 7, delete section 10 and insert:

"Sec. 12. Minnesota Statutes 1993 Supplement, section 354B.05, subdivision 3, is amended to read:

Subd. 3. [SELECTION OF FINANCIAL INSTITUTIONS.] The supplemental investment fund administered by the state board of investment is one of the investment options for the plan. The state board of investment may select ~~two~~ up to five other financial institutions to provide annuity products. In making their selections, the board shall consider at least these criteria:

- (1) the experience and ability of the financial institution to provide retirement and death benefits suited to the needs of the covered employees;
- (2) the relationship of the benefits to their cost; and
- (3) the financial strength and stability of the institution.

The state board of investment must periodically review at least every three years each financial institution selected by the state board of investment. The state board of investment may retain consulting services to assist in the periodic review, may establish a budget for its costs in the periodic review

process, and may charge a proportional share of those costs to each financial institution selected by the state board of investment. All contracts must be approved by the state board of investment before execution by the state university board and the community college board. The state board of investment shall also establish policies and procedures under section 11A.04, clause (2), to carry out this subdivision.

The chancellor of the state university system and the chancellor of the state community college system shall redeem all shares in the accounts of the Minnesota supplemental investment fund held on behalf of personnel in the supplemental plan who elect an investment option other than the supplemental investment fund, except that shares in the fixed interest account must not be redeemed until the expiration dates for the guaranteed investment contracts. The chancellors shall transfer the cash realized to the financial institutions selected by the state university board and the community college board under section 354B.05.

Sec. 13. [354B.15] [TRANSFER OF CERTAIN TRA MEMBER CONTRIBUTION REFUNDS TO IRAP.]

(a) Notwithstanding any provision of law to the contrary, a former member of the teachers retirement fund association who has less than three years of allowable service and who is a member of the plan governed by this chapter may elect to transfer to the plan an amount equal to the refund that the member could otherwise receive under section 354.49, subdivision 2. The transfer must be made from the teachers retirement fund association directly to the plan and credited by the plan appropriately. No amount under this section is payable directly to an individual.

(b) The election must be made on a form prescribed by the executive director of the teachers retirement fund association, after consultation with the administrators of the plan."

Page 7, line 19, after the first comma, insert "one representative from each employee bargaining unit covered by chapter 354B,"

Page 8, line 8, delete "8, 10, and 11" and insert "2, 4, 10, 12, and 13"

Page 8, line 9, delete "2 to 7 and 9" and insert "3, 5, 6, 7, 8, and 11"

Renumber the sections of article 1 in sequence

Page 8, after line 9, insert:

"ARTICLE 2

INDIVIDUAL RETIREMENT ACCOUNT PLAN

Section 1. [354C.01] [DEFINITIONS.]

Subdivision 1. [TERMS.] Unless the language or context clearly indicates that a different meaning is intended, the following terms have the meanings given.

Subd. 2. [INDIVIDUAL RETIREMENT ACCOUNT PLAN OR PLAN.] "Individual retirement account plan" or "plan" means the individual retirement account plan established by sections 354B.01 to 354B.05.

Subd. 3. [COVERED EMPLOYMENT.] "Covered employment" means

employment as an eligible employee as defined under section 354C.02, subdivision 2.

Subd. 4. [PROFESSIONAL EMPLOYEE.] "Professional employee" means an employee who is engaged in work that:

(1) is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical;

(2) involves discretion and judgment in its performance;

(3) cannot be standardized in relation to a given period of time; and

(4) requires advance knowledge in a field of science or learning usually acquired by long study in an institution of higher learning or hospital.

Subd. 5. [SUPERVISORY EMPLOYEE.] "Supervisory employee" means an employee having the authority to hire, transfer, suspend, promote, discharge, assign, reward, or discipline employees, direct the work of employees, or adjust employees' grievances on behalf of the employer. To be included as a supervisory function, the exercise of the authority by the employee may not be merely routine or clerical in nature but must require the use of independent judgment.

Sec. 2. [354C.02] [PARTICIPANTS.]

Subdivision 1. [ELECTION.] An eligible employee as enumerated in subdivision 2 who is eligible for membership in the Minnesota state retirement system under chapter 352, the public employees retirement association under chapter 353, or the teachers retirement association under chapter 354 may elect to participate in the individual retirement account plan rather than in the general state retirement plan. Election to participate in the plan must be made pursuant to section 354C.04.

Subd. 2. [ELIGIBILITY.] Eligible employees are:

(1) any supervisory or professional employee of the state arts board; and

(2) any supervisory or professional employee of the Minnesota humanities commission.

Sec. 3. [354C.03] [SOCIAL SECURITY COVERAGE.]

Plan participants remain members of the general state retirement plan for purposes of social security coverage only remain covered by the applicable agreement entered into under section 355.02 but are not members of the general state retirement plan for any other purpose while employed in covered employment.

Sec. 4. [354C.04] [PLAN COVERAGE.]

Eligible employees shall elect to participate in either the individual retirement account plan or their respective retirement plan as follows:

(1) An eligible employee first employed after the effective date of this act in covered employment may elect retirement coverage under either their respective state retirement plan or the individual retirement account plan within 60 days of the start of covered employment. An election made under this subdivision is irrevocable.

(2) An eligible employee with prior allowable service as a member of the Minnesota state retirement system, the public employees retirement association, or the teachers retirement association may elect coverage by the plan. If plan coverage is elected, accumulated employer and employee contributions and allowable service credit shall remain with the applicable retirement association or system. Notwithstanding any provision of law to the contrary, an individual who has transferred coverage for the same employment to the plan is entitled to an augmented deferred retirement annuity based on the amount representing the employer and employee contributions made on the individual's behalf in the retirement association or system in which the individual was formerly enrolled without regard to whether or not the individual meets the service credit vesting requirements of the applicable retirement association or system. An election made under this subdivision must be made within 120 days and is irrevocable.

Sec. 5. [354C.05] [CONTRIBUTIONS.]

Subdivision 1. [MEMBER CONTRIBUTIONS.] Eligible employees who would otherwise be eligible to participate in the Minnesota state retirement system, the public employees retirement association, or the teachers retirement association, but who participate in the individual retirement account plan, shall make a member contribution in an amount equal to the member contribution amount required by the plan for which the individual was originally eligible for membership. The contribution must be made by payroll deduction each pay period and must be in accordance with either section 403(b) or 414(h) of the Internal Revenue Code.

Subd. 2. [EMPLOYER CONTRIBUTIONS.] The employer of eligible employees described in subdivision 1 who are eligible to participate in either the Minnesota state retirement system or the public employees retirement association shall make an employer contribution to the plan in an amount equal to the employer contribution amount required by the plan for which the individual was originally eligible for membership. The employer of eligible employees described in subdivision 1 who are eligible to participate in the teachers retirement association shall make an employer contribution to the plan in an amount equal to the employer contribution required by section 354.42, subdivision 3, and shall make an employer contribution to the teachers retirement association in an amount equal to the employer contribution required by section 354.42, subdivision 5.

Sec. 6. [354C.06] [ADMINISTRATION.]

The Minnesota state university system or its successor shall administer the individual retirement account plan for eligible employees in accordance with sections 354B.01 to 354B.05.

Sec. 7. [354C.07] [TRANSFER OF CERTAIN MSRS MEMBER CONTRIBUTION REFUND AMOUNTS TO PLAN.]

(a) Notwithstanding any provision of law to the contrary, a former member of the general state employees retirement plan of the Minnesota state retirement system who is a member of the individual retirement account plan under this chapter may elect to transfer to the individual retirement account plan an amount equal to the refund under section 352.22, subdivision 2, that the member could otherwise receive. The transfer must be made from the general state employees retirement fund directly to the individual retirement

account plan and credited by the plan appropriately. No amount under this section is payable directly to any individual.

(b) The election must be made on a form prescribed by the executive director of the Minnesota state retirement system, after consultation with the administrators of the plan.

Sec. 8. [EFFECTIVE DATE.]

This article is effective July 1, 1994."

