

EIGHTY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 6, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

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.

Prayer was offered by the Chaplain, Rev. Paul Harris.

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

Adkins	Dille	Kroening	Murphy	Runbeck
Anderson	Finn	Laidig	Neuville	Sams
Beckman	Flynn	Langseth	Novak	Samuelson
Belanger	Frederickson	Larson	Oliver	Solon
Benson, D.D.	Hanson	Lesewski	Olson	Spear
Benson, J.E.	Hottinger	Lessard	Pappas	Stevens
Berg	Janezich	Luther	Pariseau	Stumpf
Berglin	Johnson, D.E.	Marty	Piper	Terwilliger
Bertram	Johnson, D.J.	McGowan	Pogemiller	Vickerman
Betzold	Johnson, J.B.	Merriam	Price	Wiener
Chandler	Johnston	Metzen	Ranum	
Chmielewski	Kiscaden	Moe, R.D.	Reichgott Junge	
Cohen	Knutson	Mondale	Riveness	
Day	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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1826: A bill for an act relating to metropolitan government; extending reporting and effective dates for radio systems planning by the metropolitan council; extending the moratorium on applications for 800 megahertz channels.

Senate File No. 1826 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 5, 1994

Mr. Moe, R.D. moved that S.F. No. 1826 be laid on the table. The motion prevailed.

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. 1692: A bill for an act relating to contracts; creating the public contractors' performance and payment bond act by amending existing provisions; amending Minnesota Statutes 1992, sections 574.26; 574.261; 574.262, subdivision 1; 574.263, by adding a subdivision; 574.264, subdivision 1; 574.27; 574.28; 574.29; 574.30; 574.31; and 574.32.

Senate File No. 1692 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 5, 1994

Mr. Moe, R.D. moved that S.F. No. 1692 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1914:

H.F. No. 1914: A bill for an act relating to financial institutions; reciprocal interstate banking; reciprocal interstate savings and loan acquisitions and branching; removing the geographical limitation contained in the definition of reciprocating state; amending Minnesota Statutes 1992, sections 48.92, subdivision 7; 51A.58.

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

Jennings, Reding and Abrams have been appointed as such committee on the part of the House.

House File No. 1914 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 April 5, 1994

Mr. Metzen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1914, 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. 2512, 664, 2034, 2139, 2882, 2135, 2522, 3046, 2371, 2426, 2967 and 3057.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 5, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 2512: A bill for an act relating to retirement; providing for level benefits for the Minneapolis police relief association; changing the definition of surviving spouses eligible for benefits; amending Minnesota Statutes 1992, sections 353B.11, subdivision 1; and 423B.09, subdivision 1; Minnesota Statutes 1993 Supplement, sections 353B.07, subdivision 3; and 423B.10, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2240, now on General Orders.

H.F. No. 664: A bill for an act relating to education; modifying certain teacher retirement programs to encourage experienced teachers to participate in job sharing; amending Minnesota Statutes 1992, sections 354.66, subdivisions 2 and 4; and 354A.094, subdivisions 3 and 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 614.

H.F. No. 2034: A bill for an act relating to transportation; changing eligibility requirements for distribution of funds from the town road account and town bridge account; amending Minnesota Statutes 1993 Supplement, sections 161.082, subdivision 2a; and 162.081, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1802, now on General Orders.

H.F. No. 2139: A bill for an act relating to real estate; regulating trust accounts; clarifying a definition for purposes of licensing real estate appraisers; regulating dual agency disclosure; amending Minnesota Statutes 1992, section 82B.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 82.197, subdivision 3; and 82.24, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1848, now on the Calendar.

H.F. No. 2882: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2706, now on General Orders.

H.F. No. 2135: A bill for an act relating to manufactured home parks; prohibiting manufactured home parks from prohibiting senior citizens from keeping house pet dogs, cats, and birds on the park premises; amending Minnesota Statutes 1992, section 327.27, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1698.

H.F. No. 2522: A bill for an act relating to natural resources; authorizing departmental sponsored competition in natural resources conservation related activities; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 3046: A bill for an act relating to the environment; requiring town board approval prior to issuance of a permit by the pollution control agency for spreading soil that contains harmful substances on land; amending Minnesota Statutes 1992, section 116.07, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2371: A bill for an act relating to unemployment compensation; requiring a study of self-employment assistance programs.

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

H.F. No. 2426: A bill for an act relating to traffic regulations; allowing any city to establish citizen enforcement programs to enforce vehicle parking laws relating to the physically disabled; specifying that citizen volunteers are agents of the city for liability purposes; amending Minnesota Statutes 1993 Supplement, section 169.346, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2035, now on General Orders.

H.F. No. 2967: A bill for an act relating to local government; giving the Minneapolis school district and the municipal building commission the same authority as the city of Minneapolis to negotiate certain trade and craft contracts; amending Laws 1988, chapter 471, sections 1 and 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2647, now on the Consent Calendar.

H.F. No. 3057: A bill for an act relating to cities; authorizing and establishing the Chisholm/Hibbing airport authority.

Referred to the Committee on Taxes and Tax Laws.

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. 1133 and 1863. The motion prevailed.

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

S.F. No. 2129: A bill for an act relating to adoption; regulating certain advertising and payments in connection with adoption; regulating agencies; providing for direct adoptive placement; providing for the enforceability of postadoption contact agreements; providing penalties; amending Minnesota Statutes 1992, sections 144.227, subdivision 1, and by adding a subdivision; 245A.03, subdivision 1; 245A.04, by adding a subdivision; 245A.07, by adding a subdivision; 259.21, by adding subdivisions; 259.22, subdivisions 1,

2, and by adding a subdivision; 259.27, by adding a subdivision; 259.31; and 317A.907, subdivision 6; Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 259.

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

Page 2, line 4, delete "*felony*" and insert "*misdemeanor*"

Page 5, line 28, delete everything after the second comma

Page 5, line 29, delete everything before "*the*"

Page 6, line 3, delete "*This policy applies to*" and insert "*Portions of*"

Page 6, line 4, after "*317A*" insert "*may also affect the adoption of a particular child*"

Page 6, line 29, delete "*and*" and insert "*by a birth parent or legal guardian other than an agency under the*"

Page 7, after line 3, insert:

"The court may waive any residence requirement if the petitioner is an individual who is related, as defined in section 245A.02, subdivision 13, or a member of a child's extended family or important friends with whom the child has resided or had significant contact."

Page 7, line 29, after "*a*" insert "*motion for an order and a*"

Page 7, line 33, delete "*670*" and insert "*673*"

Page 7, line 34, after the semicolon, insert "*or*"

Page 8, line 22, delete "*parent*" and insert "*parents*" in both places

Page 9, line 9, delete "*parent*" and insert "*parents*"

Page 9, line 15, delete "*not sooner than*"

Page 9, line 16, delete "*three months and*"

Page 10, line 5, delete "*PREPLACEMENT*" and insert "*ADOPTION*"

Page 10, line 6, delete "*preplacement*" and insert "*adoption*"

Page 10, line 12, delete "*4*" and insert "*5*"

Page 10, line 13, after "*agency*" insert "*and must be thorough and comprehensive*"

Page 10, line 23, delete "*involved*"

Page 10, line 25, delete "*help by giving*" and insert "*give*"

Page 10, line 27, after "*minors*" insert "*and vulnerable adults*"

Page 10, line 32, delete "*with*" and insert "*The study must include*"

Page 10, line 35, after "*medical*" insert "*and social*"

Page 11, line 3, delete "*education or*" and insert "*knowledge and*" and after "*issues*" insert "*including where appropriate matters relating to interracial, cross-cultural, and special needs adoptions*"

Page 11, after line 3, insert:

"The adoption study must include at least one in-home visit with the prospective adoptive parent. The adoption study is the basis for completion of a written adoption study report. The adoption study report must be in a format specified by the commissioner and must contain recommendations regarding the suitability of the subject of the study to be an adoptive parent. An adoption study report is valid for 12 months following its date of completion."

Page 11, lines 12 and 17, delete "parent" and insert "family"

Page 12, line 6, delete "NONAGENCY ADOPTION" and insert "DIRECT ADOPTIVE PLACEMENT"

Page 12, after line 6, insert:

"Subdivision 1. [INTENT.] The intent of the provisions governing direct adoptive placement is to safeguard the best interests of the child by providing services and protections to the child, birth parents, and adoptive parents which are consistent with those available through an agency placement."

Page 12, line 7, delete "Subdivision 1." and insert "Subd. 2."

Page 12, line 9, delete "4" and insert "3"

Page 12, line 10, delete "2" and insert "3"

Page 12, line 12, after the comma, insert "other than an agency,"

Page 12, line 20, delete "seek" and insert "submit a written motion seeking"

Page 12, line 21, after the period, insert *"The notice and motion required under this subdivision may be considered by the court ex parte, without a hearing. The prospective adoptive parent shall serve a copy of the notice and motion upon any parent whose consent is required under section 259.24 or who is named in the affidavit required under paragraph (b) of this subdivision if that person's mailing address is known."*

Page 12, line 23, delete "preplacement" and insert "adoption"

Page 13, line 3, delete "3" and insert "4; and

(6) the name of the agency chosen by the adoptive parent to supervise the adoptive placement and complete the postplacement adoption study required by subdivision 9"

Page 13, line 6, after "lawful" insert "and in accordance with section 259.271, subdivision 1"

Page 13, line 7, delete "appears" and insert "submits the affidavit required in paragraph (a), clause (2)," and delete "not" and after "birth father" insert "fails to do so"

Page 13, line 8, before "affidavit" insert "additional"

Page 13, line 9, after "efforts" insert "or efforts made on her behalf"

Page 13, after line 20, insert:

"A court shall hear the motion for temporary preadoptive custody within 30

days of receiving the motion or by the anticipated placement date stated in the motion, whichever comes sooner."

Page 13, line 21, delete "3" and insert "4" and delete "nonagency" and insert "direct adoptive"

Page 13, line 31, delete "4" and insert "5"

Page 13, line 36, delete "5" and insert "7"

Page 14, after line 1, insert:

"Subd. 6. [EMERGENCY ORDER.] (a) A court may issue an emergency order granting temporary preadoptive custody of a child to a prospective adoptive parent for up to 14 days if the following conditions are met:

(1) the motion is supported by:

(i) a favorable adoption study which meets the requirements of section 259.2586; or

(ii) affidavits from each prospective adoptive parent stating whether they or any person residing in the household has been convicted of a crime or have been the subject of an investigation of child or vulnerable-adult abuse within the past ten years. If so, a complete description of the crime or abuse and sentence, treatment, or disposition must be included. If, at any time before the adoption is final, a court receives evidence leading it to conclude that a prospective adoptive parent knowingly gave false information in this affidavit, it shall be presumed that the placement of the child with the adoptive parent is not in the best interests of the child; and

(iii) the information required by section 259.2591, subdivision 3, paragraph (a), clause (2), and clause (5), items (ii) and (iii); and

(iv) affidavits from the prospective adoptive parent and birth parent indicating that an emergency order is needed because of the unexpected premature birth of the child or other specifically described extraordinary circumstances which prevented the completion of the requirements of section 259.2591; and

(2) the court concludes from the record submitted that the emergency order will preserve the health and safety of the child.

(b) An order granting or denying the motion shall be issued under this section within 24 hours of the time it is brought. Notwithstanding section 259.23, any judge of district court may consider a motion brought under this subdivision. An order granting the motion shall direct that an adoption study be commenced immediately, if that has not occurred, and that the agency conducting the study shall supervise the emergency placement.

(c) If the requirements of section 259.2591 must be completed and a preadoptive custody motion is filed on or before the expiration of the emergency order, placement may continue until the court rules on the motion. A hearing on the motion shall occur within seven days."

Page 14, line 2, delete "5" and insert "7" and delete "BIRTH PARENT" and after "CONSENT" insert "OF BIRTH PARENTS; TIME FRAME"

Page 14, line 3, delete "Regardless" and insert "In all adoptions, regardless"

Page 14, line 4, delete "seven days" and insert "72 hours"

Page 14, line 7, delete "subdivision 1," and after "shall" insert "execute a consent. In all direct adoptive placements, a birth parent, whose consent is required under section 259.24 and who has chosen not to receive counseling through a licensed agency or a licensed social services professional trained in adoption issues, shall"

Page 14, line 13, after the period, insert "If a birth parent has chosen to receive counseling through a licensed agency, then the birth parent may choose to execute a written consent under section 259.24, subdivision 5, or participate in a voluntary termination of parental rights."

Page 14, line 26, delete "parents" and insert "parent"

Page 14, line 34, delete "hearing" and insert "execution of consents"

Page 15, delete lines 1 to 4

Page 15, line 8, delete "6" and insert "8"

Page 15, line 9, after "required" insert "under section 259.24"

Page 15, line 10, after "section," insert "the agency which conducted the adoption study shall notify the court and"

Page 15, line 14, after the period, insert "The court may disregard the six- and 12-month requirements of section 260.221, paragraph (b), clause (1), item (i), in finding abandonment if the birth parent has failed to appear at a consent hearing within the time required under this section and has made no effort to obtain custody of the child."

Page 15, line 15, delete "7" and insert "9" and delete "At the hearing"

Page 15, delete line 16

Page 15, line 17, delete everything before "within" and insert "The agency designated by the prospective adoptive parent under subdivision 3, paragraph (a), clause (6), shall complete a postplacement adoption study and file it with the court with which the adoption petition has been filed"

Page 16, line 7, after the period, insert "A postplacement adoption study is valid for 12 months after its date of completion."

Page 16, line 8, delete "8" and insert "10"

Page 16, line 16, delete "9" and insert "11" and delete "gross"

Page 16, line 21, delete everything after the period

Page 16, delete line 22

Page 17, line 6, delete "and"

Page 17, line 9, before the period, insert "and"

(4)(i) reasonable living expenses of the birth mother which are needed to maintain an adequate standard of living which the birth mother is unable to otherwise maintain because of loss of income or other support resulting from the pregnancy. The payments may cover expenses incurred during the pregnancy-related incapacity but not for a period longer than six weeks following delivery;

(ii) *the payment shall not be contingent upon placement of the child for adoption, consent to adoption, or cooperation in the completion of the adoption; and*

(iii) *reasonable living expenses does not include expenses for lost wages, gifts, educational expenses, or other similar expenses of the birth mother"*

Page 17, lines 17 and 20, delete "felony" and insert "misdemeanor"

Page 17, line 19; delete "in connection with" and insert "or compensation for"

Page 18, line 1, delete "8" and insert "9"

Page 19, line 8, before "and" insert "representatives of the state councils of color,"

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. 2313: A bill for an act relating to the environment; expanding the authority of the commissioner of the pollution control agency to issue determinations regarding liability for releases of hazardous substances and petroleum; amending Minnesota Statutes 1992, section 115B.175, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 115B.178, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115C.

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

Page 1, after line 10, insert:

"ARTICLE 1

LANDFILL CLEANUP PROGRAM

Section 1. Minnesota Statutes 1992, section 115B.04, is amended by adding a subdivision to read:

Subd. 4a. [CLAIMS BY MIXED MUNICIPAL SOLID WASTE DISPOSAL FACILITIES.] (a) Except as provided in paragraph (b), liability under this section for claims by owners or operators of mixed municipal solid waste disposal facilities that accept waste on or after April 9, 1994, and are not eligible facilities under section 115B.381, subdivision 5, is limited to liability for response costs exceeding the amount of available financial assurance funds required under section 116.07, subdivision 4h.

(b) This subdivision does not affect liability under this section for claims based on the illegal disposal of waste at a facility.

CLEANUP OF CLOSED LANDFILLS

Sec. 2. [115B.381] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] In addition to the definitions in this

section, the definitions in sections 115A.03 and 115B.02 apply to sections 115B.382 to 115B.44.