Amend the title as follows:

Page 1, line 10, after "sections" insert "353.27, subdivision 7a;" and delete "354A.011, subdivision" and insert "354.42, subdivision 7;"

Page 1, line 11, delete everything before "354B.01"

Page 1, line 12, after the comma, insert "subdivision 2, and"

Page 1, line 14, delete "and" and insert "354A.011, subdivision 27;"

Page 1, line 15, after "1;" insert "and 354B.05, subdivision 3;"

Page 1, line 16, before the period, insert "proposing coding for new law as Minnesota Statutes, chapter 354C"

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

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

S.F. No. 2590: A bill for an act relating to criminal justice; providing for public defense services; providing for public defense of persons charged with misdemeanors; providing for a reduction in aid to counties equal to public defense costs assumed by the state; providing for certain disclosure of data; appropriating money; amending Minnesota Statutes 1992, sections 477A.012, by adding a subdivision; and 611.26, subdivision 6; Minnesota Statutes 1993 Supplement, sections 611.17; 611.20, subdivision 2; and 611.27, 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. Minnesota Statutes 1992, section 477A.012, is amended by adding a subdivision to read:

Subd. 7. [AID OFFSET FOR 1995 PUBLIC DEFENDER COSTS.] (a) In the case of a county located in the first, fifth, seventh, ninth, or tenth judicial district, there shall be deducted from the payment to the county under this section an amount equal to the cost of public defense services in juvenile and misdemeanor cases, to the extent those costs are assumed by the state for the calendar year beginning on January 1, 1995.

(b) For the purpose of the aid reductions under this section, the following amounts shall be used by the commissioner of revenue as the cost of public defense services in juvenile and misdemeanor cases for each county in the

first, fifth, seventh, ninth, and tenth judicial districts, during the calendar year beginning on January 1, 1995:

COUNTY	JUDICIAL DISTRICT	AMOUNT
(1) Aitkin	9	\$126,000
(2) Anoka	10	\$634,000
(3) Becker	7	\$160,000
(4) Beltrami	9	\$130,000
(5) Benton	7	\$ 80,000
(6) Blue Earth	5	\$ 96,000
(7) Brown	5	\$ 58,000
(8) Carver	1	\$ 82,000
(9) Cass	9	\$134,000
(10) Chisago	10	\$ 66,000
(11) Clay	7	\$136,000
(12) Clearwater	9	\$ 24,000
(13) Cottonwood	5	\$ 24,000
(14) Crow Wing	9	\$128,000
(15) Dakota	1	\$644,000
(16) Douglas	7	\$ 84,000
(17) Faribault	5	\$ 34,000
(18) Goodhue	1	\$ 94,000
(19) Hubbard	9	\$ 30,000
(20) Isanti	10	\$ 56,000
(21) Itasca	9	\$ 44,000
(22) Jackson	5	\$ 30,000
(23) Kanabec	10	\$ 42,000
(24) Kittson	9	\$ 12,000
(25) Koochiching	9	\$ 32,000
(26) Lake of the Woods	9	\$ 8,000
(27) Le Sueur	1	\$ 64,000
(28) Lincoln	5	\$ 20,000
(29) Lyon	5	\$ 58,000
(30) Mahnomen	9	\$ 12,000
(31) Marshall	9	\$ 28,000
(32) Martin	5	\$ 74,000
(33) McLeod	1	\$ 66,000
(34) Mille Lacs	7	\$ 46,000
(35) Morrison	7	\$ 70,000
(36) Murray	5	\$ 14,000
(37) Nicollet	5	\$ 86,000
(38) Nobles	5	\$ 62,000
(39) Norman	9	\$ 18,000
(40) Otter Tail	7	\$172,000
(41) Pennington	9	\$ 30,000
(42) Pine	10	\$ 46,000
(43) Pipestone	5	\$ 14,000
(44) Polk	9	\$140,000
(45) Red Lake	9	\$ 10,000
(46) Redwood	5	\$ 98,000
(47) Rock	5	\$ 28,000
(48) Roseau	9	\$ 42,000
(49) Scott	1	\$164,000
(50) Sherburne	10	\$164,000

(51) Sibley	1	\$ 82,000
(52) Stearns	7	\$386,000
(53) Todd	7	\$ 66,000
(54) Wadena	7	\$ 24,000
(55) Washington	10	\$282,000
(56) Watonwan	5	\$ 38,000
(57) Wright	10	\$118,000

(c) One-fourth of the amount specified under paragraph (b) for each county shall be deducted from each local government aid payment to the county under section 477A.015 in 1994, and one-half of the amount computed under paragraph (b) for each county shall be deducted from each local government aid payment to the county under section 477A.015 in 1995, and each subsequent year. If the amount specified under paragraph (b) exceeds the amount payable to a county under subdivision 1, the excess shall be deducted from the aid payable to the county under section 273.1398, subdivision 2, and then, if necessary, from the disparity reduction aid under section 273.1398, subdivision 3.

(d) The appropriation for the state assumption of the costs of public defender services in juvenile and misdemeanor cases in the first, fifth, seventh, ninth, and tenth judicial districts, for the time period from January 1, 1995, to June 30, 1995, shall be annualized for the 1996-1997 biennium.

Sec. 2. Minnesota Statutes 1993 Supplement, section 611.17, is amended to read:

611.17 [FINANCIAL INQUIRY; STATEMENTS.]

(a) Each judicial district must screen requests under paragraph (b).

(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, including the value of any real property owned by the applicant, whether homestead or otherwise, less the amount of any encumbrances on the real property, the source or sources of income, and any other information required by the court. The state public defender shall furnish appropriate forms for the financial statements. The information contained in the statement shall be confidential and for the exclusive use of the court and the public defender appointed by the court to represent the applicant except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender.

Sec. 3. Minnesota Statutes 1993 Supplement, section 611.20, subdivision 2, is amended to read:

Subd. 2. [PARTIAL PAYMENT.] If the court determines that the defendant is able to make partial payment, the court shall direct the partial payments to the ~~governmental unit responsible for the costs of the public defender state general fund~~. Payments directed by the court to the state shall be recorded by the court administrator who shall transfer the payments to the state treasurer.

Sec. 4. Minnesota Statutes 1992, section 611.26, subdivision 4, is amended to read:

Subd. 4. [ASSISTANT PUBLIC DEFENDERS.] A chief district public defender shall appoint assistants who are qualified attorneys licensed to practice law in this state and other staff as the chief district public defender finds prudent and necessary subject to the standards adopted by the state public defender. Assistant district public defenders must be appointed to ensure broad geographic representation and caseload distribution within the district. Each assistant district public defender serves at the pleasure of the chief district public defender. *A chief district public defender is authorized, subject to approval by the state board of public defense or their designee, to hire an independent contractor to perform the duties of an assistant public defender.*

Sec. 5. Minnesota Statutes 1992, section 611.26, subdivision 6, is amended to read:

Subd. 6. [PERSONS DEFENDED.] The district public defender shall represent, without charge, a defendant charged with a felony ~~or~~, a gross misdemeanor, ~~or misdemeanor~~ when so directed by the district court. ~~In the second, third, fourth, sixth, and eighth districts only,~~ The district public defender shall also represent a defendant charged with a misdemeanor when ~~so directed by the district court and shall represent~~ a minor in the juvenile court when so directed by the juvenile court.

Sec. 6. Minnesota Statutes 1993 Supplement, section 611.27, subdivision 4, is amended to read:

Subd. 4. [COUNTY PORTION OF COSTS.] That portion of subdivision 1 directing counties to pay the costs of public defense service shall not be in effect between ~~July 1, 1993~~ January 1, 1995, and July 1, 1995. This subdivision only relates to costs associated with felony ~~and~~, gross misdemeanor public defense services in all judicial districts ~~and to~~, juvenile, and misdemeanor public defense services ~~in the second, third, fourth, sixth, and eighth judicial districts.~~ *Notwithstanding the provisions of this subdivision, in the first, fifth, seventh, ninth, and tenth judicial districts, the cost of juvenile and misdemeanor public defense services for cases opened prior to January 1, 1995, shall remain the responsibility of the respective counties in those districts, even though the cost of these services may occur after January 1, 1995.*

Sec. 7. [APPROPRIATION.]

\$..... is appropriated from the general fund to the board of public defense for the period January 1, 1995, to June 30, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

Sec. 8. [EFFECTIVE DATE.]

Sections 1, 2, and 4 are effective July 1, 1994. Sections 3 and 5 to 7 are effective January 1, 1995."

Delete the title and insert:

"A bill for an act relating to criminal justice; providing for public defense services; providing for public defense of juveniles and persons charged with misdemeanors; providing for a reduction in aid to counties equal to public defense costs assumed by the state; providing for certain disclosure of data;

appropriating money; amending Minnesota Statutes 1992, sections 477A.012, by adding a subdivision; and 611.26, subdivisions 4 and 6; Minnesota Statutes 1993 Supplement, sections 611.17; 611.20, subdivision 2; and 611.27, subdivision 4."