Subd. 2. [ACCEPTED FACILITY.] "Accepted facility" means a facility that has been accepted under section 4, subdivision 3 or 4, or has been acquired under section 4, subdivision 5, paragraph (b), clause (4).

Subd. 3. [CLOSURE.] "Closure" means actions to prevent or minimize the threat to public health and the environment posed by a mixed municipal solid waste disposal facility that has stopped accepting waste, including removing contaminated equipment; applying final cover, grading and seeding final cover; installing wells, borings, and other monitoring devices; constructing groundwater and surface water diversion structures; and installing gas control systems and site security measures, as necessary. Final cover may include processed materials meeting the requirements in Code of Federal Regulations, title 40, section 503.32, paragraph (a).

Subd. 4. [DECOMPOSITION GASES.] "Decomposition gases" means gases produced by chemical or microbial activity during the decomposition of solid waste.

Subd. 5. [ELIGIBLE FACILITY.] "Eligible facility" means a mixed municipal solid waste disposal facility that:

- (1) has been issued a permit by the agency; and
- (2) stopped accepting waste before April 9, 1994.

Subd. 6. [EXCLUDED FACILITY.] "Excluded facility" means an eligible facility that has been accepted by the commissioner as an excluded facility under section 115B.384.

Subd. 7. [POSTCLOSURE; POSTCLOSURE CARE.] "Postclosure" or "postclosure care" means actions taken for the care, maintenance, and monitoring of a mixed municipal solid waste disposal facility following site closure.

Subd. 8. [RESPONSE ACTION.] "Response action" means environmental studies, engineering, and site construction activities related to preventing, minimizing, or eliminating releases to the environment from an eligible facility.

Sec. 3. [115B.382] [LIMITATION ON LIABILITY AT ALL ELIGIBLE FACILITIES.]

(a) Except as provided in section 115B.386, there is no liability under section 115B.04 or 115B.05 for a person who is a responsible person under section 115B.03, subdivision 1, clause (b) or (c), with respect to a release or threatened release of a hazardous substance, or a pollutant or contaminant, from any eligible facility.

(b) The commissioner shall publish a list of all eligible facilities by September 1, 1994.

Sec. 4. [115B.383] [REQUIREMENTS FOR ELIGIBLE FACILITIES.]

Subdivision 1. [REQUIREMENTS.] (a) An owner or operator of an eligible facility shall:

(1) by March 1, 1995, enter into a binding agreement with the commissioner to do the following prior to acceptance of the facility under this section:

(i) transfer to the state legal title to the property described in subdivision 2;

(ii) transfer any financial assurance funds required under section 116.07, subdivision 4h, that remain in the financial assurance accounts for the facility after facility closure and any postclosure care and contingency action undertaken under clause (4) to the commissioner of revenue to be credited to the landfill cleanup account established in section 115B.42, or, if financial assurance is provided through a letter of credit, pay to the commissioner of revenue the amount that would have accumulated had financial assurance been provided through a trust fund, less amounts paid or required to be paid for closure, postclosure, and contingency action under clauses (2) and (4);

(2) complete required closure activities at the facility in accordance with the terms of the facility's permit, any applicable closure orders or enforcement agreements with the agency, and the solid waste rules in effect at the time the facility stopped accepting waste;

(3) by March 1, 1995, send the commissioner a copy of all applicable comprehensive general liability insurance policies, certificates, or other evidence of insurance coverage held during the life of the facility; take any actions necessary to preserve the owner or operator's rights to payment or defense under the policies; cooperate with the commissioner in asserting claims; and assign all rights under the policies to the commissioner; and

(4) until notification of acceptance is received under subdivision 3 or 4, continue to comply with all applicable postclosure care and contingency action requirements.

(b) At eligible facilities where response actions are being undertaken by a group of responsible persons, the actions in paragraph (a), clauses (2) and (4), may be completed by the responsible persons.

(c) The commissioner shall maintain separate accounting for each eligible facility regarding:

(1) the amount of financial assurance funds transferred under paragraph (a), clause (1), item (ii); and

(2) costs of response actions taken at the facility.

Subd. 2. [PROPERTY TO BE TRANSFERRED TO STATE.] The property that must be transferred under subdivision 1, paragraph (a), clause (1), item (i), is the entire property described in the most recent solid waste permit for the eligible facility, along with any easements, licenses, or other property interests owned by the owner or operator that are necessary for response actions at the facility, except:

(1) an operating waste disposal facility on the property that is permitted by the agency or for which application for a permit was made by March 1, 1994, if the fill boundary of the facility is at least 200 feet from the fill boundary of the eligible facility;

(2) land and buildings associated with facilities on the property, other than operating waste disposal facilities, that the commissioner determines are reasonably necessary for continued operation of the facilities and are not located within the fill boundary of the eligible facility;

(3) any other land the commissioner determines will not be necessary for the long-term care of the eligible facility and any anticipated response actions at the facility; and

(4) land that the owner or operator before January 1, 1994, agreed to transfer to a local unit of government and that was not used for placement of waste. Transfer of this land must be made contemporaneously with the transfer under subdivision 1, paragraph (a), clause (1), item (i).

Subd. 3. [EVALUATION AND EARLY ACCEPTANCE.] (a) By January 1, 1995, the commissioner shall:

(1) certify as accepted those eligible facilities that:

(i) the commissioner determines have met the requirements of subdivision 1 as of March 1, 1995; and

(ii) have transferred the property described in subdivision 2 and the financial assurance funds described in subdivision 1, paragraph (a), clause (1), item (ii); and

(2) notify the owners or operators of eligible facilities that are not certified under clause (1) that the owner or operator must complete all requirements under subdivision 1 by August 1, 1995, or execute a binding agreement with the commissioner by August 1, 1995, that provides for completion of those requirements.

(b) In cases where an owner or operator of an eligible facility applied for exclusion by March 1, 1995, and is subsequently notified by the commissioner that the facility did not qualify for exclusion, the commissioner shall notify the owner or operator that within 60 days the owner or operator must complete the requirements of subdivision 1 or execute a binding agreement with the commissioner that provides for completion of those requirements.

Subd. 4. [ACCEPTANCE OF OTHER FACILITIES.] For facilities not accepted under subdivision 3, paragraph (a), clause (1), within 60 days following the applicable date under subdivision 3, paragraph (a), clause (2), or paragraph (b), for completion of the requirements in subdivision 1, the commissioner shall evaluate the status of the facility and shall accept a facility that has satisfied the conditions of subdivision 1.

Subd. 5. [DEFAULT.] (a) Any of the following conditions constitutes grounds for the commissioner to declare an owner or operator in default:

(1) for an owner or operator of an eligible facility who has not entered into a binding agreement with the commissioner as required under subdivision 3, paragraph (a), clause (2), the owner's or operator's failure to complete the requirements in subdivision 1 by August 1, 1995;

(2) for an owner or operator of an eligible facility who has not entered into a binding agreement with the commissioner as required under subdivision 3, paragraph (b), the owner or operator's failure to complete the requirements in subdivision 1 within 60 days of being notified under that paragraph; or

(3) for an owner or operator of an eligible facility who has entered into a binding agreement with the commissioner under subdivision 3, paragraph (a), clause (2), or paragraph (b), the owner's or operator's failure to complete any of the terms of the binding agreement by the negotiated completion date.

(b) If an owner or operator is declared to be in default under paragraph (a), the commissioner shall:

(1) deny future permits or licenses, including renewal of existing permits or licenses, to operate a solid waste business;

(2) complete closure, postclosure, and any other necessary actions described in subdivision 8 at the facility and seek recovery of the costs under section 115B.17, subdivision 6;

(3) file liens under subdivision 6; and

(4) acquire, by eminent domain under chapter 117, the property described in the most recent permit issued by the agency for the facility, and subtract from any amount awarded the owner the commissioner's costs of closure, postclosure care, and response actions at the facility.

Subd. 6. [LIENS.] (a) The following constitute liens in favor of the state upon any real property, other than homestead property, owned by the owner or operator that is located in the state:

(1) all expenses, including expenses related to seeking cost recovery, incurred by the commissioner under subdivision 5, paragraph (b), clause (2); and

(2) all expenses incurred by responsible persons other than the owner or operator that are subject to reimbursement under section 115B.44.

(b) For the purpose of determining the amount of a lien under paragraph (a), clause (1), the commissioner shall calculate postclosure care expenses and response action costs that will be incurred in the future and discount that amount to present value.

(c) A lien under paragraph (a), clause (1), attaches when expenses are first incurred by the commissioner. A lien under paragraph (a), clause (2), attaches when the facility is declared to be in default under subdivision 5.

(d) A lien under this subdivision continues until it is satisfied or becomes unenforceable as for an environmental lien under section 514.672. Notice, filing, and release of a lien under this subdivision are governed by sections 514.671 to 514.676, except where those requirements are specific to cleanup action expenses only. Relative priority of a lien under this subdivision is governed by section 514.672, except that a lien attached to property that was included in a permit for a solid waste disposal facility takes precedence over all other liens regardless of when these liens were or are perfected. Amounts received to satisfy all or part of a lien under this subdivision must be deposited in the landfill cleanup account.

Subd. 7. [ENVIRONMENTAL RESPONSE AND LIABILITY.] (a) Except as provided in section 115B.386, sections 115B.04 and 115B.05 do not apply to environmental response or liability for environmental response at an eligible facility that is accepted under this section.

(b) The state shall defend, indemnify, and hold harmless a responsible person from liability for response costs under the Federal Superfund Act at an accepted facility.

Subd. 8. [RESPONSE TO RELEASES.] The commissioner shall conduct or contract for postclosure care at accepted facilities and take any removal or remedial action, including emergency action, related to a release of a hazardous substance, pollutant or contaminant, or decomposition gas from an accepted facility that the commissioner finds necessary to protect the public health or welfare or the environment. The commissioner may undertake detailed studies to determine the necessary response actions at individual facilities. To avoid duplication and increase administrative efficiency, the commissioner shall develop general work plans that can replace those provisions of the detailed studies that apply to facilities with similar characteristics. Before making a final determination of appropriate response actions for a facility, the commissioner shall hold at least one public informational meeting near the facility and provide for receiving and responding to comments related to the determination. The commissioner shall design, implement, and provide oversight of response actions consistent with a final determination made under this subdivision.

Subd. 9. [PRIORITY LIST.] For the purpose of preventing or responding to releases of hazardous substances, pollutants or contaminants, or decomposition gases at eligible facilities, the commissioner shall establish a priority list for eligible facilities. The list must be based on the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facility, the potential for direct human contact, and the potential for destruction of sensitive ecosystems. The list must be established by January 1, 1995, and must be updated to reflect inclusion of additional eligible facilities and changing conditions at the facilities that affect priority for response actions.

Subd. 10. [DUTY TO PROVIDE INFORMATION.] Upon request by the commissioner, a person whom the commissioner has reason to believe has or may obtain information related to the ownership or operation of an eligible facility, or to the generation, composition, transportation, treatment, or disposal of waste in an eligible facility, shall furnish to the commissioner any information that is relevant to a release or threatened release at an eligible facility.

Subd. 11. [ACCESS TO INFORMATION AND PROPERTY.] The commissioner, on presentation of credentials, and at reasonable business hours, may:

(1) examine and copy any books, papers, records, memoranda, or data of any person who has a duty to provide information to the agency under subdivision 10; and

(2) enter upon any property, public or private, for the purpose of taking action authorized by this section, including obtaining information from any person who has a duty to provide the information under subdivision 10, conducting surveys or investigations, and taking response action.

Subd. 12. [ACQUISITION AND DISPOSITION OF PROPERTY.] The commissioner may acquire and dispose of other property, including easements and other forms of access to property, under section 115B.17, subdivisions 15

and 16, that the commissioner finds necessary for response actions related to an eligible facility.

Subd. 13. [INSURANCE.] *The commissioner may conduct investigations to identify responsible persons at accepted facilities. At the commissioner's request, a responsible person identified under this subdivision shall provide the commissioner with a copy of all applicable comprehensive general liability insurance policies, certificates, or other evidence of insurance coverage held while the person engaged in actions making the person a potential responsible person; take any actions necessary to preserve the person's rights to payment or defense under the policies; cooperate with the commissioner in asserting claims; and assign all rights under the policies to the commissioner.*

Subd. 14. [PURSUIT OF ASSIGNED INSURANCE CLAIMS.] *The attorney general shall vigorously pursue all available insurance claims under rights assigned under subdivision 1, paragraph (a), clause (3), and subdivision 13 and may contract for legal services for this purpose. All money recovered under this subdivision must be credited to the landfill cleanup account.*

Sec. 5. [115B.384] [EXCLUDED FACILITIES.]

Subdivision 1. [APPLICATION PROCEDURE.] *Applications from eligible facilities requesting exclusion must be received by the commissioner by February 1, 1995. The owner or operator of an eligible facility that is subject to an enforcement order under section 106 of the Federal Superfund Act, as amended, may not apply for exclusion under this section. In addition to other information required by the commissioner, an application must include a disclosure of all financial assurance accounts established for the facility. Applications for exclusion shall meet the following criteria:*

(1) be timely and complete;

(2) show that the operator or owner is complying with an approved financial assurance plan for the facility that is adequate to provide for closure, postclosure care, and contingency action and is complying with the agency's rules adopted under section 116.07, subdivision 4h; and

(3) demonstrate that the facility is closed or is in compliance with a closure schedule approved by the commissioner.

Subd. 2. [EVALUATION OF EXCLUSION STATUS.] *Within 60 days after the commissioner has received an application for exclusion, the commissioner shall notify the owner or operator if the facility has been accepted as an excluded facility. If the commissioner finds that the facility does not satisfy the requirements for exclusion, the commissioner shall notify the owner or operator of that fact.*

Subd. 3. [RESTRICTION ON USE OF PROPERTY AT EXCLUDED FACILITIES.] *(a) A person may not use any property described in the most recent agency permit issued for an excluded facility in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the facility's monitoring systems, unless the agency finds that the disturbance:*

(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(2) is necessary to reduce a threat to human health or the environment.

(b) Before any transfer of ownership of property described in paragraph (a), the owner must obtain approval from the commissioner. The commissioner shall approve a transfer if the owner can demonstrate to the satisfaction of the commissioner that persons and property will not be exposed to undue risk from releases of hazardous substances or pollutants or contaminants.

(c) After obtaining approval from the commissioner, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property that discloses to any potential transferee:

(1) that the land has been used as a mixed municipal solid waste disposal facility;

(2) the identity, quantity, location, condition, and circumstances of the disposal and any release of hazardous substances or pollutants or contaminants from the facility to the full extent known or reasonably ascertainable; and

(3) that the use of the property or some portion of it may be restricted as provided in paragraph (a).

(d) An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under paragraph (c), clauses (1) to (3), with respect to property for which an affidavit has already been recorded. If the owner or any subsequent owner of the property removes the waste from the facility together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record an affidavit indicating the removal. Failure to record an affidavit as provided in this paragraph does not affect or prevent any transfer of ownership of the property.

(e) The county recorder shall record all affidavits presented in accordance with paragraphs (c) and (d). The affidavits must be recorded in a manner that will ensure their disclosure in the ordinary course of a title search of the subject property.

Subd. 4. [CLOSURE.] If the commissioner determines that the owner or operator of an excluded facility did not complete the terms of an approved closure plan by the date in the plan, the commissioner shall complete closure at the facility and seek cost recovery under section 115B.17, subdivision 6.

Sec. 6. [115B.385] [ENFORCEMENT.]

Sections 115B.383, subdivisions 10 and 11, and 115B.384, subdivision 3, are enforceable under sections 115.071 and 116.072.

Sec. 7. [115B.386] [ILLEGAL ACTIONS AT ELIGIBLE FACILITIES.]