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 referred

S.F. No. 2358: A bill for an act relating to employee relations; ratifying labor agreements.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. [RATIFICATIONS.]

Subdivision 1. [COUNCIL 6.] The labor agreement between the state of Minnesota and state bargaining units 2, 3, 4, 6, and 7, represented by the American Federation of State, County and Municipal Employees, council 6, approved by the legislative commission on employee relations on August 16, 1993, is ratified.

Subd. 2. [SUPERVISORS.] The labor agreement between the state of Minnesota and the Middle Management Association, approved by the legislative commission on employee relations on November 10, 1993, is ratified.

Subd. 3. [ENGINEERS.] The labor agreement between the state of Minnesota and the Minnesota Government Engineers Council, approved by the legislative commission on employee relations on November 10, 1993, is ratified.

Subd. 4. [COMMUNITY COLLEGE FACULTY.] The labor agreement between the state of Minnesota and the Minnesota Community College Faculty Association, approved by the legislative commission on employee relations on November 10, 1993, is ratified.

Subd. 5. [NURSES.] The labor agreement between the state of Minnesota and the Minnesota Nurses Association, approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 6. [SPECIAL TEACHERS.] The labor agreement between the state of Minnesota and the State Residential Schools Education Association, approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 7. [LAW ENFORCEMENT.] The labor agreement between the state of Minnesota and the Minnesota Law Enforcement Association, approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 8. [UNREPRESENTED EMPLOYEES, HIGHER EDUCATION BOARD.] The plan for unclassified, unrepresented employees of the higher

education board, as modified and approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 9. [PROFESSIONAL EMPLOYEES.] *The labor agreement between the state of Minnesota and the Minnesota Association of Professional Employees, approved by the legislative commission on employee relations on February 17, 1994, is ratified.*

Subd. 10. [MANAGERIAL PLAN.] *The plan for managerial employees, as approved by the legislative commission on employee relations on February 17, 1994, is ratified.*

Subd. 11. [UNREPRESENTED EMPLOYEES, HIGHER EDUCATION COORDINATING BOARD.] *The plan for unrepresented, unclassified employees of the higher education coordinating board, as recommended for modification by the department of employee relations and approved by the legislative commission on employee relations on February 17, 1994, is ratified.*

Subd. 12. [COMMISSIONERS PLAN.] *The plan for unrepresented non-managerial employees, as approved by the legislative commission on employee relations on March 11, 1994, is approved.*

Sec. 2. [INTERIM APPROVAL.]

After adjournment of the 1994 session, but before the 1995 session of the legislature, the legislative commission on employee relations may give interim approval to any negotiated agreement, arbitration award, salary, or compensation plan submitted to it under other law. The commission shall submit the agreement, award, salary, or plan to the entire legislature for ratification in the same manner and with the same effect as provided for agreements, awards, salaries, and plans submitted after adjournment of the legislature in an odd-numbered year.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment.

ARTICLE 2

Section 1. Minnesota Statutes 1992, section 3.855, subdivision 2, is amended to read:

Subd. 2. [STATE EMPLOYEE NEGOTIATIONS.] (a) The commissioner of employee relations shall regularly advise the commission on the progress of collective bargaining activities with state employees under the state public employment labor relations act. During negotiations, the commission may make recommendations to the commissioner as it deems appropriate but no recommendation shall impose any obligation or grant any right or privilege to the parties.

(b) The commissioner shall submit to the chair of the commission any negotiated agreements or arbitration awards for legislative approval or disapproval. ~~Approved~~ Negotiated agreements shall be submitted within five days of the date of approval by the commissioner or the date of approval by the affected state employees, whichever occurs later. Arbitration awards shall be submitted within five days of their receipt by the commissioner. If the commission disapproves an agreement or award, the commission shall specify

in writing to the parties those portions with which it disagrees and its reasons. If the commission approves an agreement or award, it shall submit the matter to the legislature to be accepted or rejected under *this* section 179A.22, subdivision 4. Failure of the commission to disapprove an agreement or award within 30 days of its receipt constitutes approval. ~~Approval or disapproval by the commission is not binding on the legislature.~~

(c) ~~After adjournment of~~ *When the legislature in an odd-numbered year is not in session*, the commission may give interim approval to a negotiated agreement, salary, compensation plan, or arbitration award. ~~It~~ *The* commission shall submit the negotiated ~~agreement~~ *agreements*, salaries, compensation plans, or arbitration ~~award~~ *awards* for which it has provided approval to the entire legislature for ratification at a special legislative session called to consider them or at its next regular legislative session as provided in this section 179A.22, subdivision 4. ~~Approval or disapproval by the commission is not binding on the legislature.~~

(d) *When the legislature is not in session, the proposed agreement, arbitration decision, salary, or compensation plan must be implemented upon its approval by the commission, and state employees covered by the proposed agreement or arbitration decision do not have the right to strike while the interim approval is in effect. Wages and economic fringe benefit increases provided for in the agreement or arbitration decision paid in accordance with the interim approval by the commission are not affected, but the wages or benefit increases must cease to be paid or provided effective upon the rejection of the agreement, arbitration decision, salary, or compensation plan, or upon adjournment of the legislature without acting on it.*

Sec. 2. Minnesota Statutes 1992, section 3.855, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES SALARIES AND COMPENSATION PLANS.] The commission shall also:

(a) review and approve, reject, or modify a plan for compensation, terms and conditions of employment prepared and submitted by the commissioner of employee relations under section 43A.18, subdivision 2, covering all state employees who are not represented by an exclusive bargaining representative and whose compensation is not provided for by chapter 43A or other law;

(b) review and approve, reject or modify a plan for total compensation and terms and conditions of employment for employees in positions identified as being managerial under section 43A.18, subdivision 3, whose salaries and benefits are not otherwise provided for in law or other plans established under chapter 43A;

(c) review and approve, reject or modify recommendations for salaries submitted by the governor under section 43A.18, subdivision 5, covering agency head positions listed in section 15A.081;

(d) ~~continually monitor the state's civil service system provided for in chapter 43A, rules of the commissioner of employee relations and the collective bargaining process provided for in chapter 179A, as applied to state employees; review and approve, reject, or modify recommendations for salaries of officials of higher education systems under section 15A.081, subdivision 7b; and~~

(e) research and analyze the need for improvements in those statutory sections;

(f) adopt rules consistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and

(g) perform other related functions delegated to it by the legislature review and approve, reject, or modify plans for compensation, terms, and conditions of employment proposed under section 43A.18, subdivision 4.

Sec. 3. Minnesota Statutes 1992, section 3.855, is amended by adding a subdivision to read:

Subd. 4. [OTHER DUTIES.] The commission shall:

(1) continually monitor the state's civil service system provided for in chapter 43A, rules of the commissioner of employee relations, and the collective bargaining process provided for in chapter 179A, as applied to state employees;

(2) research and analyze the need for improvements in those statutory sections;

(3) adopt rules consistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and

(4) perform other related functions delegated to it by the legislature.

Sec. 4. Minnesota Statutes 1993 Supplement, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. [SALARY RANGES.] The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5 3.855:

Salary Range

Effective

July 1, 1987

\$57,500-\$78,500

Commissioner of finance;

Commissioner of education;

Commissioner of transportation;

Commissioner of human services;

Commissioner of revenue;

Commissioner of public safety;

Executive director, state board of investment;

\$50,000-\$67,500

Commissioner of administration;
Commissioner of agriculture;
Commissioner of commerce;
Commissioner of corrections;
Commissioner of jobs and training;
Commissioner of employee relations;
Commissioner of health;
Commissioner of labor and industry;
Commissioner of natural resources;
Commissioner of trade and economic development;
Chief administrative law judge; office of administrative hearings;
Commissioner, pollution control agency;
Director, office of waste management;
Commissioner, housing finance agency;
Executive director, public employees retirement association;
Executive director, teacher's retirement association;
Executive director, state retirement system;
Chair, metropolitan council;
Chair, regional transit board;

\$42,500-\$60,000

Commissioner of human rights;
Commissioner, department of public service;
Commissioner of veterans affairs;
Commissioner, bureau of mediation services;
Commissioner, public utilities commission;
Member, transportation regulation board;
Ombudsman for corrections;
Ombudsman for mental health and retardation.

Sec. 5. Minnesota Statutes 1992, section 15A.081, subdivision 7, is amended to read:

Subd. 7. [METROPOLITAN OFFICERS.] The governor shall set the salary rate within the range set forth below for the following positions, upon

approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 3.855:

Effective

July 1, 1987

Chair, metropolitan airports commission	\$15,000-\$25,000
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Chair, metropolitan waste control commission	\$25,000-\$67,500
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Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

Sec. 6. Minnesota Statutes 1992, section 15A.081, subdivision 7b, is amended to read:

Subd. 7b. [HIGHER EDUCATION OFFICERS.] The higher education board, state university board, the state board for community colleges, the state board of technical colleges, and the higher education coordinating board shall set the salary rates for, respectively, the chancellor of the higher education system, the chancellor of the state universities, the chancellor of the community colleges, the chancellor of vocational technical education, and the executive director of the higher education coordinating board. The respective board shall submit the proposed salary increase to the legislative commission on employee relations for approval, modification, or rejection in the manner provided in section 43A.18, subdivision 2 3.855. Salary rates for the positions specified in this subdivision may not exceed 95 percent of the salary of the governor under section 15A.082, subdivision 3. In deciding whether to recommend a salary increase, the governing board shall consider the performance of the chancellor or director, including the chancellor's or director's progress toward attaining affirmative action goals.

Sec. 7. Minnesota Statutes 1993 Supplement, section 15A.083, subdivision 4, is amended to read:

Subd. 4. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of any position for which a salary range has been provided shall fix the individual salary within the prescribed range, considering the qualifications and overall performance of the employee. The supreme court shall set the salary of the state court administrator and the salaries of district court administrators. The salary of the state court administrator or a district court administrator may not exceed the salary of a district court judge. If district court administrators die, the amounts of their unpaid salaries for the months in which their deaths occur must be paid to their estates. The salary of the state public defender must be 95 percent of the salary of the attorney general.

Salary or Range

Effective

July 1, 1994

Board on judicial standards executive director	\$44,000-70,000 60,000
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Sec. 8. Minnesota Statutes 1992, section 43A.05, subdivision 5, is amended to read:

Subd. 5. [COMPARABILITY ADJUSTMENTS.] The commissioner shall compile, subject to availability of funds and personnel, and submit to the legislative commission on employee relations by January 1 of each odd-numbered year a list showing, by bargaining unit, and by plan for executive branch employees covered by a plan established pursuant to under section 43A.18, those female-dominated classes and those male-dominated classes in state civil service for which a compensation inequity exists based on comparability of the value of the work. The commissioner shall also submit to the legislative commission on employee relations, along with the list, an estimate of the appropriation necessary for providing comparability adjustments for classes on the list. The commission shall review and approve, disapprove, or modify the list and proposed appropriation. The commission's action ~~shall must~~ be submitted to the full legislature in the same manner as provided in sections 3.855 and 43A.18 or 179A.22, subdivision 4, provided that. The full legislature may approve, reject, or modify the commission's action. The commission shall show the distribution of the proposed appropriation among the bargaining units and among the plans established under 43A.18. Each bargaining unit and each plan shall must be allocated that proportion of the total proposed appropriation which that equals the cost of providing adjustments for the positions in the unit or plan approved by the commission for comparability adjustments divided by the total cost of providing adjustments for all positions on the list approved by the commission for comparability adjustments. Distribution of any appropriated funds within each bargaining unit or plan shall must be determined by collective bargaining agreements or by plans.

Sec. 9. Minnesota Statutes 1992, section 43A.08, subdivision 1, is amended to read:

Subdivision 1. [UNCLASSIFIED POSITIONS.] Unclassified positions are held by employees who are:

- (1) chosen by election or appointed to fill an elective office;
- (2) heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions, and institutions specifically established by law in the unclassified service;
- (3) deputy and assistant agency heads and one confidential secretary in the agencies listed in subdivision 1a and in the office of strategic and long-range planning;
- (4) the confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;
- (5) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;
- (6) employees in the offices of the governor and of the lieutenant governor and one confidential employee for the governor in the office of the adjutant general;
- (7) employees of the Washington, D.C., office of the state of Minnesota;

(8) employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(9) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal economic opportunity act work study program in the *higher education board*, the school and resource center for the arts, state universities and community colleges, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;

(10) officers and enlisted persons in the national guard;

(11) attorneys, legal assistants, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

(12) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(13) members of the state patrol; provided that selection and appointment of state patrol troopers must be made in accordance with applicable laws governing the classified service;

(14) chaplains employed by the state;

(15) examination monitors and intermittent training instructors employed by the departments of employee relations and commerce and by professional examining boards;

(16) student workers;

(17) executive directors or executive secretaries appointed by and reporting to any policy-making board or commission established by statute;

(18) employees unclassified pursuant to other statutory authority;

(19) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation; and

(20) the administrators and the deputy administrators at the state academies for the deaf and the blind.

Sec. 10. Minnesota Statutes 1992, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions according to this subdivision: the departments of administration; agriculture; commerce; corrections; jobs and training; education; employee relations; trade and economic development; finance; health; human rights; labor and industry; natural resources; ~~office of administrative hearings~~; public safety; public service; human services; revenue; transportation; and veterans affairs; the housing finance and pollution control agencies; the state lottery board; the state board of investment; *the office of administrative hearings*; the office of waste management; the offices of the attorney general, secretary of state, state auditor, and state treasurer; the state board of technical colleges; *the*

higher education board; the higher education coordinating board; the Minnesota center for arts education; and the Minnesota zoological board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(1) the designation of the position would not be contrary to other law relating specifically to that agency;

(2) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(3) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(4) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(5) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with, the governor and the agency head, the employing statutory board or commission, or the employing constitutional officer;

(6) the position would be at the level of division or bureau director or assistant to the agency head; and

(7) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 11. Minnesota Statutes 1992, section 43A.18, subdivision 2, is amended to read:

Subd. 2. ~~[COMMISSIONER'S UNREPRESENTED NONMANAGERIAL EMPLOYEE PLAN.]~~ Except as provided in section 43A.01, the compensation, terms and conditions of employment for all classified and unclassified employees, except unclassified employees in the legislative and judicial branches, who are not covered by a collective bargaining agreement and not otherwise provided for in ~~Laws 1981, chapter 210~~ chapter 43A or other law ~~shall be~~ are governed solely by the commissioner's a plan developed by the commissioner. The legislative commission on employee relations shall review and approve, reject, or modify the plan and submit it to the legislature along with any recommendations it deems appropriate under section 3.855, subdivision 2. The plan need not be adopted in accordance with the rulemaking provisions of chapter 14.

The plan shall not take effect until approved by the legislature, provided that the legislative commission may give interim approval to effect the plan and subsequently submit it to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179A.22, subdivision 4. If the legislature modifies or rejects the plan or adjourns without action during the following legislative session, any total compensation increases which were provided pursuant to interim approval by the commission and not ratified by the legislature shall not be affected but shall cease to be provided.

Sec. 12. Minnesota Statutes 1992, section 43A.18, subdivision 3, is amended to read:

Subd. 3. [MANAGERIAL PLAN.] (a) The commissioner shall identify individual positions or groups of positions in the classified and unclassified service, in the executive branch as being managerial. The list ~~shall must~~ not include positions listed in subdivision 4. ~~The commissioner shall annually submit the listing of positions to the chair of the legislative commission on employee relations for the commission's review and comment, and shall note on each listing the changes from the prior year.~~

~~(a)~~ (b) The commissioner shall periodically prepare a plan for total compensation and terms and conditions of employment for employees of those positions identified as being managerial and whose salaries and benefits are not otherwise provided for in law or other plans established under this chapter. Before becoming effective those portions of the plan establishing compensation and terms and conditions of employment ~~shall must~~ be reviewed and approved or modified by the legislative commission on employee relations and the legislature ~~in the same manner as provided for the commissioner's plan in under section 3.855, subdivision subdivisions 2 and 3.~~

~~(b)~~ (c) Incumbents of managerial positions as identified under this subdivision ~~shall must~~ be excluded from any bargaining units under ~~the provisions of chapter 179 179A.~~

~~(e)~~ (d) The management compensation plan ~~shall must~~ provide methods and levels of compensation for managers that will be generally comparable to those applicable to managers in other public and private employment. ~~Provisions of The plan shall must~~ ensure that compensation within assigned salary ranges is related to level of performance. The plan ~~shall must~~ also provide a procedure for establishment of a salary rate for a newly created position and a new appointee to an existing position and for progression through assigned salary ranges. The employee benefits established under the provisions of the managerial plan may be extended to agency heads whose salaries are established in section 15A.081, subdivision 1, and to constitutional officers, judges of the workers' compensation court of appeals, and tax court judges.