The commissioner may recover under section 115B.17, subdivision 6, that portion of the costs of a response action at any eligible facility attributable to a person who otherwise would be responsible for the release or threatened release under section 115B.03, and whose actions related to the release or threatened release were in violation of federal or state hazardous waste management laws in effect at the time of those actions. The commissioner's determination of the portion of the costs of a response action attributable to a person under this section, based on the volume and toxicity of waste in the facility associated with the person and other factors reasonably related to the

contribution of the person to a release or threatened release, is prima facie evidence that those costs are attributable to the person.

Sec. 8. [115B.387] [ADVISORY COMMITTEE.]

The commissioner shall establish an advisory committee whose duty is to recommend procedures for implementing the landfill cleanup program. The committee may not have more than 13 members. The membership must provide statewide representation of a cross section of interests, including land disposal facility owners and operators, local governments, businesses, environmental groups, and the general citizenry.

Sec. 9. [115B.388] [MANAGEMENT AND DISPOSAL OF ACQUIRED PROPERTY.]

Subdivision 1. [PLAN FOR LAND MANAGEMENT.] The commissioner, in consultation with the advisory committee established under section 115B.387, shall develop a site-specific plan for each facility for the long-term management and disposition of property acquired under section 115B.383, subdivision 1; within one year of completion of construction of response actions. In developing the plans, the commissioner shall consider any applicable land use plan adopted by a local unit of government. The plans must include provisions to prevent any use that disturbs the integrity of the final cover, liners, any other components of any containment system, or the function of any monitoring systems unless the commissioner finds that the disturbance:

(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(2) is necessary to reduce a threat to human health or the environment.

Subd. 2. [DISPOSAL OF PROPERTY BY THE COMMISSIONER.] (a) The commissioner shall offer to sell property acquired under section 115B.383, subdivision 1, to the person from whom the property was acquired, if the sale is consistent with the plan completed under subdivision 1. The offer is valid for 90 days. The sale price of property sold under this paragraph must be reduced by the amount of any lease payments made by the purchaser to the commissioner before the sale.

(b) The commissioner may dispose of other property acquired under section 115B.383, subdivision 1 or 6, if the disposal is consistent with the plan completed under subdivision 1.

Sec. 10. [115B.389] [RULES.]

The commissioner may adopt rules necessary to implement sections 115B.381 to 115B.388.

Sec. 11. [115B.39] [REPORT.]

By October 1 of each odd-numbered year, the commissioner shall report to the legislative commission on waste management and to the appropriate finance committees of the senate and the house of representatives on the commissioner's activities under sections 115B.381 to 115B.389.

Sec. 12. Minnesota Statutes 1993 Supplement, section 115B.42, subdivision 2, is amended to read:

Subd. 2. [EXPENDITURES.] Subject to appropriation, money in the account may be spent ~~for by the commissioner to:~~

(1) ~~inspection of inspect~~ mixed municipal solid waste disposal facilities to:

(i) evaluate the adequacy of final cover, slopes, vegetation, and erosion control;

(ii) determine the presence and concentration of hazardous substances, pollutants or contaminants, and decomposition gases; and

(iii) determine the boundaries of fill areas; ~~and~~

(2) ~~monitor and take, or reimburse others for taking, response actions at mixed municipal solid waste disposal accepted facilities under this chapter;~~

(3) ~~engage in closure and postclosure care activities under sections 115B.383 and 115B.384;~~

(4) ~~acquire and dispose of property under section 115B.383;~~

(5) ~~recover costs under sections 115B.383 and 115B.384;~~

(6) ~~administer sections 115B.381 to 115B.39 and 115B.44;~~

(7) ~~enforce sections 115B.381 to 115B.39;~~

(8) ~~administer the agency's groundwater and solid waste management programs; and~~

(9) ~~reimburse persons under section 115B.44.~~

Sec. 13. [115B.44] [REIMBURSABLE PARTIES AND EXPENSES.]

Subdivision 1. [TIMING OF EXPENSES.] (a) Response action costs at accepted facilities that were incurred before March 1, 1995, are reimbursable if they were submitted as receipts to the commissioner before June 1, 1995.

(b) Response action costs at accepted facilities that were incurred between March 1, 1995, and the date that the commissioner accepted the facility are reimbursable if they were submitted as receipts to the commissioner within 60 days of the facility's date of acceptance.

Subd. 2. [REIMBURSABLE PARTIES.] The following persons are eligible for reimbursement under this section:

(1) owners or operators of accepted facilities, except owners or operators that have been declared in default under section 4, subdivision 5, after the owners or operators have agreed to waive all future claims for cost recovery arising from or related to the facility and all other eligible facilities against any other persons; and

(2) persons, other than owners and operators, incurring response action costs under a cleanup order issued by the United States Environmental Protection Agency under section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended; a request for response action; or a consent order, after the persons have:

(i) demonstrated to the commissioner that they have returned any and all money paid to them by other parties in a cost recovery judgment or settlement or in anticipation of a cost recovery action; and

(ii) agreed to waive all future claims for cost recovery arising from or related to the facility and all other eligible facilities against any other persons.

Subd. 3. [REIMBURSABLE EXPENSES.] (a) Response action expenses that are documented with billings or other proof of project cost are eligible for reimbursement if the commissioner finds that they were reasonable and necessary under the circumstances. The commissioner may request further documentation from those requesting reimbursement if it is necessary in the commissioner's judgment.

(b) Costs required to be paid to the United States Environmental Protection Agency under section 107(a) of the Federal Superfund Act, as amended, are eligible for reimbursement under this section.

(c) The following expenses are not reimbursable, regardless of whether they were carried out under conditions of a cleanup order issued by the United States Environmental Protection Agency under section 106 of the Federal Superfund Act, as amended:

(1) administrative and legal expenses connected with response actions;

(2) any expenses attributable to normal operations of the owner or operator and requirements under a solid waste facility permit, including but not limited to characterization studies of underlying or surrounding hydrologic conditions, closure, and postclosure care; and

(3) the acquisition of real property.

Subd. 4. [REIMBURSEMENT PLAN.] The commissioner shall prepare a reimbursement plan and present it by November 1, 1995, to the legislative commission on waste management, the chairs of the senate finance committee and environment and natural resources finance division and the committees on ways and means and environment and natural resources finance of the house of representatives, and owners and operators of accepted facilities. The plan shall identify sites where reimbursement will occur and the estimated dollar amount for each site, and shall set out priorities and payment schedules.

Subd. 5. [REIMBURSEMENT TIMING.] The commissioner shall not issue reimbursement payments before November 15, 1995. The commissioner shall not issue reimbursements for expense statements filed after November 15, 1997, and shall approve or deny all reimbursement requests by November 15, 1998. The commissioner shall fully reimburse all persons eligible for reimbursement no later than five years after the date the facility was accepted under section 4, subdivision 3 or 4.

Subd. 6. [REIMBURSEMENT CEILING.] The commissioner shall not issue reimbursements in an amount exceeding \$7,000,000 per fiscal year.

ARTICLE 2

LANDFILL CLEANUP FUNDING

Section 1. [115B.45] [VOLUNTARY BUY-OUT FOR INSURERS.]

In full satisfaction of any rights assigned to the state under section 115B.383, subdivision 1, paragraph (a), clause (3), or subdivision 13, an insurer may tender to the commissioner before January 1, 1998, the voluntary buy-out amount calculated under section 115B.47. In consideration of the amount tendered to the commissioner, an insurer shall receive from the state the release and indemnification provided by section 115B.46. Any amounts received by the commissioner must be credited to the landfill cleanup account.

Sec. 2. [115B.46] [RELEASE AND INDEMNIFICATION.]

In consideration for receiving the voluntary buy-out amount calculated under section 115B.47, the state shall release, acquit, and forever discharge the insurer from all liability the insurer has, had, or may have, including but not limited to all claims and policy obligations of any kind or nature under its policies of insurance imposed under the Federal Superfund Act or this chapter at the accepted facility. The state further agrees to defend, indemnify, and hold harmless the insurer from all other claims, demands, actions, and causes of action, and from all damages, injuries, losses, contributions, indemnities, compensation, costs, attorney fees, and other expenses of any kind, whether known or unknown, fixed or contingent, whether in law or in equity, whether asserted or unasserted, whether sounding in tort or in contract, arising out of the liabilities under the Federal Superfund Act or section 115B.05 at an accepted facility.

Sec. 3. [115B.47] [VOLUNTARY BUY-OUT AMOUNT.]

Subdivision 1. [CALCULATION.] The voluntary buy-out amount for an insurer must be calculated in accordance with this section.

Subd. 2. [VOLUNTARY BUY-OUT SHARE.] An insurer's unadjusted voluntary buy-out share is equal to that insurer's combined Minnesota written premium for the commercial multiperil line of insurance for calendar years 1970 through 1985, the liability other than auto line for calendar years 1970 and 1971, and the miscellaneous liability line for calendar years 1972 through 1985, as defined by the National Association of Insurance Commissioners' annual statement instructions during the applicable periods, divided by the aggregate written premium for all insurers for these lines during these same time periods. The commissioner of commerce shall calculate the unadjusted shares for individual insurers from data published by A.M. Best for the applicable periods. The commissioner shall advise each insurer with an unadjusted share calculated pursuant to this subdivision of the amount of their unadjusted share. The commissioner shall also request from the insurers data to support an adjustment under subdivision 3 and any credits under subdivision 5. The commissioner shall so advise insurers by May 1, 1996.

Subd. 3. [ADJUSTMENTS.] An insurer may adjust its share by providing the commissioner of commerce with evidence that the insurer's Minnesota written premium liability other than auto written premium for calendar years 1970 and 1971 and miscellaneous liability for calendar years 1972 through 1985 included professional or medical malpractice insurance written premiums. The evidence may be provided by written documents or electronically imaged and reproduced documents, contemporaneous with the period of the adjustment, reflecting the insurer's professional or medical malpractice insurance written premium for these periods. The evidence may include an affidavit from an officer of the insurer testifying to the veracity of the data. An insurer's share must be adjusted by the amount of the insurer's professional or medical malpractice insurance Minnesota written premium for calendar years

1970 through 1985 subtracted from the insurer's aggregate liability other than auto and miscellaneous liability written premium for calendar years 1970 through 1985. The commissioner of commerce shall reduce the aggregate liability other than auto and miscellaneous liability written premium for all insurers by the amount of total adjustments for all insurers under this subdivision prior to the final calculation of each insurer's share. The commissioner shall recalculate each insurer's share using the method provided in subdivision 1 subject to the adjustment provided by this subdivision.

Subd. 4. [PRELIMINARY CALCULATION.] The calculation of an insurer's preliminary voluntary buy-out amount must be equal to the multiplication of an insurer's adjusted share by the difference between \$300,000,000 and any amounts received by the state from a federal insurance trust fund.

Subd. 5. [CREDITS.] An insurer may receive a credit of 25 percent for each of the calendar years 1970, 1971, 1972, and 1973 that the insurer can demonstrate that sudden and accidental qualified pollution exclusions were endorsed to or included in its comprehensive general liability insurance policies issued during these years. An insurer may demonstrate that the exclusions were endorsed to the policies by providing the commissioner of commerce with an affidavit from an officer or former officer testifying as to the business practice of the insurer during the year or years in question. An insurer may obtain a 25 percent credit for each of the years 1970, 1971, 1972, and 1973 that the exclusions were endorsed to or included in these policies.

Subd. 6. [FINAL CALCULATION.] An insurer's voluntary buy-out amount is equal to the amount calculated under subdivision 4 for the insurer, less the amount of credits for the insurer under subdivision 5. The commissioner of commerce shall notify each insurer of its buy-out amount calculated under this section by September 30, 1996.

Subd. 7. [NONPUBLIC DATA.] All information obtained by the commissioner of commerce from insurers under this section is nonpublic data under section 13.02, subdivision 9.

Subd. 8. [HEARING.] An insurer who disagrees with the calculation of its voluntary buy-out amount may request that the commissioner of commerce reconsider an insurer requesting reconsideration shall supply the commissioner with information that supports the insurer's position within 30 days of receipt of the notification under subdivision 6. The commissioner shall reconsider the insurer's calculation based upon the information supplied within 30 days of receipt of the information. An insurer may appeal the decision of the commissioner as a contested case under chapter 14.

Subd. 9. [MINIMUM AMOUNT.] An insurer's voluntary buy-out amount may not be less than \$100,000.

Subd. 10. [RULES.] The commissioner of commerce may adopt rules to implement this section.

Sec. 4. Minnesota Statutes 1993 Supplement, section 116.07, subdivision 10, is amended to read:

Subd. 10. [SOLID WASTE ASSESSMENTS.] (a) For the purposes of this subdivision, "assessed waste" means mixed municipal solid waste as defined in section 115A.03, subdivision 21, infectious waste as defined in section 116.76, subdivision 12, pathological waste as defined in section 116.76,

subdivision 14, industrial waste as defined in section 115A.03, subdivision 13a, and construction debris as defined in section 115A.03, subdivision 7.

(b) A person that collects ~~mixed municipal solid~~ assessed waste shall collect and remit to the commissioner of revenue a solid waste assessment from each of the person's customers as provided in paragraphs ~~(b)~~ (c) and ~~(e)~~ (d).

~~(b)~~ (c) The amount of the assessment for each residential customer is \$2 per year. Each waste collector shall collect the assessment annually from each residential customer that is receiving waste collection service on July 1 of each year and shall remit the amount collected along with the collector's first remittance of the sales tax on solid waste collection services, described in section 297A.45, made after October 1 of each year. Any amount of the assessment that is received by the waste collector after October 1 of each year must be remitted along with the collector's next remittance of sales tax after receipt of the assessment.

~~(e)~~ (d) The amount of the assessment for each nonresidential customer is 42 27 cents per noncompacted cubic yard of periodic waste collection capacity purchased by the customer. Each waste collector shall collect the assessment from each nonresidential customer as part of each statement for payment of waste collection charges and shall remit the amount collected along with the next remittance of sales tax after receipt of the assessment.

~~(d)~~ (e) A person who transports assessed waste generated by that person or by another person without compensation shall pay an assessment of 27 cents per noncompacted cubic yard or the equivalent to the operator of the facility to which the waste is delivered. The operator shall remit the assessments collected under this paragraph to the commissioner of revenue as though they were sales taxes under chapter 297A.

(f) The commissioner of revenue shall redesign sales tax forms for solid waste collectors to accommodate payment of the assessment. ~~The commissioner of revenue shall deposit~~ The amounts remitted under this subdivision in the environmental fund and shall credit four sevenths of the receipts must be deposited in the state treasury and credited to the landfill cleanup account established in section 115B.42.

~~(e)~~ (g) For the purposes of this subdivision, a "person that collects mixed municipal solid waste" means each person that ~~pays~~ is required to pay sales tax on solid waste collection services under section 297A.45.

~~(f)~~ (h) The audit, penalty, enforcement, and administrative provisions applicable to taxes imposed under chapter 297A apply to the assessments imposed under this subdivision.

Sec. 5. [APPROPRIATIONS; TRANSFER.]

Subdivision 1. [APPROPRIATIONS.] (a) \$16,900,000 is appropriated from the landfill cleanup account to the commissioner of the pollution control agency to conduct actions authorized in this act.

(b) \$180,000,000 is appropriated from the bond proceeds fund to the commissioner of the pollution control agency for response actions at eligible facilities and for reimbursement of expenses under section 3.

Subd. 2. [TRANSFER.] The balance in the metropolitan landfill contingency action trust fund established under Minnesota Statutes, section

473.845, on the effective date of this section is transferred to the landfill cleanup account established under Minnesota Statutes, section 115B.42.

Sec. 6. [BOND SALE.]

(a) To provide the money appropriated in this act from the state 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 \$180,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, the Minnesota Constitution, article XI, sections 4 to 7, and paragraph (b).

(b) Bonds may not be issued under this section in total amounts exceeding the following:

(1) by June 30, 1996, \$20,000,000;

(2) by June 30, 1998, \$70,000,000;

(3) by June 30, 2000, \$110,000,000; and

(4) by June 30, 2002, \$146,000,000.