Sec. 13. Minnesota Statutes 1993 Supplement, section 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] (a) Notwithstanding any other law to the contrary, ~~total compensation terms and conditions of employment~~ for employees listed in this subdivision must be set by appointing authorities within the limits of compensation plans that have been approved by the commissioner before becoming effective. Compensation plans established under paragraphs ~~(b), (c), (d), and (e), and (f)~~ must be reviewed and approved, modified, or rejected by the legislature and the legislative commission on employee relations under section 3.855, subdivision 2, before becoming effective.

~~(a)~~ (b) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer must be determined by the governor, lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer, respectively.

(b) (c) Total compensation for unclassified positions under section 43A.08, subdivision 1, clause (9), in the state universities and the community colleges not covered by a collective bargaining agreement must be determined by the state university board and the state board for community colleges, respectively.

(e) (d) Total compensation for classified administrative law judges in the office of administrative hearings must be determined by the chief administrative law judge.

(d) (e) Total compensation for unclassified positions not covered by a collective bargaining agreement in the higher education coordinating board and in the state board of technical colleges must be determined by the higher education coordinating board and the state board of technical colleges, respectively.

(e) (f) Total compensation for unclassified *managerial* positions not covered by a collective bargaining agreement in the higher education board must be determined by the higher education board.

Sec. 14. Minnesota Statutes 1992, section 43A.18, subdivision 5, is amended to read:

Subd. 5. [GOVERNOR TO RECOMMEND CERTAIN SALARIES.] (a) The governor shall, by July 1 of each odd-numbered year, submit to the legislative commission on employee relations recommendations for salaries within the salary range for the positions listed in section 15A.081, subdivisions 1 and 7. The governor may also propose additions or deletions of positions from those listed.

(b) Before submitting the recommendations, the governor shall consult with the commissioner of administration, the commissioner of finance, and the commissioner of employee relations concerning the recommendations.

(c) In making recommendations, the governor shall consider the criteria established in subdivision 8 and the performance of individual incumbents. The performance evaluation must include a review of an incumbent's progress toward attainment of affirmative action goals. The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities, and accountabilities and in determining recommendations rate each position by this system.

(d) Before the governor's recommended salaries take effect, the recommendations must be reviewed and approved, rejected, or modified by the legislative commission on employee relations and the legislature ~~in the same manner as provided for the commissioner's plan in~~ under section 3.855, subdivision 2. The governor may also at any time propose changes in the salary rate of any positions covered by this subdivision, which must be submitted and approved in the same manner as provided in this subdivision.

(e) The governor shall set the initial salary of a head of a new agency or a chair of a new metropolitan board or commission whose salary is not specifically prescribed by law after consultation with the commissioner, whose recommendation is advisory only. The amount of the new salary must be comparable to the salary of an agency head or commission chair having similar duties and responsibilities.

(f) The salary of a newly appointed head of an agency or chair of a metropolitan agency listed in section 15A.081, subdivision 1 or 7, may be increased or decreased by the governor from the salary previously set for that position within 30 days of the new appointment after consultation with the commissioner. If the governor increases a salary under this paragraph, the governor shall submit the new salary to the legislative commission on employee relations and the full legislature for approval, modification, or rejection ~~in the manner provided in under section 3.855, subdivision 2. If the legislature rejects an increased salary or adjourns without action during the following legislative session, the salary for the position reverts to the level in effect before the governor proposed the change.~~

Sec. 15. Minnesota Statutes 1992, section 179A.18, subdivision 1, is amended to read:

Subdivision 1. [WHEN AUTHORIZED.] Essential employees may not strike. Except as otherwise provided by subdivision 2 and section 179A.17, subdivision 2, other public employees may strike only under the following circumstances:

(1)(a) ~~The~~ the collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179A.17, subdivision 2, has occurred; and

(b) ~~The~~ the exclusive representative and the employer have participated in mediation over a period of at least 45 days, provided that the mediation period established by section 179A.17, subdivision 2, ~~shall govern~~ governs negotiations ~~pursuant to under that section, and provided that~~ for the purposes of this subclause the mediation period commences on the day following receipt by the commissioner of a request for mediation; or

(2) ~~The~~ the employer violates section 179A.13, subdivision 2, clause (9); or

(3) ~~In~~ in the case of state employees,

(a) ~~The~~ the legislative commission on employee relations has ~~not given approval during a legislative interim to rejected~~ a negotiated agreement or arbitration decision under section 179A.22, subdivision 4, within 30 days after its receipt during a legislative interim; or

(b) ~~The~~ the entire legislature rejects or fails to ratify a negotiated agreement or arbitration decision, which has been approved during a legislative interim by the legislative commission on employee relations, at a special legislative session called to consider it, or at its next regular legislative session, whichever occurs first.

Sec. 16. Minnesota Statutes 1992, section 179A.22, subdivision 4, is amended to read:

Subd. 4. [AGREEMENTS.] The commissioner of employee relations is authorized to enter into agreements with exclusive representatives. The negotiated agreements and arbitration decision ~~shall must~~ be submitted to the legislature to be accepted or rejected in accordance with this section and section 3.855.

If a proposed agreement or arbitration decision is rejected or is not approved by the legislature prior to its adjournment in an odd-numbered year, the legislative commission on employee relations is authorized to give interim approval to a proposed agreement or arbitration decision. The proposed

agreement or arbitration decision shall be implemented upon its approval by the commission and state employees covered by the proposed agreement or arbitration decision shall not have the right to strike while the interim approval is in effect. The commission shall submit the agreement or arbitration decision to the legislature for ratification at a special legislative session called to consider it or at its next regular legislative session. Wages and economic fringe benefit increases provided for in the agreement or arbitration decision which were paid pursuant to the interim approval by the commission shall not be affected but these wages and benefit increases shall cease to be paid or provided effective upon the rejection of the agreement or arbitration decision or upon adjournment by the legislature without acting upon the agreement or arbitration decision.

Sec. 17. [SETTLEMENT FORM.]

Until the commissioner of mediation services adopts a rule under authority of Minnesota Statutes, section 179A.04, subdivision 3, paragraph (n), that provides otherwise, public employers shall use the "uniform baseline and settlement form" and accompanying instructions presented by the commissioner of mediation services to the legislative commission on employee relations on February 17, 1994. However, the commissioner shall reduce the "uniform baseline and settlement form" to a one-page document without omitting any of the current elements. A public employer shall use the form in the manner required by section 179A.04, subdivision 3, paragraph (n).

For agreements or awards that were entered into or issued before the effective date of this section, the employer shall complete the form and make it available to the public within 60 days of the effective date of this section. The state and school districts shall complete forms for agreements or awards entered into or issued after June 30, 1993. Other public employers shall complete forms for agreements or awards entered into or issued after December 31, 1993.

The commissioner shall publish the form submitted to the commission in the State Register within 30 days of the effective date of this section. The commissioner shall mail a copy of the form and instructions, free of charge, to associations of public employers, to exclusive representatives, and to any other person requesting the form and instructions.

Sec. 18. [EFFECTIVE DATE.]

Sections 7 and 17 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to employee relations; ratifying labor agreements; making certain positions unclassified; changing duties of the legislative commission on employee relations; revising a salary range for a certain position in the judicial branch; amending Minnesota Statutes 1992, sections 3.855, subdivisions 2, 3, and by adding a subdivision; 15A.081, subdivisions 7 and 7b; 43A.05, subdivision 5; 43A.08, subdivisions 1 and 1a; 43A.18, subdivisions 2, 3, and 5; 179A.18, subdivision 1; and 179A.22, subdivision 4; Minnesota Statutes 1993 Supplement, sections 15A.081, subdivision 1; 15A.083, subdivision 4; and 43A.18, subdivision 4."

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. No. 1860 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Neuville moved that the name of Ms. Olson be added as a co-author to S.F. No. 2728. The motion prevailed.

Ms. Ranum introduced—

Senate Resolution No. 70: A Senate resolution congratulating the Minneapolis Washburn Millers for winning the 1994 State High School Class AA Boys Basketball Championship.