Sec. 7. [EFFECTIVE DATE]

Section 4 is effective July 1, 1995.

ARTICLE 3

LIABILITY FOR RELEASES"

Page 2, delete lines 14 to 20

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "establishing an environmental cleanup program for landfills;"

Page 1, line 5, after the semicolon, insert "authorizing the sale of state bonds; appropriating money;"

Page 1, line 6, delete everything after the first comma and insert "sections 115B.04, by adding a subdivision; and 115C.03, subdivision 9;"

Page 1, line 7, delete "subdivision;"

Page 1, line 8, delete "section" and insert "sections" and after the semicolon, insert "115B.42, subdivision 2; and 116.07, subdivision 10;"

Page 1, line 9, delete "115C" and insert "115B"

And when so amended the bill be re-referred to the Committee on Finance without recommendation. Amendments adopted. Report adopted.

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

S.F. No. 2247: A bill for an act relating to agriculture; changing the law on nuisance liability of agricultural operations; amending Minnesota Statutes 1992, section 561.19, subdivisions 1 and 2.

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

Page 2, line 14, delete "(a)"

Page 2, delete line 17 and insert "three years from its established date of operation if the"

Page 2, delete lines 20 to 24

Page 2, line 25, delete "(c)"

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. 1938: A bill for an act relating to employment; providing for enforcement of an employees' right to review personnel records; proposing coding for new law in Minnesota Statutes, chapter 181.

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

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

S.F. No. 2467: A bill for an act relating to game and fish; modifying size limits for walleye; amending Minnesota Statutes 1993 Supplement, section 97C.401, subdivision 2, and by adding a subdivision.

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

Page 1, lines 9 and 10, reinstate the stricken language

Page 1, line 11, reinstate the stricken "walleye larger than" and after the stricken "20" insert "24" and reinstate the stricken "inches and"

Pages 1 and 2, delete section 2 and insert:

"Sec. 2. [WEST CENTRAL GOOSE ZONE; BOUNDARY CHANGE.]

The boundary of that portion of the West Central Goose Zone that is located within Big Stone county is changed to the following: Starting at Ortonville, north along U.S. Route No. 75 to County Road No. 10, then east to the present boundary."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing the boundary of the West Central Goose Zone;"

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. 1133: A bill for an act relating to the environment; establishing a cleanup program for closed landfills; establishing an advisory committee; authorizing rulemaking; providing penalties; providing a voluntary buy-out option for insurance companies; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, section 115B.04, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 115B.42, subdivision 2; 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

Page 3, delete lines 4 to 9 and insert:

“(a) The liability protection provided in section 115B.383, subdivision 7, paragraph (a), applies only to persons other than the owner or operator at an eligible facility that is not accepted under section 115B.383.”

Page 4, delete lines 12 to 15 and insert:

“(b) At eligible facilities where closure or response actions are being undertaken by a person or group of persons, the person or group of persons may assist in completing, arranging for or verifying completion of, or providing necessary information related to, the requirements in paragraph (a).”

Page 5, line 10, after “(a)” insert “Within 60 days of receipt of an application submitted by a person or group of persons other than the owner or operator of an eligible facility under subdivision 1, paragraph (b), and for applications received under subdivision 1, paragraph (a);”

Page 5, line 19, after “(1)” insert “, and the applicant for an eligible facility, if other than the owner or operator,”

Page 5, line 28, after the first “operator” insert “and the applicant”

Page 6, line 27, after “costs” insert “from the owner or operator”

Page 7, line 29, after “LIABILITY” insert “; EFFECT OF ACCEPTANCE”

Page 7, line 31, after “115B.05” insert “, and all other state and local laws and regulations that might otherwise create liability arising from the presence of hazardous substances, pollutants or contaminants, or decomposition gases,” and delete everything after “to”

Page 7, line 32, delete everything before “eligible” and insert “any”

Page 7, line 33, after “section” insert “, provided that:

(1) liability, if any, to third parties for personal injury claims associated with the existence and operation of the facility apply to persons otherwise responsible for the existence and operation of the facility, regardless of its acceptance status; and

(2) liability, if any, to third parties for personal injury claims associated with the environmental response at the facility applies to persons that actually undertook the environmental response but only for claims arising prior to the date of acceptance and thereafter apply only to the state.

Nothing in this subdivision is intended to affect any contractual rights of any entity, whether such rights currently exist or are created in the future.

(b) Upon acceptance of a facility:

(1) any and all obligations under any and all federal, state, and local consent orders or decrees, administrative orders, including those issued pursuant to United States Code, title 42, sections 9601 et seq., or chapter 115B, and any other settlement agreement or document imposing environmental response requirements at a facility, and any future obligations imposed pursuant to federal, state, or local authority, become the sole obligations of the state, and shall be completed in a timely manner by the commissioner; and

(2) all persons subject to the obligations described in clause (1) prior to acceptance of the facility are fully and completely relieved of the obligations or liability therefor and any other responsibilities existing then or in the future, except that owners or operators of excluded facilities, owners or operators that have defaulted under this section, and owners or operators of ineligible facilities retain any and all such obligations. Prior to acceptance, the commissioner, on behalf of the state, and the applicants for an eligible facility shall enter into an agreement to implement this section. The agreement shall take effect on the date of acceptance"

Page 7, line 34, delete "(b)" and insert "(c)" and delete "a" and insert "any and all"

Page 7, delete lines 35 and 36 and insert "responsible persons from any and all liability at an accepted facility for response costs, and all other costs and damages associated with the facility arising from the presence of hazardous substances, pollutants or contaminants, or decomposition gases, except as provided in paragraph (a), including without limitation liability under the Federal Superfund Act, chapters 115, 115B, 116, and 116B, and other state laws and regulations, including any orders and agreements authorized thereunder, common law, and any other federal, state, and local law.

(d) By January 1, 1995, the commissioner and the attorney general shall finalize a memorandum of agreement with the United States Environmental Protection Agency addressing the manner and procedure for the state's assumption of obligations and liability for all actions and costs imposed in orders, decrees, agreements, or other documents in which the United States Environmental Protection Agency is a party or has potential jurisdiction pursuant to the Federal Superfund Act. A copy of the memorandum of agreement must be published in the State Register and a copy must be provided to reimbursement applicants upon availability."

Page 9, line 33, delete "all" and insert "only those" and after "policies" insert "for claims covered by subdivision 7, paragraph (c)."

Page 9, line 36, delete "all"

Page 12, line 9, after "recovery" insert "against the owner or operator"

Page 17, line 11, delete "receiving" and insert "paying"

Page 17, line 12, delete everything after "the" and insert "insurer shall receive the protections afforded by section 115B.383, subdivision 7, paragraph (c)."

Page 17, delete lines 13 to 26

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration.

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

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

S.F. No. 2858: A bill for an act relating to counties; Hennepin; changing the personnel system to a human resources system; making other changes to the system; amending Minnesota Statutes 1992, sections 383B.26; 383B.27; 383B.28; 383B.29; 383B.31; 383B.32, subdivisions 2, 3, and 4; 383B.34, subdivision 2; 383B.37, subdivision 1; 383B.38, subdivision 1; 383B.39; and 383B.41; repealing Minnesota Statutes 1992, sections 383B.33, subdivision 1; 383B.38, subdivisions 2, 3, and 4; and 383B.40.

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

Page 3, line 20, reinstate the stricken language and delete the new language and before the reinstated period, insert "*to enable the appointing authority to determine whether employees are fit and suitable for the position to which they have been appointed, transferred, or promoted. The appointing authority may discharge a newly appointed employee during the probationary period without specifying cause or granting a hearing, notwithstanding section 197.46. The appointing authority may, during the probationary period, demote an employee appointed to a position as a result of a promotion without specifying cause or granting a hearing, notwithstanding section 197.46. The employee so demoted shall be returned to a position previously held by the affected employee. The appointing authority may, during the probationary period, return a transferred employee to the employee's previously held position without specifying cause or granting a hearing, notwithstanding section 197.46*"

Page 3, lines 21 to 26, delete the new language

Page 7, line 21, reinstate the stricken "six" and delete "nine"

Page 7, line 22, reinstate the stricken period and before the semicolon, insert "*Seasonal appointments shall not exceed nine calendar months in any 12-month period*"

Page 8, line 15, after "showing" insert "by the board attorney"

Page 8, line 16, after the period, insert "*A preliminary showing by the board attorney may be appealed to the board.*"

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

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

S.F. No. 862: A bill for an act relating to motor vehicles; requiring licensing of certain persons engaged in commercial practices related to new motor vehicles; providing for service of process for certain alleged violations;

providing civil penalty; amending Minnesota Statutes 1992, section 168.27, subdivision 2, and by adding a subdivision.

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

Pages 1 to 3, delete section 1

Page 3, line 9, delete "registrar" and insert "commissioner"

Page 3, line 24, after the period, insert "*Nothing in this subdivision limits the rights or remedies otherwise available to persons under common law or other statutes of this state.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete from "requiring" through page 1, line 4, to "vehicles;"

Page 1, line 7, delete "subdivision 2, and"

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

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

S.F. No. 759: A bill for an act relating to traffic regulation; revising the crime of reckless driving; replacing the crime of careless driving with an inattentive driving offense; providing penalties; amending Minnesota Statutes 1992, section 169.13, subdivisions 1 and 2.

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 169.14, subdivision 1, is amended to read:

Subdivision 1. [BASIC RULE; *INATTENTIVE DRIVING*.] No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions ~~and having regard to~~. *Every driver is responsible for becoming and remaining aware of the actual and potential hazards then existing on the highway and must use due care in operating a vehicle.* In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care."

Amend the title as follows:

Page 1, delete line 6 and insert "169.14, subdivision 1."

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

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

S.F. No. 2637: A bill for an act relating to commerce; authorizing local units of government to license the retail sale of tobacco; requiring a county to license the retail sale of tobacco under certain conditions; providing for regular compliance checks for all licensed vendors; providing for mandatory penalties against license holders for sales to minors; amending Minnesota Statutes 1992, sections 461.12; 461.13; and 461.15; proposing coding for new law in Minnesota Statutes, chapter 461.

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

Delete everything after the enacting clause and insert:

"Section 1. [461.16] [INSPECTIONS; REPORTS.]

Each city, or in the case of an unincorporated area, each county shall coordinate annual, random, unannounced inspections at locations where tobacco products are sold to test compliance with section 609.685 and to conform with the requirements of federal law. The inspections shall be performed by local units of government. A person no younger than 15 and no older than 17 shall assist in the tests of compliance only under the supervision of a law officer or an employee of the city or county and only with the written consent of a parent. Each city or county which performs compliance checks shall report results to the commissioner of human services by January 15 of each year. The report must include the number of tobacco licenses per retailer and vending outlet, the number of inspections conducted, and the number of violations. The commissioner shall annually submit the report required by United States Code, title 14, section 300x-26, and otherwise ensure the state's compliance with that law and any regulations adopted to implement it.

Sec. 2. [461.17] [TRAINING.]

The employer at each retail location where tobacco products are sold shall conduct a training program for the individuals who sell tobacco products at the location that instructs them about the law, the related penalties, and the employer's policy with regard to tobacco sales. The commissioner of public safety may impose an administrative penalty of not more than \$100 upon the retailer at each location where the employees have not been trained as required by this section. If an inspection at any location discloses a violation of section 609.685, notice shall be given to the employer, and the employees shall be retrained as provided by this section.

Sec. 3. [EFFECT ON LOCAL ORDINANCE.]

Sections 1 and 2 do not preempt a local ordinance which provides for more restrictive regulation of retail tobacco sales."

Delete the title and insert:

"A bill for an act relating to commerce; requiring inspections of, reports on, and training for tobacco retailers and employees; proposing coding for new law in Minnesota Statutes, chapter 461."

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. 1863: A bill for an act relating to crime; recodifying and revising the crime of contributing to a minor's delinquency or need for protection or services; increasing penalties for certain acts; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1992, section 260.315.

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 609.26, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS.] Whoever intentionally does any of the following acts may be charged with a felony and, upon conviction, may be sentenced as provided in subdivision 6:

(1) conceals a minor child from the child's parent where the action manifests an intent substantially to deprive that parent of parental rights or conceals a minor child from another person having the right to visitation or custody where the action manifests an intent to substantially deprive that person of rights to visitation or custody;

(2) takes, obtains, retains, or fails to return a minor child in violation of a court order which has transferred legal custody under chapter 260 to the commissioner of human services, a child placing agency, or the county welfare board;

(3) takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, where the action manifests an intent substantially to deprive that parent of rights to visitation or custody;

(4) takes, obtains, retains, or fails to return a minor child from or to a parent after commencement of an action relating to child visitation or custody but prior to the issuance of an order determining custody or visitation rights, where the action manifests an intent substantially to deprive that parent of parental rights; or

(5) retains a child in this state with the knowledge that the child was removed from another state in violation of any of the above provisions;

(6) refuses to return a minor child to a parent or lawful custodian, and is at least 18 years old and more than 24 months older than the child;

(7) causes or contributes to a child being a habitual truant as defined in section 260.015, subdivision 19, and is at least 18 years old and more than 24 months older than the child;

(8) causes or contributes to a child being a runaway as defined in section 260.015, subdivision 20, and is at least 18 years old and more than 24 months older than the child; or

(9) is at least 18 years old and resides with a minor under the age of 16 without the consent of the minor's parent or lawful custodian.

Sec. 2. Minnesota Statutes 1992, section 609.26, subdivision 6, is amended to read:

Subd. 6. [PENALTY.] (a) Except as otherwise provided in *paragraph (b)* and subdivision 5, whoever violates this section may be sentenced as follows:

(1) to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both; or

(2) to imprisonment for not more than four years or to payment of a fine of not more than \$8,000, or both, if the court finds that:

(i) the defendant committed the violation while possessing a dangerous weapon or caused substantial bodily harm to effect the taking;

(ii) the defendant abused or neglected the child during the concealment, detention, or removal of the child;

(iii) the defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child with intent to cause the parent or lawful custodian to discontinue criminal prosecution;

(iv) the defendant demanded payment in exchange for return of the child or demanded to be relieved of the financial or legal obligation to support the child in exchange for return of the child; or

(v) the defendant has previously been convicted under this section or a similar statute of another jurisdiction.

(b) A violation of subdivision 1, clause (7), is a gross misdemeanor."

Delete the title and insert:

"A bill for an act relating to crime; imposing felony penalties for refusing to return a child to a parent or lawful custodian, residing with a minor, or contributing to a minor being a runaway; imposing a gross misdemeanor penalty for contributing to a minor being a habitual truant; amending Minnesota Statutes 1992, section 609.26, subdivisions 1 and 6."

And when so amended the bill do pass.

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

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

H.F. No. 1966: A bill for an act relating to peace officers; authorizing officers of states adjoining Minnesota to render assistance to peace officers of this state on request; granting these officers arrest authority in this state under certain circumstances; extending the state and local government tort liability laws to the conduct of these officers; proposing coding for new law in Minnesota Statutes, chapter 626.

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. 2411 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.
2411	2213				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2411 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2411 and insert the language after the enacting clause of S.F. No. 2213, the first engrossment; further, delete the title of H.F. No. 2411 and insert the title of S.F. No. 2213, the first engrossment.

And when so amended H.F. No. 2411 will be identical to S.F. No. 2213, and further recommends that H.F. No. 2411 be given its second reading and substituted for S.F. No. 2213, 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. 2299 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.
2299	2060				

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. 2420 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.
2420	2180				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2420 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2420 and insert the language after the enacting clause of S.F. No. 2180, the first engrossment; further, delete the title of H.F. No. 2420 and insert the title of S.F. No. 2180, the first engrossment.

And when so amended H.F. No. 2420 will be identical to S.F. No. 2180, and further recommends that H.F. No. 2420 be given its second reading and substituted for S.F. No. 2180, 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. 2856 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.
		2856	2749		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2856 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2856 and insert the language after the enacting clause of S.F. No. 2749, the first engrossment; further, delete the title of H.F. No. 2856 and insert the title of S.F. No. 2749, the first engrossment.

And when so amended H.F. No. 2856 will be identical to S.F. No. 2749, and further recommends that H.F. No. 2856 be given its second reading and substituted for S.F. No. 2749, 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. 3053 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.
3053	2800				

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. 2670 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.
2670	2276				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2670 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2670 and insert the language after the enacting clause of S.F. No. 2276, the first engrossment; further, delete the title of H.F. No. 2670 and insert the title of S.F. No. 2276, the first engrossment.

And when so amended H.F. No. 2670 will be identical to S.F. No. 2276, and further recommends that H.F. No. 2670 be given its second reading and substituted for S.F. No. 2276, 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. 2839 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.
2839	2519				

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. 985 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.
		985	793		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 985 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 985 and insert the language after the enacting clause of S.F. No. 793, the first engrossment; further, delete the title of H.F. No. 985 and insert the title of S.F. No. 793, the first engrossment.

And when so amended H.F. No. 985 will be identical to S.F. No. 793, and further recommends that H.F. No. 985 be given its second reading and substituted for S.F. No. 793, 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. 2321 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.
		2321	2152		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2321 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2321 and insert the language after the enacting clause of S.F. No. 2152, the first engrossment; further, delete the title of H.F. No. 2321 and insert the title of S.F. No. 2152, the first engrossment.

And when so amended H.F. No. 2321 will be identical to S.F. No. 2152, and further recommends that H.F. No. 2321 be given its second reading and substituted for S.F. No. 2152, 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. 2936 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.
		2936		2660	

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. 2710 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.
		2710		2624	

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2710 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2710 and insert the language after the enacting clause of S.F. No. 2624; further, delete the title of H.F. No. 2710 and insert the title of S.F. No. 2624.

And when so amended H.F. No. 2710 will be identical to S.F. No. 2624, and further recommends that H.F. No. 2710 be given its second reading and substituted for S.F. No. 2624, 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. 2148 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.
		2148		1760	

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2148 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2148 and insert the language after the enacting clause of S.F. No. 1760, the first engrossment; further, delete the title of H.F. No. 2148 and insert the title of S.F. No. 1760, the first engrossment.

And when so amended H.F. No. 2148 will be identical to S.F. No. 1760, and further recommends that H.F. No. 2148 be given its second reading and substituted for S.F. No. 1760, 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. 2551 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

H.F. No.	S.F. No.
2551	2250

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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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. 1416 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

H.F. No.	S.F. No.
1416	1280

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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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. 3091 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.
		3091	2731		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3091 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3091 and insert the language after the enacting clause of S.F. No. 2731, the first engrossment; further, delete the title of H.F. No. 3091 and insert the title of S.F. No. 2731, the first engrossment.

And when so amended H.F. No. 3091 will be identical to S.F. No. 2731, and further recommends that H.F. No. 3091 be given its second reading and substituted for S.F. No. 2731, 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. 2508 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.
2508	1990				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2508 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2508 and insert the language after the enacting clause of S.F. No. 1990, the first engrossment; further, delete the title of H.F. No. 2508 and insert the title of S.F. No. 1990, the first engrossment.

And when so amended H.F. No. 2508 will be identical to S.F. No. 1990, and further recommends that H.F. No. 2508 be given its second reading and substituted for S.F. No. 1990, 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. 2275 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.
2275	2420				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2275 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2275 and insert the language after the enacting clause of S.F. No. 2420, the first engrossment; further, delete the title of H.F. No. 2275 and insert the title of S.F. No. 2420, the first engrossment.

And when so amended H.F. No. 2275 will be identical to S.F. No. 2420, and further recommends that H.F. No. 2275 be given its second reading and substituted for S.F. No. 2420, 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. 2269 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.
		2269	2028		

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. 2623 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.
		2623	2562		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2623 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2623 and insert the language after the enacting clause of S.F. No. 2562, the first engrossment; further, delete the title of H.F. No. 2623 and insert the title of S.F. No. 2562, the first engrossment.

And when so amended H.F. No. 2623 will be identical to S.F. No. 2562, and further recommends that H.F. No. 2623 be given its second reading and substituted for S.F. No. 2562, 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. 1927 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.
		1927	1818		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1927 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1927 and insert the language after the enacting clause of S.F. No. 1818, the first engrossment; further, delete the title of H.F. No. 1927 and insert the title of S.F. No. 1818, the first engrossment.

And when so amended H.F. No. 1927 will be identical to S.F. No. 1818, and further recommends that H.F. No. 1927 be given its second reading and substituted for S.F. No. 1818, 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. 2680 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.
2680	2231				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2680 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2680 and insert the language after the enacting clause of S.F. No. 2231, the first engrossment; further, delete the title of H.F. No. 2680 and insert the title of S.F. No. 2231, the first engrossment.

And when so amended H.F. No. 2680 will be identical to S.F. No. 2231, and further recommends that H.F. No. 2680 be given its second reading and substituted for S.F. No. 2231, 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. 2657 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.
		2657	2584		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2657 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2657 and insert the language after the enacting clause of S.F. No. 2584, the first engrossment; further, delete the title of H.F. No. 2657 and insert the title of S.F. No. 2584, the first engrossment.

And when so amended H.F. No. 2657 will be identical to S.F. No. 2584, and further recommends that H.F. No. 2657 be given its second reading and substituted for S.F. No. 2584, 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. 1909 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.
1909	1723				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1909 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1909 and insert the language after the enacting clause of S.F. No. 1723, the first engrossment; further, delete the title of H.F. No. 1909 and insert the title of S.F. No. 1723, the first engrossment.

And when so amended H.F. No. 1909 will be identical to S.F. No. 1723, and further recommends that H.F. No. 1909 be given its second reading and substituted for S.F. No. 1723, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2129, 2247, 1938, 2467, 2858, 862, 759 and 2637 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1966, 2411, 2299, 2420, 2856, 3053, 2670, 2839, 985, 2321, 2936, 2710, 2148, 2551, 1416, 3091, 2508, 2275, 2269, 2623, 1927, 2680, 2657 and 1909 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Neuville moved that his name be stricken as a co-author to S.F. No. 2897. The motion prevailed.

Mr. Sams moved that S.F. No. 1369 be withdrawn from the Committee on Finance and re-referred to the Committee on Health Care. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. 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. Vickerman introduced—

S.F. No. 2898: A bill for an act relating to state lands; providing for payment in lieu of taxes for certain acquired natural resources lands; amending Minnesota Statutes 1992, section 477A.12; Minnesota Statutes 1993 Supplement, section 477A.14.

Referred to the Committee on Environment and Natural Resources.

Mr. Benson, D.D. and Ms. Kiscaden introduced—

S.F. No. 2899: A bill for an act relating to insurance; health; requiring a premium reduction for persons who have living wills; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Stumpf and Pogemiller, for the Committee on Education, introduced—

S.F. No. 2900: A bill for an act relating to education; appropriating money for education and related purposes to the state board of technical colleges, higher education board, state university board, and board of regents of the University of Minnesota, with certain conditions; modifying the award of grants for faculty exchange and temporary assignment programs; designating community colleges; establishing the mission of Fond du Lac campus; changing certain financial aid grants; modifying the child care grant program; clarifying an exemption to private, business, trade, and correspondence school licensing; providing for appointments; permitting rulemaking; adopting a post-secondary funding formula; permitting the higher education board to establish tuition rates for the 1995-1996 academic year; postponing mandated planning; amending Minnesota Statutes 1992, sections 135A.01; 135A.03, subdivisions 1a, and by adding subdivisions; 135A.04; 136.60, subdivisions 1 and 3; 136A.101, subdivision 5; 136A.121, subdivisions 5, 17, and by adding subdivisions; 136A.125, subdivisions 2, 4, and by adding a subdivision; 136A.15, subdivision 6; and 141.35; Minnesota Statutes 1993 Supplement, sections 125.138, subdivisions 1, 6, and 8; and 135A.05; 136A.121, subdivision 6; Laws 1993, First Special Session chapter 2, article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 135A; and 136; repealing Minnesota Statutes 1992, sections 135A.02; 135A.03, subdivisions 1, 2, 3, 4, 5, and 6; 136.60, subdivision 4; and 136C.36.

Under the rules of the Senate, laid over one day.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be suspended so that S.F. No. 2900 be referred to the Committee of Finance. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Ms. Flynn in the chair.

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

S.F. Nos. 1593, 1741, 1816, 2465, 584 and H.F. No. 1928, which the committee recommends to pass.

S.F. No. 1740, which the committee recommends to pass with the following amendment offered by Mr. Knutson:

Page 1, line 22, after "costs" insert "and benefits"

Page 2, lines 6 and 9, after "costs" insert "and benefits"

The motion prevailed. So the amendment was adopted.

S.F. No. 2551, which the committee recommends to pass with the following amendment offered by Mr. Solon:

Page 6, line 3, delete from "Notwithstanding" through page 6, line 21, to "9." and insert "The provisions of Minnesota Statutes, section 144.581, subdivision 5, shall be applicable to the board of directors of trusts."

The motion prevailed. So the amendment was adopted.

H.F. No. 1936, which the committee recommends to pass with the following amendment offered by Mr. Johnson, D.J.:

Amend H.F. No. 1936, as amended pursuant to Rule 49, adopted by the Senate March 29, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1915.)

Page 1, line 16, delete "live"

The motion prevailed. So the amendment was adopted.

H.F. No. 1880, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass H.F. No. 1880.

The roll was called, and there were yeas 51 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Morse	Sams
Beckman	Frederickson	Laidig	Murphy	Samuelson
Belanger	Hanson	Langseth	Neuville	Solon
Benson, D.D.	Janezich	Larson	Oliver	Stevens
Benson, J.E.	Johnson, D.E.	Lesewski	Olson	Stumpf
Berg	Johnson, D.J.	Lessard	Pariseau	Terwilliger
Berglin	Johnson, J.B.	Luther	Pogemiller	Vickerman
Bertram	Johnston	McGowan	Price	
Chmielewski	Kiscaden	Metzen	Reichgott Junge	
Day	Knutson	Moe, R.D.	Robertson	
Dille	Krentz	Mondale	Runbeck	

Those who voted in the negative were:

Anderson	Cohen	Marty	Piper	Spear
Betzold	Flynn	Merriam	Ranum	Wiener
Chandler	Hottinger	Pappas	Riveness	

The motion prevailed. So H.F. No. 1880 was recommended to pass.

S.F. No. 1759, which the committee recommends to pass with the following amendment offered by Mr. Betzold:

Page 1, after line 25, insert:

"(2) the ombudsman for mental health and mental retardation;"

Page 1, line 26, delete "(2)" and insert "(3)"

Page 2, line 1, delete "(3)" and insert "(4)"

Page 2, line 2, delete "(4)" and insert "(5)"

Page 2, line 3, delete "(5)" and insert "(6)"

Page 2, line 28, delete "the department of"

Page 2, delete line 29

Page 2, line 30, delete "(3)" and insert "(2)"

Page 2, line 31, delete "(4)" and insert "(3)"

Page 2, line 32, delete "(5)" and insert "(4)"

The motion prevailed. So the amendment was adopted.

S.F. No. 2099, which the committee recommends to pass with the following amendment offered by Ms. Krentz:

Page 1, after line 23, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

S.F. No. 2388, which the committee reports progress, subject to the following motion:

Mr. Chandler moved to amend S.F. No. 2388 as follows:

Page 2, delete section 3

The motion prevailed. So the amendment was adopted.

S.F. No. 2388 was then progressed.

S.F. No. 1694, which the committee recommends to pass with the following amendments offered by Mr. Betzold:

Page 2, line 26, after "subdivision" insert "regarding the administration of neuroleptic medication"

Page 3, line 33, after "hearing" insert "if the emergency continues to exist"

Page 4, line 15, after the stricken "(g)" insert "(d)" and reinstate the stricken "The court may allow and order paid to a guardian ad"

Page 4, lines 16 and 17, reinstate the stricken language

Reletter the paragraphs in sequence

The motion prevailed. So the amendment was adopted.

Mr. Betzold then moved to amend S.F. No. 1694 as follows:

Page 5, line 15, delete the comma and insert "and"

Page 5, line 16, delete ", and,"

Page 5, line 17, delete everything before the period

Page 6, after line 16, insert:

“(o) At any time during the commitment proceedings, the court may appoint a guardian ad litem upon the request of any party, the recommendation of the prepetition screener, an examining physician, the court’s examiner, or upon the court’s own motion.”

Pages 6 to 8, delete sections 4 and 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Betzold then moved to amend the second Betzold amendment to S.F. No. 1694 as follows:

Page 1, delete lines 11 to 14

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

The question recurred on the second Betzold amendment, as amended. The motion prevailed.

Mr. Betzold then moved to amend S.F. No. 1694 as follows:

Pages 6 to 8, delete section 4 and insert:

“Sec. 4. Minnesota Statutes 1992, section 253B.07, subdivision 1, is amended to read:

Subdivision 1. [PREPETITION SCREENING.] (a) Prior to filing a petition for commitment of a proposed patient, an interested person shall apply to the designated agency in the county of the proposed patient’s residence or presence for conduct of a preliminary investigation, ~~except when the proposed patient has been acquitted of a crime under section 611.026 and the county attorney is required to file a petition for commitment pursuant to subdivision 2.~~ In any case coming within this exception, the county attorney shall apply to the designated county agency in the county in which the acquittal took place for a preliminary investigation unless substantially the same information relevant to the proposed patient’s current mental condition as could be obtained by a preliminary investigation is part of the court record in the criminal proceeding or is contained in the report of a mental examination conducted in connection with the criminal proceeding. The designated agency shall appoint a screening team to conduct an investigation which shall include:

(i) a personal interview with the proposed patient and other individuals who appear to have knowledge of the condition of the proposed patient. If the proposed patient is not interviewed, reasons must be documented;

(ii) identification and investigation of specific alleged conduct which is the basis for application; and

(iii) identification, exploration, and listing of the reasons for rejecting or recommending alternatives to involuntary placement.

(b) In conducting the investigation required by this subdivision, the screening team shall have access to all relevant medical records of proposed patients currently in treatment facilities. Data collected pursuant to this clause shall be considered private data on individuals.

(c) When the prepetition screening team recommends commitment, a written report shall be sent to the county attorney for the county in which the petition is to be filed.

(d) The prepetition screening team shall refuse to support a petition if the investigation does not disclose evidence sufficient to support commitment. Notice of the prepetition screening team's decision shall be provided to the prospective petitioner.

(e) If the interested person wishes to proceed with a petition contrary to the recommendation of the prepetition screening team, application may be made directly to the county attorney, who may determine whether or not to proceed with the petition. Notice of the county attorney's determination shall be provided to the interested party.