Referred to the Committee on Rules and Administration.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Novak moved that S.F. No. 2592 be withdrawn from the Committee on Family Services and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Mr. Novak moved that S.F. No. 1706 be taken from the table.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 34 and nays 31, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Kroening	Metzen	Robertson
Benson, J.E.	Hottinger	Laidig	Moe, R.D.	Sams
Berg	Janezich	Langseth	Murphy	Solon
Bertram	Johnson, D.E.	Lesewski	Novak	Stevens
Chmielewski	Johnson, D.J.	Lessard	Olson	Terwilliger
Day	Kelly	McGowan	Pariseau	Vickerman
Dille	Knutson	Merriam	Riveness	

Those who voted in the negative were:

Anderson	Finn	Larson	Pappas	Spear
Beckman	Flynn	Luther	Piper	Stumpf
Benson, D.D.	Frederickson	Marty	Pogemiller	Wiener
Berglin	Johnson, J.B.	Mondale	Price	
Betzold	Johnston	Morse	Ranum	
Chandler	Kiscaden	Neuville	Reichgott Junge	
Cohen	Krentz	Oliver	Runbeck	

The motion prevailed.

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; providing for a transfer of land; 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; regulating certain advertising expenses related to nuclear power; appropriating

money; amending Minnesota Statutes 1992, sections 216B.16, subdivision 8, and by adding a subdivision; 216B.241, subdivision 1a; and 216B.243, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Ms. Johnson, J.B. moved to amend S.F. No. 1706 as follows:

Page 5, delete lines 32 to 36 and insert:

"A public utility, as defined in section 216B.02, subdivision 4, that operates a nuclear powered electric generating plant within this state must, by December 31, 1999, purchase the power generated by a biomass fueled electric generating plant within this state of at least 200,000 kilowatts, having a thermal efficiency of at least 33 percent, and using biomass supplies from farm-grown crops. Such a facility is qualified for a competitive bidding process if the technology is ready for commercial demonstration."

Page 6, delete lines 1 and 2

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kelly	Pappas	Runbeck
Beckman	Flynn	Krentz	Piper	Spear
Benson, D.D.	Frederickson	Luther	Pogemiller	Stumpf
Berglin	Hottinger	Marty	Price	Wiener
Betzold	Johnson, D.E.	Mondale	Ranum	
Chandler	Johnson, J.B.	Morse	Reichgott Junge	
Cohen	Johnston	Neuville	Riveness	

Those who voted in the negative were:

Belanger	Hanson	Larson	Murphy	Samuelson
Benson, J.E.	Janezich	Lesewski	Novak	Solon
Berg	Johnson, D.J.	Lessard	Oliver	Stevens
Bertram	Kiscaden	McGowan	Olson	Terwilliger
Chmielewski	Knutson	Merriam	Pariseau	Vickerman
Day	Laidig	Metzen	Robertson	
Dille	Langseth	Moe, R.D.	Sams	

The motion did not prevail. So the amendment was not adopted.

Mr. Stumpf moved to amend S.F. No. 1706 as follows:

Page 5, line 26, delete "construct and operate" and insert "have operational"

Page 5, line 27, after "of" insert "effective capacity"

Page 5, line 28, after "kilowatts" insert "of effective capacity"

Mr. Novak moved to amend the Stumpf amendment to S.F. No. 1706 as follows:

Page 1, line 6, after "capacity" insert "and before the period, insert "if the commission determines that it is the least cost supply option in the utility's resource plan pursuant to Minnesota Statutes, section 216B.2422""

The question was taken on the adoption of the Novak amendment to the Stumpf amendment.

The roll was called, and there were yeas 37 and nays 29, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Langseth	Murphy	Samuelson
Benson, D.D.	Janezich	Larson	Neuville	Solon
Benson, J.E.	Johnson, D.E.	Lesewski	Novak	Stevens
Berg	Johnson, D.J.	Lessard	Oliver	Terwilliger
Bertram	Kelly	McGowan	Olson	Vickerman
Chmielewski	Knutson	Merriam	Pariseau	
Day	Kroening	Metzen	Robertson	
Dille	Laidig	Moe, R.D.	Runbeck	

Those who voted in the negative were:

Anderson	Finn	Kiscaden	Pappas	Riveness
Beckman	Flynn	Krentz	Piper	Sams
Berglin	Frederickson	Luther	Pogemiller	Spear
Betzold	Hottinger	Marty	Price	Stumpf
Chandler	Johnson, J.B.	Mondale	Ranum	Wiener
Cohen	Johnston	Morse	Reichgott Junge	

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Stumpf withdrew his amendment.

Mr. Morse moved to amend S.F. No. 1706 as follows:

Page 7, after line 18, insert:

“ARTICLE 5

INTERVENOR COMPENSATION

Section 1. [216B.035] [INTERVENOR COMPENSATION.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(1) “administrative law judge” means the administrative law judge assigned to a proceeding before the public utilities commission or, when a proceeding has not been assigned to the office of administrative hearings, the chief administrative law judge; and

(2) “intervenor” means a party in any of the following proceedings related to gas or electric utilities or service before the public utilities commission or in any proceeding reviewing a commission decision or order issued in any of the following proceedings, excluding a participant that provides gas or electric services:

(1) a proceeding referred to the office of administrative hearings;

(2) a proceeding related to rates under section 216B.16;

(3) a proceeding related to competitive rates under sections 216B.162 or 216B.163;

(4) a proceeding related to energy conservation improvements under 216B.241;

(5) a proceeding related to issuance of a certificate of need under section 216B.243;

(6) a proceeding related to resource planning under section 216B.2422; or

(7) any rulemaking proceeding.

Subd. 2. [ACCOUNT; ASSESSMENT; APPROPRIATION.] (a) A separate account in the state treasury is established for the purpose of compensating intervenors as provided in this section. The commissioner, under section 216B.62, shall annually assess gas and electric utilities an amount that, in aggregate, provides not less than \$100,000 nor more than \$200,000 per year in revenue for the account, based on the commissioner's evaluation of potential claims against the account.

(b) One-half of the annual amount assessed under paragraph (a) must be apportioned among all public utilities in proportion to their respective gross operating revenues under section 216B.62, subdivision 3. The remaining half of the assessment must be apportioned among each of the gas and electric utilities, including cooperatively and municipally owned utilities, who were primary parties during the most recent calendar year in proportion to the amount of intervenor compensation disbursed from the account for proceedings in which each of the utilities were primary parties.

(c) The amount assessed each year by the commissioner must be deposited in the account.

Subd. 3. [COMPENSATION.] The commissioner shall remit from the intervenor compensation account payment to an intervenor to reimburse the intervenor for reasonable attorney fees, expert witness fees, transcript fees, and other reasonable costs, including fees and costs of obtaining judicial review, provided:

(1) the administrative law judge determines that the intervenor's participation is necessary to provide for the record an adequate presentation of a significant position in which the intervenor has a substantial interest; and

(2) the administrative law judge determines that the intervenor cannot without undue hardship afford to pay the costs of participation or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.

Subd. 4. [PROCEDURE; SUPPLEMENTAL COMPENSATION; PAYMENT.] (a) An intervenor seeking compensation under this section shall file an application for compensation with the administrative law judge within 14 days after a notice of hearing is issued or on the same date initial comments are due in a noncontested matter. The judge may grant leave to file a late application if the applicant provides a reasonable justification for delay.

(b) The administrative law judge shall decide whether and in what amount to authorize compensation within 30 days of receipt of an application for compensation and shall notify the commissioner of the authorization. The administrative law judge may authorize partial payments to be disbursed as an intervenor's work progresses.

(c) The administrative law judge may authorize supplemental compensation for an intervenor for whom compensation is authorized if, for legitimate reasons, the costs of participation were underestimated or if additional funds would substantially improve the ability of the intervenor to contribute to the proceeding.

(d) Within 30 days of receipt of notice from the administrative law judge of an approved application for compensation, the commissioner shall provide the authorized compensation to the intervenor.

Subd. 5. [ACCOUNTING; REPORT.] Within 30 days of issuance of the final order in the proceeding for which compensation was paid under this section, the intervenor who received the compensation shall file with the administrative law judge and the commissioner a report itemizing the fees paid and expenses actually incurred by the intervenor. The report must include full documentation of fees and expenses, including the cost of studies, engineering reports, tests, or projects related to the proceeding. Documentation must also include an affidavit from each attorney, agent, or expert witness that represented or appeared on behalf of the intervenor that states the specific services rendered, the actual time spent for each service, and the rate at which fees were computed for providing each service.

Subd. 6. [REIMBURSEMENT.] The administrative law judge shall review each report filed under subdivision 5, along with any other relevant material submitted. An intervenor shall reimburse the commissioner for any amount the administrative law judge determines was not compensable under this section. Reimbursement received by the commissioner under this section must be deposited in the intervenor compensation account.

Sec. 2. [INITIAL REVENUE; INTERVENOR COMPENSATION.]