(f) *When the proposed patient has been acquitted of a crime under section 611.026, the county attorney shall file a petition for commitment pursuant to subdivision 2. In any case, coming within this exception, the county attorney shall apply to the designated county agency in the county in which the acquittal took place for a preliminary investigation unless substantially the same information relevant to the proposed patient's current mental condition as could be obtained by a preliminary investigation is part of the court record in the criminal proceeding or is contained in the report of a mental examination conducted in connection with the criminal proceeding. If a court petitions for commitment pursuant to the rules of criminal procedure or a county attorney petitions pursuant to acquittal of a criminal charge under section 611.026, the prepetition investigation, if required by this section, shall be completed within seven days after the filing of the petition.*

(g) *The prepetition screening report must be distributed to the proposed patient, patient's counsel, the county attorney, any person authorized by the patient, and any other person as the court directs.*

(h) *The prepetition screening report is not admissible in any court proceedings unrelated to the commitment proceedings. This paragraph does not affect the admissibility of the information contained in the report.*

Sec. 5. Minnesota Statutes 1992, section 253B.07, subdivision 2, is amended to read:

Subd. 2. [THE PETITION.] Any interested person may file a petition for commitment in the ~~probate~~ district court of the county of the proposed patient's residence or presence. *The county attorney has the sole discretion to present and pursue a petition for civil commitment.* Following an acquittal of a person of a criminal charge under section 611.026, the petition shall be filed by the county attorney of the county in which the acquittal took place and the petition shall be filed with the court in which the acquittal took place, and that court shall be the committing court for purposes of this chapter. The petition shall set forth the name and address of the proposed patient, the name and address of the patient's nearest relatives, and the reasons for the petition. The petition must contain factual descriptions of the proposed patient's recent behavior, including a description of the behavior, where it occurred, and over what period of time it occurred. Each factual allegation must be supported by observations of witnesses named in the petition. Petitions shall be stated in behavioral terms and shall not contain judgmental or conclusory statements. The petition shall be accompanied by a written statement by an examiner stating that the examiner has examined the proposed patient within the 15 days preceding the filing of the petition and is of the opinion that the proposed patient is suffering a designated disability and should be committed to a treatment facility. The statement shall include the reasons for the opinion. If a petitioner has been unable to secure a statement from an examiner, the

petition shall include documentation that a reasonable effort has been made to secure the supporting statement.

Sec. 6. Minnesota Statutes 1992, section 253B.07, is amended by adding a subdivision to read:

Subd. 2b. [ORDER RESTRICTING ACCESS TO PETITION.] For good cause, the county attorney may secure an ex parte order prior to the first court hearing to restrict dissemination of the petition and related information to parties other than the patient or the patient's counsel until the court hearing.

Sec. 7. Minnesota Statutes 1992, section 253B.07, subdivision 4, is amended to read:

Subd. 4. [PREHEARING EXAMINATION; NOTICE AND SUMMONS PROCEDURE.] A summons to appear for a prehearing examination and the commitment hearing shall be served upon the proposed patient. A plain language notice of the proceedings and notice of the filing of the petition, a copy of the petition, a copy of the examiner's supporting statement, and the order for examination ~~and a copy of the prepetition screening report~~ shall be given to the proposed patient, patient's counsel, the petitioner, ~~any interested person,~~ and any other persons as the court directs. All papers shall be served personally on the proposed patient. Unless otherwise ordered by the court, the notice shall be served on the proposed patient by a nonuniformed person."

Page 13, after line 12, insert:

"Sec. 12. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change the words "probate court" to "district court," where appropriate, in Minnesota Statutes 1994 and subsequent editions of the statutes."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "modifying petition and prepetition procedures;"

Page 1, line 8, delete "subdivision 1" and insert "subdivisions 1, 2, and 4, and by adding a subdivision"

The motion prevailed. So the amendment was adopted.

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

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CONSENT CALENDAR

H.F. No. 2306: A bill for an act relating to the city of Minneapolis;

providing that a levy for a contribution to the Minneapolis teachers retirement fund association is a special taxing district levy for property tax purposes; amending Minnesota Statutes 1993 Supplement, section 354A.12, subdivision 3b.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2562: A bill for an act relating to employment; modifying experience requirements for the labor and industry boiler inspection division chief; amending Minnesota Statutes 1992, section 183.375, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2066: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water or natural wetlands in Anoka county; authorizing the sale of certain state land in Anoka county.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2154: A bill for an act relating to natural resources; farming; clarifying requirements relating to fish manure from aquatic farms; expanding the scope of cooperative farming agreements on hunting, game refuge, or wildlife management lands; exempting agreements from treatment as leases for tax purposes; amending Minnesota Statutes 1992, section 97A.135, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 17.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2348: A bill for an act relating to the legislature; clarifying the appropriate committees to which certain reports are to be directed; amending Minnesota Statutes 1992, sections 244.09, subdivision 11; 244.13, subdivisions 1 and 3; 244.173; 299A.35, subdivision 3; and 484.74, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Berg	Cohen	Hanson	Johnston
Anderson	Berglin	Day	Hottinger	Kiscaden
Beckman	Bertram	Dille	Janezich	Knutson
Belanger	Betzold	Finn	Johnson, D.E.	Krentz
Benson, D.D.	Chandler	Flynn	Johnson, D.J.	Kroening
Benson, J.E.	Chmielewski	Frederickson	Johnson, J.B.	Laidig

Langseth	Merriam	Novak	Price	Solon
Larson	Metzen	Oliver	Reichgott Junge	Spear
Lesewski	Moe, R.D.	Olson	Riveness	Stevens
Lessard	Mondale	Pappas	Robertson	Stumpf
Luther	Morse	Pariseau	Runbeck	Terwilliger
Marty	Murphy	Piper	Sams	Vickerman
McGowan	Neuville	Pogemiller	Samuelson	Wiener

So the bill passed and its title was agreed to.

H.F. No. 2772: A bill for an act relating to state government; public employment; establishing a pilot project in certain agencies; permitting the waiver of rules governing the classified and unclassified service of the state by joint committees.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2690: A bill for an act relating to insurance; township mutual fire insurance; allowing companies to issue policies in combination with the policies of other insurers; proposing coding for new law in Minnesota Statutes, chapter 67A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1896: A bill for an act relating to transportation; including in state transportation plan and development guide certain transportation matters relating to metropolitan area; amending Minnesota Statutes 1992, sections 174.03, subdivision 1a; 473.146, subdivision 3; and 473.371, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Johnston	Laidig	Neuville	Terwilliger
Day	Knutson	Lesewski	Stevens	

So the bill passed and its title was agreed to.

S.F. No. 2297: A bill for an act relating to elections; eliminating combined precincts but authorizing a combined polling place under the same conditions; adding three years to the time precinct boundaries may be changed; requiring separate precincts for each congressional district; limiting precinct boundary changes close to an election; amending Minnesota Statutes 1992, sections 204B.14, subdivisions 2 and 3; 204B.22, subdivision 1; and 205A.11; Minnesota Statutes 1993 Supplement, section 204B.14, subdivisions 4 and 5; repealing Minnesota Statutes 1992, sections 204B.14, subdivision 8; and 204B.16, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1890: A bill for an act relating to Lake of the Woods county; allowing the county to forgive the amount owing on a contract for deed.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1903: A bill for an act relating to agricultural economy; increasing extent of authorized state participation in rural finance authority loan restructuring program; repealing authorization for the commissioner of finance to issue obligations to assist agricultural-industrial facilities in Detroit Lakes; amending Minnesota Statutes 1992, section 41B.04, subdivision 8; repealing Laws 1992, chapter 543.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill 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, Second Reading of Senate Bills and Second Reading of House Bills.

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. 1944, 1991 and 1961. The motion prevailed.

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

H.F. No. 2007: A bill for an act relating to employment; making clear that employee includes "at pleasure" employees under the whistleblower law; amending Minnesota Statutes 1992, section 181.931, subdivision 2.

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

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

H.F. No. 1957: A bill for an act relating to housing and redevelopment authorities; providing for the membership in the Olmsted county housing and redevelopment authority and for dissolution of the Rochester housing and redevelopment authority; making conforming changes; allowing certain cities the option to form their own authorities.

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

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

H.F. No. 1859: A bill for an act relating to housing; establishing penalties

for failure to provide a written lease; amending Minnesota Statutes 1993 Supplement, section 504.12.

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

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

S.F. No. 2443: A bill for an act relating to economic development; providing for creation of enterprise zones within the cities of Minneapolis and St. Paul; providing incentives for business to locate within an enterprise zone; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Delete everything after the enacting clause and insert:

“Section 1. [469.301] [DEFINITIONS.]

Subdivision 1. [GENERALLY.] In sections 469.301 to 469.31, the terms defined in this section have the meanings given them, unless the context indicates a different meaning.

Subd. 2. [COMMISSIONER.] “Commissioner” means the commissioner of jobs and training.

Subd. 3. [ENTERPRISE ZONE.] “Enterprise zone” means an area in the state designated as such by the commissioner.

Subd. 4. [CITY.] “City” means any city that contains an area that meets the criteria for designation as a federal empowerment zone or enterprise community, or a city of the second class that is designated as an economically depressed area by the United States Department of Commerce.

Subd. 5. [GOVERNING BODY.] “Governing body” means the city council or other body designated by its charter.

Subd. 6. [RESIDENT.] “Resident” means an individual residing within the enterprise zone.

Subd. 7. [BUSINESS.] “Business” means any business entity not restricted under section 469.303.

Subd. 8. [ENTERPRISE ZONE PROPERTY.] “Enterprise zone property” means taxable property, excluding land but including buildings, structures, fixtures, and improvements, that is located within an enterprise zone designated according to section 469.304.

Sec. 2. [469.302] [PROGRAM OBJECTIVES.]

Subdivision 1. [JOB CREATION AND RETENTION.] An objective of the enterprise zone program is to stimulate job creation and retention in designated geographical areas for residents of the areas.

Subd. 2. [INVESTMENT STIMULATION.] An objective of the enterprise zone program is to stimulate public and private investment in designated geographical areas.

Sec. 3. [469.303] [RESTRICTIONS.]

The tax credits provided by section 7 do not apply to:

- (1) nonpublicly accessible sports, fitness, and health facilities;*
- (2) a racetrack;*
- (3) property of a public utility;*
- (4) property used in the operation of a financial institution;*
- (5) property owned by a fraternal, veterans', or nonpublicly accessible organization; and*
- (6) a gambling facility.*

Sec. 4. [469.304] [DESIGNATIONS OF ENTERPRISE ZONES.]

Subdivision 1. [PROCESS.] The commissioner shall designate an area as an enterprise zone if:

- (1) the application is made by the governing body of the city as prescribed by section 469.306;*
- (2) the application is made according to statutory criteria; and*
- (3) the area is determined by the commissioner to be eligible for designation under section 469.305.*

Subd. 2. [DURATION.] The designation of an area as an enterprise zone is effective for ten years after the date of designation.

Subd. 3. [DATE OF DESIGNATION.] Designation is effective immediately following approval of the enterprise zone application by the commissioner.

Subd. 4. [TAX CREDIT MODIFICATIONS.] The commissioner may make modifications in the design of or limitations on the tax credits contained in the city's application to facilitate an equitable distribution of credits and to meet the enterprise zone objectives. The commissioner may further make modifications to tax credit awards to individual businesses to meet the enterprise zone objectives.

Sec. 5. [469.305] [ELIGIBILITY REQUIREMENTS.]

An area within the city is eligible for designation as an enterprise zone if the area is designated as a proposed federal empowerment zone or enterprise community by the city in an application to the United States Department of Housing and Urban Development under HR. 2264, or a city of the second class that is designated as an economically depressed area by the United States Department of Commerce.

Sec. 6. [469.306] [APPLICATION FOR ENTERPRISE ZONE DESIGNATION.]

Subdivision 1. [SUBMISSION OF APPLICATIONS.] An applicant eligible under the criteria in section 469.305 may seek enterprise zone designation by submitting an application to the commissioner. The commissioner shall establish procedures and forms for the submission of applications for enterprise zone designation.

Subd. 2. [APPLICATIONS; CONTENTS.] The application for designation as an enterprise zone must contain, at a minimum:

(1) verification that the area is eligible for designation pursuant to section 469.305;

(2) the agency or unit of government that will implement the program;

(3) any additional information required by the commissioner; and

(4) any additional information that the municipality considers relevant to the designation of the area as an enterprise zone.

Subd. 3. [CERTIFICATION.] The commissioner shall receive certification from the governing body stating that activity within the municipality's enterprise zone:

(1) will meet the objectives of the enterprise zone in section 469.302; and

(2) will not transfer existing employment from other municipalities within the state.

Sec. 7. [469.307] [ENTERPRISE ZONE CREDITS.]

Subdivision 1. [INCOME OR FRANCHISE TAX CREDIT.] The commissioner may approve an income or corporate franchise tax credit for businesses located in an enterprise zone. The maximum tax credit allowable is \$5,000 per employee to an employer for a zone resident employed in the zone at full-time wage levels of not less than 160 percent of minimum wage, excluding workers employed in construction. Employees must be employed at a rate of not less than 160 percent of the minimum wage at the time the business applies for a tax credit, and the employee must have been employed for at least one year at the business. The credit applies to new jobs created as well as for existing jobs for which zone residents have been hired as a result of job vacancies in the business.

Subd. 2. [COMMISSIONER OF REVENUE ACTION.] Upon designation of an enterprise zone and approval of tax credits by the commissioner of jobs and training, the commissioner of revenue shall apply the tax credits.

Subd. 3. [REFUNDABLE CREDITS.] The income or corporate franchise tax credits provided under subdivision 1 may be refundable to a business that has no tax liability for which to apply credits subject to sections 270.76 and 289A.50.

Subd. 4. [REVIEW AND ANALYSIS.] The city must submit the proposed tax credit proposal to the commissioner for approval. The tax credit proposal shall be approved unless the commissioner finds that the proposal is not in conformity with the provisions of sections 1 to 10.

If the city submits the tax credit proposal to the commissioner before the expiration of the zone designation pursuant to section 469.304, subdivision 2, the authority of the commissioner to approve the tax credit proposal continues until the commissioner acts on the proposal.

Subd. 5. [DURATION OF CREDIT DRAW-DOWN BY BUSINESS.] A business will draw down the tax credits within a five-year period beginning on the date the commissioner approves the tax credits.

Sec. 8. [469.308] [REVOCAION.]

The commissioner may revoke a business' tax credit if the applicant has not proceeded in good faith with its operations in a manner which is consistent

with the purpose of this section and is possible under circumstances reasonably within the control of the applicant.

Upon the discretion of the commissioner, the revocation of the tax credit may be reconsidered given evidence from the business that circumstances were beyond its control or that it did not act in good faith.

Sec. 9. [469.309] [RECAPTURE.]

Subdivision 1. [TERMINATION OF OPERATIONS.] Any business that receives a tax credit authorized by section 469.307 and ceases to operate its facility located within the enterprise zone within seven years after the business' first tax credit draw shall repay the amount of the tax credit pursuant to the following schedule:

Termination of Operations	Repayment of Portion
Less than two years	100 percent
Between two years and four years	75 percent
Between four years and seven years	50 percent
More than seven years	0 percent

Subd. 2. [REPAYMENT.] The repayment must be paid to the state to the extent it represents a tax credit under section 469.307. Any amount repaid to the state must be credited to the amount certified as available for tax credits in the zone under section 469.307.

Sec. 10. [469.31] [ADMINISTRATION.]

Subdivision 1. [TECHNICAL ASSISTANCE.] The commissioner shall provide technical assistance to the city seeking an enterprise zone designation.

Subd. 2. [ADMINISTRATIVE PROCEDURE ACT.] Chapter 14 does not apply to the designation of enterprise zones.

Subd. 3. [REPORTING.] The commissioner shall require cities receiving enterprise zone designations to report to the commissioner regarding the economic activity that has occurred in the zone following the designation.

Subd. 4. [REPORT TO THE LEGISLATURE.] The commissioner of jobs and training, in consultation with the commissioner of revenue and the cities, shall prepare a plan for expanding the enterprise zone program to businesses throughout the area that hire zone residents. The commissioner of jobs and training shall submit its plan in a report to the 1995 session of the state legislature."

Delete the title and insert:

"A bill for an act relating to economic development; providing for creation of enterprise zones; providing incentives for business to locate within an enterprise zone; proposing coding for new law in Minnesota Statutes, chapter 469."

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

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

S.F. No. 2440: A bill for an act relating to local economic development; authorizing the city of Minneapolis to establish a jobs park.

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

Delete everything after the enacting clause and insert:

"Section 1. [CITY OF MINNEAPOLIS; NORTH WASHINGTON INDUSTRIAL PARK REDEVELOPMENT PROJECT.]

Subdivision 1. [AUTHORIZATION; SPECIAL RULES.] With respect to a hazardous substance subdistrict to be established by the Minneapolis community development agency and the city of Minneapolis within the North Washington industrial park redevelopment project in the city of Minneapolis:

(1) in addition to the authorized uses of tax increment revenues provided at Minnesota Statutes, section 469.176, subdivision 4e, either the city of Minneapolis or the Minneapolis community development agency may use tax increment revenues derived from the hazardous substance subdistrict to acquire property within the hazardous substance subdistrict;

(2) at any time on or after approval of the tax increment financing plan with respect to the hazardous substance subdistrict, the Minneapolis community development agency may elect to designate any tax increment revenues from the hazardous substance subdistrict to be tax increment revenues generated solely from the hazardous substance subdistrict;

(3) a parcel described in the tax increment financing plan or plan amendment may be designated and certified for inclusion in the hazardous substance subdistrict without approval of a development action response plan;

(4) the provisions of Minnesota Statutes, section 273.2399, do not apply to the hazardous substance subdistrict; and

(5) in addition to the authorized uses of tax increment revenues provided at Minnesota Statutes, sections 469.174 to 469.179, as amended, the Minneapolis community development agency may use tax increment revenues to provide jobs training or job training grants to businesses located or to be located at the jobs park within the North Washington industrial park.

Subd. 2. [EXEMPTION FROM SALES TAX.] Minnesota Statutes, sections 297A.01 to 297A.44, do not apply to the purchase of any machinery or equipment to be located on real property within the hazardous substance subdistrict to be located within the North Washington industrial park redevelopment project.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective upon compliance by the governing body of the city of Minneapolis with Minnesota Statutes, section 645.021, subdivision 2."

Delete the title and insert:

"A bill for an act relating to the city of Minneapolis; authorizing special rules for hazardous substance subdistrict; providing for exemption from sales tax."

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

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

S.F. No. 2539: A bill for an act relating to utilities; eliminating duplicate reporting relating to energy demand forecasting information by public utilities; amending Minnesota Statutes 1992, sections 116C.57, subdivision 3; 216B.241, subdivision 1a; and 216C.17, subdivision 2; Minnesota Statutes 1993 Supplement, sections 216B.2422, by adding a subdivision; and 216C.17, subdivision 3; repealing Minnesota Statutes 1993 Supplement, section 116C.54.

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

Page 2, after line 3, insert:

"Sec. 2. Minnesota Statutes 1992, section 216B.16, is amended by adding a subdivision to read:

Subd. 14. [LOW-INCOME RATES.] (a) The commission may consider ability to pay as a factor in setting utility rates and may establish programs for low-income residential ratepayers in order to ensure affordable, reliable, and continuous service to low-income utility customers. The commission shall order a pilot program for at least one utility. In ordering pilot programs, the commission shall consider the following:

(1) the potential for low-income programs to provide savings to the utility for all collection costs including but not limited to: costs of disconnecting and reconnecting residential ratepayers' service, all activities related to the utilities' attempt to collect past due bills, utility working capital costs, and any other administrative costs related to inability to pay programs and initiatives;

(2) the potential for leveraging federal low-income energy dollars to the state; and

(3) the impact of energy costs as a percentage of the total income of a low-income residential customer.

(b) In determining the structure of the pilot utility program, the commission shall:

(1) consult with advocates for and representatives of low-income utility customers, administrators of energy assistance and conservation programs, and utility representatives;

(2) coordinate eligibility for the program with the state and federal energy assistance program and low-income residential energy programs, including weatherization programs; and

(3) evaluate comprehensive low-income programs offered by utilities in other states.

(c) The commission shall implement at least one pilot project by January 1, 1995, and shall allow a utility required to implement a pilot project to recover the net costs of the project in the utility's rates.

(d) The commission, in conjunction with the commissioner of the department of public service and the commissioner of jobs and training, shall review

low-income rate programs and shall report to the legislature by January 1, 1998. The report must include:

(1) the increase in federal energy assistance money leveraged by the state as a result of this program;

(2) the effect of the program on low-income customer's ability to pay energy costs;

(3) the effect of the program on utility customer bad debt and arrearages;

(4) the effect of the program on the costs and numbers of utility disconnections and reconnections and other costs incurred by the utility in association with inability to pay programs;

(5) the ability of the utility to recover the costs of the low-income program without a general rate change;

(6) how other ratepayers have been affected by this program;

(7) recommendations for continuing, eliminating, or expanding the low-income pilot program; and

(8) how general revenue funds may be utilized in conjunction with low-income programs."

Page 3, line 33, strike "Public"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing public utilities commission to consider ability to pay as factor in setting utility rates and to establish programs for low-income consumers;"

Page 1, line 5, after the semicolon, insert "216B.16, by adding a subdivision;"

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

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

S.F. No. 1971: A bill for an act relating to limited liability companies; providing for the application of workers' compensation and unemployment compensation laws; amending Minnesota Statutes 1992, section 176.041, subdivision 1; Minnesota Statutes 1993 Supplement, sections 176.041, subdivision 1a; and 268.04, subdivision 12.

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

Page 3, delete lines 13 to 25 and insert:

"(r) a manager of a limited liability company having ten or fewer members and having less than 22,880 hours of payroll in the preceding calendar year, if that manager owns at least a 25 percent membership interest in the limited liability company;

(s) a spouse, parent, or child, regardless of age, of a manager of a limited liability company described in paragraph (r);

(t) persons employed by a limited liability company having ten or fewer members and having less than 22,880 hours of payroll in the preceding

calendar year who are related by blood or marriage, within the third degree of kindred according to the rules of civil law, to a manager of a limited liability company described in paragraph (r), if the company files a written election with the commissioner to exclude these persons. A written election is not required for a person who is otherwise excluded from this chapter by this section; or

(u) members of limited liability companies who satisfy the requirements of paragraph (l)."

Page 4, lines 8 and 9, delete the new language and insert "A limited liability company which had less than 22,880 hours of payroll in the previous calendar year may elect coverage for any manager if that manager is also an owner of at least 25 percent membership interest in the limited liability company."

Page 4, lines 23 and 27, delete "member,"

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

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

S.F. No. 1944: A bill for an act relating to employment; restoring the purchasing power of a minimum wage salary; amending Minnesota Statutes 1992, section 177.24, subdivision 1.

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

Page 1, lines 12 and 17, strike "\$362,500" and insert "\$500,000"

Page 1, line 23, delete "\$5" and insert "\$4.75"

Page 1, line 24, delete "\$5.75" and insert "\$5.25"

Page 1, line 25, delete "\$6.50" and insert "\$5.75"

Page 2, line 1, delete "\$4.75" and insert "\$4.50"

Page 2, line 2, delete "\$5.50" and insert "\$5"

Page 2, line 3, delete "\$6.25" and insert "\$5.50" and delete "On"

Page 2, delete lines 4 to 6

Page 2, line 7, delete the new language

Page 2, delete lines 8 to 11

Page 2, after line 15, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1994."

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

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

S.F. No. 2540: A bill for an act relating to energy; classifying and requiring information on applications for the municipal energy conservation investment loan program; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 216C.37, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 216C.37, subdivision 1; repealing Minnesota Statutes 1992, section 216C.37, subdivision 8.

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

Page 1, line 16, delete "*subdivision*" and insert "*subdivisions*" and after "*3a*" insert "*and 3b*"

Page 3, line 16, delete "*is classified as 'nonpublic'*"

Page 3, delete lines 17 and 18

Page 3, line 19, delete the first "*data*"

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

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

S.F. No. 2849: A resolution memorializing the President and Congress to maintain funding for the low-income home energy assistance program and to continue its operation in Minnesota.

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

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

S.F. No. 1698: A bill for an act relating to manufactured home parks; prohibiting manufactured home parks from prohibiting senior citizens from keeping pet dogs, cats, and birds on the park premises; amending Minnesota Statutes 1992, section 327.27, by adding a subdivision.

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

Page 1, line 11, after the second "*a*" insert "*house*"

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

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

S.F. No. 2885: A bill for an act relating to employment; establishing the governor's workforce development council to replace the governor's job training council; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1993 Supplement, section 268.9755.

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

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

S.F. No. 1808: A bill for an act relating to workers' compensation; providing coverage for certain civil air patrol volunteers; amending Minnesota Statutes 1992, section 176.011, subdivision 9.

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

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

S.F. No. 1991: A bill for an act relating to metropolitan government; requiring the metropolitan council to adopt rules allocating comprehensive choice housing among cities and towns in the metropolitan area; requiring metropolitan council review of efforts of cities and towns to comply with the allocation; establishing penalties for noncompliance; proposing coding for new law in Minnesota Statutes, chapters 16A; and 473.

Reports the same back with the recommendation that the bill do pass. Mr. Oliver questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 2778: A bill for an act relating to housing; requiring copies of evacuation plans for residents of manufactured home parks; amending Minnesota Statutes 1992, sections 290A.19; 327C.01, by adding a subdivision; and 327C.02, subdivision 5; Minnesota Statutes 1993 Supplement, section 327.20, subdivision 1.

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

Page 5, line 15, delete "*that has been*" and insert a period

Page 5, delete lines 16 to 22

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. 374: A bill for an act relating to public safety; requiring installation of automatic sprinkler systems in certain existing high-rise buildings; excluding the market value of these systems for purposes of property taxation; amending Minnesota Statutes 1992, section 273.11, subdivision 6a; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

Delete everything after the enacting clause and insert:

"Section 1. [299F.365] [FIRE SAFETY SPRINKLERS IN EXISTING HIGH-RISE BUILDINGS.]

Subdivision 1. [REQUIREMENTS.] This section applies to an existing building in which at least one story used for human occupancy is at least 75 feet or more above the lowest level of fire department vehicle access. An automatic fire safety sprinkler system must be installed in those portions of the entire existing building in which an automatic fire safety sprinkler system would be required if the building were constructed after the effective date of this section. The automatic fire safety sprinkler system must comply with standards in the Minnesota uniform fire code and state building code.

Subd. 2. [EXEMPTIONS.] (a) Subdivision 1 does not apply to an area used exclusively for telecommunications equipment and associated generator and power equipment and under exclusive control of a telecommunications provider if:

(1) the area is separated from the remainder of the building by construction equivalent to a one-hour fire resistant wall and two-hour floor/ceiling assemblies; and

(2) the area has an automatic fire detection and alarm system to respond to visible and invisible particles of combustion and transmit an alarm and comply with standards in the Minnesota uniform fire code and state building code.

(b) Subdivision 1 does not apply to:

(1) a monument or war memorial that is included in the national register of historic places or the Minnesota state register of historic sites and structures;

(2) an airport control tower or control room;

(3) an open parking structure;

(4) a building used for agricultural purposes;

(5) a manufacturing facility that is required to meet the fire safety standards adopted by the Occupational Safety and Health Administration in Code of Federal Regulations, title 29, part 1910, subpart L; or

(6) elevator equipment rooms and elevator shafts.

(c) The commissioner, or the state fire marshal as the commissioner's designee, may grant extensions for the times prescribed in subdivision 3 or 4 for the submission of plans or completion of work, or both, if the applicant for extension demonstrates an appropriate effort and a genuine inability to comply with the time prescribed.

(d) When there are practical difficulties involved in complying with the times prescribed in subdivision 3 or 4, the commissioner, or the state fire marshal as the commissioner's designee, may vary or modify the times upon application of a building owner or the owner's representative, provided that the spirit and intent of the law are observed and public welfare and safety are ensured.

Subd. 3. [REPORTING.] By January 1, 1996, the owner of a building subject to subdivision 1 shall submit to the state fire marshal a letter stating the owner's intention to comply with this act and providing a schedule for completion.

Subd. 4. [TRANSITION.] (a) Within three years of the effective date of this section there must be water supplies for the fire safety sprinkler system to all

floors of the buildings subject to subdivision 1. Installation of operational automatic fire safety sprinkler systems or an accepted equivalent alternative method must comply with the following schedule:

Years after effective date	Percent of nonexempt portions of building with operational automatic sprinkler system or protected by an accepted alternative method
6 years	25 percent
9 years	50 percent
12 years	75 percent
15 years	100 percent

(b) For office buildings and individual spaces within office buildings having documented leases that presently extend beyond six years after the effective date, an extension of an additional one year must be added to each phase of the time table in paragraph (a) for completion.

(c) The following requirements are the responsibility of the authorized licensed sprinkler contractor and apply where existing class I, class II, or class III standpipes are used to provide a combined standpipe system:

(1) during the installation of sprinkler systems, no standpipe or fire pump may be made inoperative unless the local fire department is given 24-hour prior notice;

(2) if the building contains two or more standpipes, at least one standpipe must be maintained so that water can be discharged through piping, valves, hose outlets, and allied equipment to extinguish a fire;

(3) if a building contains only one standpipe riser, modifications to the system must be conducted after normal working hours; and

(4) appropriate temporary signage must be provided at all fire department connections on the building, indicating the operational status of the sprinkler system.

Subd. 5. [RULES.] The commissioner of public safety may adopt rules for: the application of fire safety sprinkler systems in existing high-rise buildings under this section; exemptions permitted by this section; reporting of compliance by owners; and scheduling of installation of fire safety sprinkler systems or alternate methods. The commissioner of public safety shall explore alternative sources of funding for those buildings in need of retrofit. The commissioner shall coordinate with the housing finance agency director for such alternative sources of funding.

Subd. 6. [EFFECT ON OTHER LAWS.] This section does not supersede the Minnesota state building code or Minnesota uniform fire code.

Sec. 2. [WORKING GROUP.]

The commissioner of public safety shall appoint a working group to advise the commissioner on implementation of section 1, including specifically the adoption of rules, and to advise the commissioner on appeals. The group must include a representative from: the state fire marshal's office, the department of administration, the Minnesota state fire chiefs association, a chapter of the Minnesota building owners and managers association, the Minnesota multi-housing association, the Minnesota hotel and motel association, the Minne-

sota condominium association, the fire marshals association of Minnesota, professional engineers or licensed architects, and the general public.

Sec. 3. [HOUSING BUDGET PRIORITIES.]

Section 1 does not affect the existing budget priorities of public housing facilities in Minnesota."

Delete the title and insert:

"A bill for an act relating to public safety; requiring installation of automatic sprinkler systems in certain existing high-rise buildings; proposing coding for new law in Minnesota Statutes, chapter 299F."

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. 2288: A bill for an act relating to retirement; making various administrative and minor substantive changes in the laws governing the Minnesota state retirement system, the public employees retirement association, and the teachers retirement association; amending Minnesota Statutes 1992, sections 176.021, subdivision 7; 352.01, subdivisions 11 and 13; 352.04, subdivisions 2 and 3; 352.119, by adding a subdivision; 352D.04, subdivision 2; 353.03, subdivisions 1 and 3a; 353.33, subdivisions 5 and 7; 353.656, subdivisions 2 and 4; 354.05, subdivisions 2, 21, 22, 35, and by adding subdivisions; 354.06, subdivisions 2a and 4; 354.071, subdivision 5; 354.091; 354.10, subdivisions 1 and 2; 354.42, subdivisions 3 and 5; 354.44, subdivisions 1a, 4, 5, and 5a; 354.47; 354.48, subdivision 2; 354.49, subdivision 1; 354.50, subdivision 1; 354.52, subdivisions 2, 2a, 4, and by adding subdivisions; 354.66, subdivisions 2, 3, and by adding a subdivision; and 356.30, subdivision 1; Minnesota Statutes 1993 Supplement, sections 3A.02, subdivision 5; 352.22, subdivision 2; 352.93, subdivision 2a; 352.96, subdivision 4; 352B.08, subdivision 2a; 352D.02, subdivision 1a; 353.01, subdivisions 10, 12a, 16, and 28; 353.017, by adding a subdivision; 353.27, subdivision 7; 353.33, subdivisions 11 and 12; 353.37, subdivisions 1, 2, and 4; 353.65, subdivision 3a; 353.656, subdivision 6a; 353A.08, subdivision 3; 354.05, subdivision 8; and 354.46, subdivisions 1 and 5; proposing coding for new law in Minnesota Statutes, chapter 354; repealing Minnesota Statutes 1992, sections 352.15, subdivision 2; 352D.09, subdivision 6; 354.05, subdivisions 15 and 29; 354.43, subdivision 3; 354.57; 354.65; and 356.18.