The commissioner of the department of public service shall increase the aggregate assessment for fiscal year 1995 made against gas and electric utilities under section 216B.62 by \$200,000 and that amount shall be deposited in the intervenor compensation account established in section 1, subdivision 2."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Hottinger moved to amend S.F. No. 1706 as follows:

Page 7, after line 16, insert:

"Sec. 3. Minnesota Statutes 1992, section 216B.241, is amended by adding a subdivision to read:

Subd. 1c. [ENERGY-SAVING GOALS.] The commissioner shall establish energy-savings goals for energy conservation improvement expenditures and shall evaluate an energy conservation improvement program on how well it meets the goals set."

Renumber the sections of article 4 in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Anderson moved to amend S.F. No. 1706 as follows:

Page 7, after line 18, insert:

"ARTICLE 5

SUSTAINABLE ENERGY AND JOBS SUPERFUND

Section 1. Minnesota Statutes 1993 Supplement, section 216B.2422, subdivision 5, is amended to read:

Subd. 5. [BIDDING.] A utility may select resources to meet its projected energy demand through a bidding process approved or established by the commission. A utility shall use the environmental cost estimates determined under subdivision 3 in evaluating bids submitted in a process established under this subdivision.

The commission may not approve or establish a bidding process for a utility that operates a nuclear power electric generating plant unless the process awards points based on the jobs that will be retained or created by the resource selected. Points must be awarded based on the number and type of jobs created with permanent, full-time, high-paying prevailing wage jobs receiving more points than temporary, part-time, or low-paying jobs.

Sec. 2. [216E.01] [NUCLEAR TRANSITION; JOBS; FINDINGS.]

The policy of the state is to support and encourage the creation of well-paying permanent jobs in an indigenous renewable electric generating industry and to provide support to those unemployed due to the closing or phasing out of nuclear power plants. The legislature further finds that it is reasonable and fair for the encouragement and support to be funded by a charge on the production of energy by nuclear reactors, since the true cost of producing nuclear energy is not reflected in the rates charged for nuclear-produced electric energy due in part to the uncertain cost of disposing of nuclear waste.

Sec. 3. [216E.02] [DEFINITIONS.]

Subdivision 1. [SCOPE.] *For the purpose of this chapter, the terms defined in this section have the meanings given them.*

Subd. 2. [ACCOUNT.] *"Account" means the sustainable energy and jobs superfund account.*

Subd. 3. [BOARD.] *"Board" means the sustainable energy and jobs board.*

Sec. 4. [216E.03] [SUSTAINABLE ENERGY AND JOBS BOARD.]

Subdivision 1. [ESTABLISHMENT OF BOARD.] *The sustainable energy and jobs board is established. The board consists of nine members who will serve part time and who will be appointed by the governor with the advice and consent of the senate. Three members must represent labor, including one member representing organized union employees and one member representing unorganized employees at nuclear power plants in this state; three members representing the electric utility industry, including one representing cooperative electric utilities; and three members representing alternative energy researchers, developers, and producers. The board shall annually elect a member to serve as chair for a term of one year. Filling of vacancies, removal of members, and compensation of members are governed by section 15.0575.*

Subd. 2. [MEMBERSHIP TERMS.] *The initial members shall be appointed to terms as follows:*

- (1) three members appointed for six years;*
- (2) three members appointed for four years; and*
- (3) three members appointed for two years.*

At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.

Subd. 3. [DUTIES.] In addition to performing duties specified in sections 6 and 7 or in other law, the board shall:

- (1) publicize the availability of grants and loans on a statewide basis; and*
- (2) collect, analyze, and make available to the public, data on renewable electric energy production.*

Subd. 4. [POWERS.] The board may contract for consultant or other services necessary to carry out the board's duties. The board may adopt rules necessary to carry out its duties.

Subd. 5. [ADMINISTRATIVE PERSONNEL AND SERVICES.] The board may appoint an executive director who is not a member of the board. The executive director is in the unclassified service. The commissioner of trade and economic development shall provide staff assistance, administrative services, and office space under a contract with the board. The board shall reimburse the commissioner for the staff, services, and space provided. In order to perform its duties, the board may request information from the supervising officer of any state agency or state institution of higher education.

Sec. 5. [216E.04] [SUSTAINABLE ENERGY AND JOBS SUPERFUND.]

Subdivision 1. [CREATED.] The sustainable energy and jobs superfund account is created in the special revenue fund in the state treasury. The superfund is created for the purpose of funding a transition from nuclear power to a sustainable state energy future; protecting displaced nuclear industry workers; investing in rapid economic development of indigenous, renewable energy, and conservation industries; creating prevailing wage quality jobs; protecting the state's environment; and protecting electricity ratepayers by making an orderly transition to non-nuclear electric generation sources.

Subd. 2. [FUNDING.] The account shall be funded by a fee of \$.01 per kilowatt hour of electricity produced in the state by nuclear power. The fee is payable monthly to the commissioner of finance by the owner of the nuclear power plant. The commissioner shall deposit the payments in the account. The commissioner and the public utilities commission are authorized to inspect and audit the records of the owners of nuclear power plants to ensure that the fee is properly paid. The public utilities commission may permit a public utility to file rate schedules providing for annual recovery of the costs of the fee.

Subd. 3. [USE OF ACCOUNT.] The money in the account, including earnings thereon, is annually appropriated to the board. The money may be used to make loans and grants to persons under section 6, to provide for extended unemployment benefits for nuclear plant employees under section 7, to pay for a worker retraining program run by affected unions, to pay for the expenses of the board, and for other purposes authorized by law. A deficiency in the superfund is not the obligation of the general fund.

Sec. 6. [216E.05] [RENEWABLE ENERGY; LOANS AND GRANTS.]

The board shall make low-interest loans and grants to assist proposals that reduce electric energy use through energy conservation and efficiency or that generate electricity through sustainable energy sources indigenous to the

state. The loans and grants may be used for projects and programs for which technological and economic feasibility have been demonstrated and that have the following purposes:

- (1) creating and maintaining productive, permanent, skilled employment; and
- (2) promoting the development of sustainable energy sources utilizing indigenous fuels.

The board shall give preference to proposals that create high-paying prevailing wage, permanent jobs within the state.

A grant shall only be made in response to requests for proposals prepared by the board.

Sec. 7. [216E.06] [EXTENDED UNEMPLOYMENT BENEFITS; NUCLEAR PLANT EMPLOYEE.]

Subdivision 1. [DEFINITION.] For the purpose of this section, "employee" means an employee of a public utility working at a nuclear-powered electric generating plant in this state who becomes unemployed because the plant is permanently shut down or in the process of being permanently shut down.

Subd. 2. [EXTENDED BENEFITS.] After an employee has been determined eligible to receive and has exhausted entitlement to all regular and extended unemployment benefits under chapter 268, and any federal extended unemployment benefits, the employee is eligible for 52 weeks of additional benefits payable weekly from the account subject to the same eligibility requirements as the regular benefit. The amount of the benefit shall be the lesser of twice the regular benefit or two-thirds of the employee's weekly wage used to determine the regular benefit.

Subd. 3. [DEPARTMENT OF JOBS AND TRAINING.] The board shall contract with the department of jobs and training to administer the extended benefit program created by this section. The department of jobs and training shall enter into an agreement to administer this section and may do all things necessary to carry out its obligations under this section and under any agreement it enters into with the board. Payments to the department of jobs and training to administer this section cannot exceed five percent of the benefits paid under this section.

Sec. 8. [HEALTH COVERAGE NOTICE.]

A public utility that terminates an employee due to the planned shutdown of a nuclear power plant shall, in addition to any other notices required by law, provide written notices to the employee, two weeks before and after termination, of the employee's right to continue health coverage through the employer under state and federal law.

Sec. 9. [RED WING MODEL JOBS AND ENERGY TRANSITION PLAN.]

The sustainable energy and jobs board shall evaluate the impact of closing the Prairie Island nuclear power plant in the Red Wing area. The evaluation shall include a study of the potential for energy savings and energy generation in the Red Wing area through the use of renewable energy sources, conservation, and cogeneration. The evaluation shall estimate the money that can be saved, the jobs that could be created, and the investment required to achieve this potential.

Based on the evaluation, the board shall give a preference for a low-interest loan or grant to proposals for projects that would be located in the Red Wing area.

Sec. 10. [METRO STATE BUILDING TRADES PROJECT; APPROPRIATION.]