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

Page 2, lines 11 to 13, delete the new language and insert "*plus the actuarial value of any surviving spouse benefit otherwise potentially payable at the time of retirement under section 3A.04, subdivision 1. An individual selecting the optional annuity under this subdivision waives any rights to surviving spouse benefits under section 3A.04, subdivision 1*"

Page 8, delete section 11 and insert:

"Sec. 11. Minnesota Statutes 1992, section 352B.265, is amended to read:

352B.265 [PRE-1973 INCREASE.]

Total benefits payable to a retiree or surviving spouse whose benefits were computed under the law in effect before June 1, 1973, are increased by six percent on July 1, 1982, and on July 1 of each year ~~thereafter~~ until July 1, 1994. Funds sufficient to pay the increases provided by this section are appropriated annually until June 30, 1995, to the executive director from the state patrol retirement fund. On June 30, 1995, amounts paid under this section must be added to and considered a portion of the annuity otherwise payable to the recipient. Assets required to fund these benefits must be transferred in accordance with section 352B.26."

Page 9, after line 8, insert:

"Sec. 13. [356.88] [PUBLIC PENSION ADMINISTRATION LEGISLATION.]

Subdivision 1. [DUE DATES.] (a) Proposed administrative legislation recommended by or on behalf of the Minnesota state retirement system, the public employees retirement association, the teachers retirement association, the Minneapolis employees retirement fund, or a first class city teachers retirement fund association must be presented to the legislative commission on pensions and retirement, the governmental operations and reform committee of the senate, and the governmental operations and gaming committee of the house of representatives on or before October 1 of each year in order for the proposed administrative legislation to be acted upon during the upcoming legislative session. The executive director or the deputy executive director of the legislative commission on pensions and retirement shall provide written comments on the proposed provisions to the public pension plans by November 15 of each year.

(b) Proposed administrative legislation recommended by or on behalf of a public employee pension plan or system under paragraph (a) must address provisions:

(1) authorizing allowable service credit for leaves of absence and related circumstances;

(2) governing offsets or deductions from the amount of disability benefits;

(3) authorizing the purchase of allowable service credit for prior uncredited periods;

(4) governing subsequent employment earnings by reemployed annuitants; and

(5) authorizing retroactive effect for retirement annuity or benefit applications.

(c) Where possible and desirable, taking into account the differences among the public pension plans in existing law and the unique characteristics of the individual public pension fund memberships, uniform provisions relating to paragraph (b) for all applicable public pension plans must be presented for consideration during the legislative session. Supporting documentation setting forth the policy rationale for each set of uniform provisions must accompany the proposed administrative legislation.

Subd. 2. [SALARY-STUDY ADVISORY COMMITTEE.] In an effort to treat public employees in a fair and equitable manner and to protect the financial integrity of the public pension plans, the legislative commission on pensions and retirement shall establish an advisory committee to study the

definitions of salary in chapters 353, 354, and 354A to determine the high-five average consecutive years of salary component for the formula used to calculate retirement annuities and disability benefits.

The advisory committee must be composed of at least three executive directors and executive secretaries of the seven public pension plans, and the chair, vice-chair, and executive director of the pension commission.

The advisory committee shall report its findings and recommendations to the pension commission by February 15, 1995.

Sec. 14. [FISCAL YEAR 1995 ACTUARIAL VALUATIONS.]

For the fiscal year 1995 actuarial valuation period, the legislative commission on pensions and retirement may authorize an alternative set of salary increase assumptions or other assumptions defined under Minnesota Statutes, section 356.215. The actuary retained by the legislative commission on pensions and retirement shall make recommendations for change based on an experience study completed in fiscal year 1994 or 1995."

Page 9, delete line 13 and insert:

"Sections 1, 2, and 5 to 16 are effective the day following final enactment. Sections 3 and 4 are effective January 1, 1995."

Renumber the sections of article 1 in sequence

Pages 9 and 10, delete section 1

Page 10, line 33, delete "certain" and delete "amounts"

Page 10, lines 34 and 35, delete the new language

Page 10, line 36, delete "limited to, employer-paid"

Page 11, line 6, after the stricken period, insert "and certain amounts determined by the executive director to be ineligible"

Page 14, lines 25 to 29, reinstate the stricken language

Page 14, line 30, reinstate the stricken language and delete the new language

Page 14, lines 31 to 36, delete the new language

Page 15, line 1, delete "medical leave"

Page 16, line 11, delete "or" and insert "of"

Pages 17 to 19, delete section 7 and insert:

"Sec. 6. Minnesota Statutes 1992, section 353.03, subdivision 1, is amended to read:

Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is vested in a an 11-member board of trustees consisting of the state auditor and nine ten members and the state auditor who may designate a deputy auditor with expertise in pension matters as the auditor's representative on the board. The governor shall appoint six five trustees to four-year terms, one of whom shall be designated to represent school boards, one to represent cities, one to represent counties, one who is a member of the police and fire fund, one who

is a retired annuitant, and one who is a public member knowledgeable in pension matters. The membership of the association, *including recipients of retirement annuities and disability and survivor benefits*, shall elect ~~three~~ five trustees, *one of whom must be a member of the police and fire fund and one of whom must be a former member who met the definition of public employee under section 353.01, subdivisions 2 and 2a, for at least five years prior to terminating membership or a member who receives a disability benefit*, for terms of four years. *Except as provided in this subdivision*, trustees elected by the membership of the association must be public employees and members of the association. For seven days beginning October 1 of each year preceding a year in which an election is held, the association shall accept at its office filings in person or by mail of candidates for the board of trustees. A candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund. No name may be withdrawn from nomination by the nominee after October 15. At the request of a candidate for an elected position on the board of trustees, the board shall mail a statement of up to 300 words prepared by the candidate to all persons eligible to vote in the election of the candidate. The board may adopt policies to govern form and length of these statements, timing of mailings, and deadlines for submitting materials to be mailed. These policies must be approved by the secretary of state. The secretary of state shall resolve disputes between the board and a candidate concerning application of these policies to a particular statement. A candidate who:

(1) receives contributions or makes expenditures in excess of \$100; or

(2) has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100 for the purpose of bringing about the candidate's election, shall file a report with the ethical practices board disclosing the source and amount of all contributions to the candidate's campaign. The ethical practices board shall prescribe forms governing these disclosures. Expenditures and contributions have the meaning defined in section 10A.01. These terms do not include the mailing made by the association board on behalf of the candidate. A candidate shall file a report within 30 days from the day that the results of the election are announced. The ethical practices board shall maintain these reports and make them available for public inspection in the same manner as the board maintains and makes available other reports filed with it. By January 10 of each year in which elections are to be held the board shall distribute by mail to the members ballots listing the candidates. No member may vote for more than one candidate for each board position to be filled. A ballot indicating a vote for more than one person for any position is void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund is January 31. Terms expire on January 31 of the fourth year, and positions are vacant until newly elected members are qualified. The ballot envelopes must be so designed and the ballots counted in a manner that ensures that each vote is secret.

The secretary of state shall supervise the elections. The board of trustees and the executive director shall undertake their activities consistent with chapter 356A."

Page 19, line 32, delete "three" and insert "two"

Page 21, line 16, after "proof" insert "by the association"

Page 21, line 17, delete "by the association"

Page 21, line 18, delete "*as determined by the association*" and insert "*of the employing unit*"

Pages 23 to 26, delete sections 10 to 13

Pages 29 to 32, delete sections 18 to 20

Page 35, delete lines 11 to 14 and insert:

"Sections 1, 2, 4, 6, and 10 to 12 are effective July 1, 1994. Section 3 is effective May 1, 1994. Sections 5, 7, and 9 are effective January 1, 1994. Sections 8 and 13 are effective retroactive to July 1, 1993."

Renumber the sections of article 2 in sequence

Page 42, line 7, reinstate the stricken language and delete the new language and insert "*The executive director may:*"

Page 45, line 7, after the stricken comma, insert "*The association may acknowledge a properly completed power of attorney form.*"

Pages 48 and 49, delete section 19

Pages 53 and 54, delete section 26

Page 58, delete lines 21 to 23 and insert:

"Sections 1 to 27 and 30 to 34 are effective the day following final enactment. Sections 28 and 29 are"

Renumber the sections of article 3 in sequence

Page 58, after line 24, insert:

"ARTICLE 4

RESTRICTIONS ON CERTAIN PUBLIC PENSION

PLAN MEMBERSHIP AUTHORIZATIONS

Section 1. Minnesota Statutes 1992, section 352.029, subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATIONS.] ~~An employee of a labor organization that is an exclusive bargaining agent representing state employees or Unless specifically excluded under section 352.01, subdivision 2b, a state employee on leave of absence without pay to provide service as an employee or officer of a labor organization that is an exclusive bargaining agent representing state employees; may choose elect under subdivision 2 to be covered by the general state employees retirement plan of the Minnesota state retirement system for service with the labor organization unless specifically excluded under section 352.01, subdivision 2b, subject to the limitations set forth in subdivisions 2a and 2b.~~

Sec. 2. Minnesota Statutes 1992, section 352.029, is amended by adding a subdivision to read:

Subd. 2a. [LIMITATIONS ON SALARY FOR BENEFITS AND CONTRIBUTIONS.] (a) *The covered salary for a labor organization employee who qualifies for membership under this section or section 352.75 is limited to the lesser of:*

(1) the employee's actual salary as defined under section 352.01, subdivision 13; or

(2) 75 percent of the salary of the governor as set under section 15A.082.

(b) *The limited covered salary determined under this subdivision must be used in determining employee, employer, and employer additional contributions under section 352.04, subdivisions 2 and 3, and in determining retirement annuities and other benefits under this chapter and chapter 356.*

Sec. 3. Minnesota Statutes 1992, section 352.029, is amended by adding a subdivision to read:

Subd. 2b. [EARNING RESTRICTIONS APPLY.] A retirement annuity is only payable, if the person has met any other applicable requirements, upon the termination by the person who elected coverage under subdivision 1 of employment by the labor organization. The reemployed annuitant earnings limitation set forth in section 352.115, subdivision 10, applies in the event that the person who elected coverage under subdivision 1 retires and is subsequently reemployed while an annuitant by the labor organization or by any other entity employing persons who are covered by the Minnesota state retirement system by virtue of that employment.

Sec. 4. Minnesota Statutes 1993 Supplement, section 353.017, subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATIONS.] Unless specifically exempt under section 353.01, subdivision 2b, a former member of the association, or a current coordinated member of the association who is on an authorized leave of absence, and who is an employee of a labor organization that represents public employees who are association members may elect, under subdivision 2, to continue to be a coordinated member with respect to service with employment by the labor organization unless specifically exempt under section 353.01, subdivision 2b subject to the limitations set forth in subdivisions 4 and 6.

Sec. 5. Minnesota Statutes 1993 Supplement, section 353.017, subdivision 3, is amended to read:

Subd. 3. [CONTRIBUTIONS.] The employee, employer and additional employer contributions shall be are the obligation of the employee who elects coverage herein in accord with this chapter; provided, however, the employer, labor organization, may pay the employer and additional employer contributions. The employer shall, in any event, deduct the necessary contributions from the employee's salary, subject to the limitations under subdivision 6, and remit all contributions to the public employees retirement association pursuant to under section 353.27, subdivisions 4, 7, 10, 11, and 12.

Sec. 6. Minnesota Statutes 1993 Supplement, section 353.017, is amended by adding a subdivision to read:

Subd. 4. [TERMINATION OF MEMBERSHIP FOR RETIREMENT ELIGIBILITY.] A retirement annuity is only payable, if the person has met any other applicable requirements, upon the termination by the person who elected coverage under subdivision 1 of employment by the labor organization. The reemployed annuitant earnings limitation set forth in section 353.37, subdivision 1, applies in the event that the person who elected coverage under subdivision 1 retires and is subsequently reemployed while an annuitant by the labor organization or by any other entity employing persons who are covered by the public employees retirement association by virtue of that employment.

Sec. 7. Minnesota Statutes 1993 Supplement, section 353.017, is amended by adding a subdivision to read:

Subd. 6. [LIMITATIONS ON SALARY AND CONTRIBUTIONS.] The covered salary for a labor organization employee who qualifies for membership under this section is limited to the lesser of:

(1) the employee's actual salary as defined under section 353.01, subdivision 10; or

(2) 75 percent of the salary of the governor as set under section 15A.082.

The limited covered salary determined under this subdivision must be used in determining employee and employer contributions under section 353.27, subdivisions 2, 3, and 3a, and in determining retirement annuities and other benefits under this chapter and chapter 356.

Sec. 8. Minnesota Statutes 1992, section 354.41, subdivision 4, is amended to read:

Subd. 4. Any (a) A person who is a ~~former~~ member on an authorized leave of absence and is ~~presently~~ employed by the Minnesota federation of teachers or its affiliated branches within the state, the Minnesota education association, the Minnesota association of school principals, the Minnesota association of secondary school principals or the Minnesota association of school administrators may elect to be a coordinated member in the fund based on ~~such~~ that employment; ~~provided~~, subject to the limitations set forth in subdivisions 4a and 4b. However, ~~that no person shall also be~~ is entitled to ~~such~~ membership under this section if the person also is a member of a teachers retirement association in a city of the first class organized ~~pursuant to~~ under chapter 354A for the same period of service. ~~For such persons so employed on June 30, 1975, the election must be made prior to July 1, 1976. For such persons so employed after June 30, 1975,~~

(b) The election must be made ~~upon~~ within 90 days of commencing employment by the labor organization.

Sec. 9. Minnesota Statutes 1992, section 354.41, is amended by adding a subdivision to read:

Subd. 4a. [LIMITATIONS ON SALARY AND CONTRIBUTIONS.] The covered salary for a labor organization employee who qualifies for membership under this section is limited to the lesser of:

(1) the employee's actual salary as defined under section 354.05, subdivision 35; or

(2) 75 percent of the salary of the governor as set under section 15A.082.

The limited covered salary determined under this subdivision must be used in determining employee, employer, and employer additional contributions under section 354.42, subdivisions 2, 3, and 5, and in determining retirement annuities and other benefits under this chapter and chapter 356.

Sec. 10. Minnesota Statutes 1992, section 354.41, is amended by adding a subdivision to read:

Subd. 4b. [EARNING RESTRICTIONS APPLY.] A retirement annuity is only payable, if the person has met any other applicable requirements, upon the termination by the person who elected coverage under subdivision 4 of

employment by the labor organization. The reemployed annuitant earnings limitation set forth in section 354.44, subdivision 5, applies in the event that the person who elected coverage under subdivision 4 retires and is subsequently reemployed while an annuitant by the labor organization or by any other entity employing persons who are covered by the Minnesota teachers retirement association by virtue of that employment.

Sec. 11. [356.611] [LIMITATION ON PUBLIC EMPLOYEE SALARIES FOR PENSION PURPOSES.]

(a) Notwithstanding any provision of law, bylaws, articles or incorporation, retirement and disability allowance plan agreements, or retirement plan contracts to the contrary, the covered salary for pension purposes for a plan participant of a covered retirement fund under section 356.30, subdivision 3, may not exceed 95 percent of the salary established for the governor under section 15A.082 at the time the person received the salary.

(