\$100,000 is appropriated from the general fund to the state university board for the biennium ending June 30, 1995, for the purpose of operating a program at metropolitan state university to retrain building trades workers who are unemployed or underemployed."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Oliver	Riveness
Beckman	Flynn	Laidig	Pappas	Runbeck
Benson, D.D.	Frederickson	Luther	Piper	Spear
Berglin	Hottinger	Marty	Pogemiller	Stumpf
Betzold	Johnson, J.B.	Mondale	Price	
Chandler	Johnston	Morse	Ranum	
Cohen	Kiscaden	Neuville	Reichgott Junge	

Those who voted in the negative were:

Belanger	Hanson	Langseth	Moe, R.D.	Samuelson
Benson, J.E.	Janezich	Larson	Murphy	Solon
Berg	Johnson, D.E.	Lesewski	Novak	Stevens
Bertram	Johnson, D.J.	Lessard	Olson	Terwilliger
Chmielewski	Kelly	McGowan	Pariseau	Vickerman
Day	Knutson	Merriam	Robertson	Wiener
Dille	Kroening	Metzen	Sams	

The motion did not prevail. So the amendment was not adopted.

S.F. No. 1706 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 42 and nays 24, as follows:

Those who voted in the affirmative were:

Belanger	Hottinger	Laidig	Murphy	Sams
Benson, D.D.	Janezich	Langseth	Neuville	Samuelson
Benson, J.E.	Johnson, D.E.	Larson	Novak	Solon
Berg	Johnson, D.J.	Lesewski	Oliver	Stevens
Bertram	Johnston	Lessard	Olson	Terwilliger
Chmielewski	Kelly	McGowan	Pariseau	Vickerman
Day	Kiscaden	Merriam	Riveness	
Dille	Knutson	Metzen	Robertson	
Hanson	Kroening	Moe, R.D.	Runbeck	

Those who voted in the negative were:

Anderson	Cohen	Krentz	Pappas	Reichgott Junge
Beckman	Finn	Luther	Piper	Spear
Berglin	Flynn	Marty	Pogemiller	Stumpf
Betzold	Frederickson	Mondale	Price	Wiener
Chandler	Johnson, J.B.	Morse	Ranum	

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

MOTIONS AND RESOLUTIONS – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1948: A bill for an act relating to agriculture; providing for family farm limited liability companies and authorized farm limited liability companies; removing limitation on number of shareholders or partners for authorized farm corporations and partnerships; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for March 30, 1994, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2036: A bill for an act relating to human services; permitting certain providers to request a state agency hearing; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, sections 256.045, subdivisions 3, 4, 5 and by adding a subdivision; and 256B.0625, subdivisions 8, 8a, 25, 31, and by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 30, 1994, be adopted; that committee recommendation being:

“the bill do pass and be re-referred to the Committee on Health Care”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2824: A bill for an act relating to ethanol; increasing the cap on ethanol development payments to ethanol producers; extending expiration of payments for ethanol development; increasing minimum oxygen content of gasoline; eliminating tax credit for agricultural alcohol gasoline; amending Minnesota Statutes 1992, sections 41A.09, subdivision 5; and 296.02, subdivision 7; Minnesota Statutes 1993 Supplement, section 41A.09, subdivision 3; and 239.791, subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Transportation and Public Transit, shown in the Journal for March 29, 1994, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Environment and Natural Resources". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2357: A bill for an act relating to retirement; waiving the annuity reduction for certain faculty in the state university system who return to teaching part-time after retirement; mandating employer-paid health insurance for these faculty; proposing coding for new law in Minnesota Statutes, chapters 136 and 354.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 29, 1994, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2316: A bill for an act relating to the state board of investment; management of funds under the board's control; amending Minnesota Statutes 1992, sections 11A.17, subdivisions 1, 4, 9, 10a, and 14; 11A.18, subdivision 9; 11A.24, subdivisions 3, 5, and 6; 353D.05, subdivision 2; and 354B.07, subdivision 2; Minnesota Statutes 1993 Supplement, sections 11A.24, subdivisions 1 and 4; 352D.04, subdivision 1; and 354B.05, subdivision 3.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 29, 1994, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2395: A bill for an act relating to elections; providing for a local government election for election of county, municipal, and school district officers, and officers of all other political subdivisions except towns; superseding inconsistent general and special laws and home rule charter provisions; amending Minnesota Statutes 1992, sections 103C.301, subdivision 1; 103C.305, subdivisions 1, 2, and 6; 103C.311; 103C.315, subdivision 2; 122.23, subdivision 11; 122.25, subdivision 2; 123.34, subdivision 1; 128.01, subdivision 3; 200.01; 200.02, subdivision 10, and by adding a subdivision; 203B.05, subdivision 2; 204B.09; 204B.135, subdivision 4; 204B.14, by adding a subdivision; 204B.18, by adding a subdivision; 204B.19, subdivision

6; 204B.27, subdivisions 3 and 5; 204B.28, subdivision 1; 204B.32; 204B.34, subdivisions 2 and 4; 204B.35, subdivision 5; 204C.03, subdivision 4; 204C.28, subdivision 5; 204D.02; 204D.05, subdivisions 2 and 3; 204D.08, subdivision 6; 204D.09; 204D.10, subdivision 3; 205.02; 205.065, subdivisions 1, 2, 3, and 5; 205.07, subdivision 1; 205.13, subdivisions 1, 2, and 6; 205.175, subdivision 1; 205.185, subdivisions 2 and 3; 205A.03, subdivisions 2 and 4; 205A.04, subdivision 1; 205A.06, subdivisions 1, 2, and 5; 205A.09; 205A.10, subdivision 2; 205A.11; 375.101, by adding a subdivision; 382.01; 397.06; 397.07; 398.04; 412.02, subdivision 2; 412.021, subdivision 2; 412.571, subdivision 5; and 447.32, subdivisions 1 and 2; Minnesota Statutes 1993 Supplement, sections 122.23, subdivision 18; and 206.90, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 205; proposing coding for new law as Minnesota Statutes, chapter 204E; repealing Minnesota Statutes 1992, sections 205.07, subdivision 3; 205.18; 205.20; 205A.04, subdivision 2; 375.101, subdivisions 1 and 2; 410.21; and 447.32, subdivision 4.

Reports the same back with the recommendation that the report from the Committee on Ethics and Campaign Reform, shown in the Journal for March 29, 1994, be amended to read:

“the bill do pass”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2593: A bill for an act relating to state government; permitting employees of Minnesota Project Innovation, Inc. to participate in certain state employee benefit programs; amending Minnesota Statutes 1992, section 116O.04, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 29, 1994, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2130: A bill for an act relating to health; establishing a health insurance counseling and assistance program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for March 24, 1994, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Health Care”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

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 report from the Committee on Commerce and Consumer Protection, shown in the Journal for March 28, 1994, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

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 report from the Committee on Commerce and Consumer Protection, shown in the Journal for March 28, 1994, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

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 report from the Committee on Health Care, shown in the Journal for March 28, 1994, be adopted; that committee recommendation being:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1801: A bill for an act relating to retirement; increasing employee contribution rates and benefit computation formulas for the teachers retirement fund; revising the salary growth assumption for certain public pension funds; amending Minnesota Statutes 1992, sections 354.42, subdivision 2; 354.44, subdivision 6; and 356.215, subdivision 4d; Minnesota Statutes 1993 Supplement, section 356.215, subdivision 4g.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 29, 1994, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2220: A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; 103I.235, subdivision 1; 103I.331, subdivision 6; and 103I.401, subdivision 1; Minnesota Statutes 1993 Supplement, sections 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 29, 1994, be amended to read:

"the bill do pass and be re-referred to the Committee on Finance". Report adopted.

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

S.F. No. 2800: A bill for an act relating to unemployment compensation; changing its name; modifying provisions relating to reporting requirements, eligibility conditions, and liability for benefits; amending Minnesota Statutes 1992, sections 268.03; 268.08, subdivision 1; and 268.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 268.08, subdivision 6; 268.09, subdivision 1; 268.10, subdivision 2; and 268.161, subdivision 9.

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 under Rule 35, together with the committee report thereon,

S.F. No. 2447: A bill for an act relating to state government; permitting state employees to donate vacation leave for the benefit of a certain state employee.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 30, 1994, be amended to read:

“the bill do pass and be re-referred to the Committee on Finance”. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1948, 2395 and 2800 were read the second time.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Belanger moved that S.F. No. 1736 be withdrawn from the Committee on Taxes and Tax Laws, given a second reading and placed on General Orders. The motion prevailed.

S.F. No. 1736 was read the second time.

Mr. Novak moved that H.F. No. 2064 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Thursday, March 31, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate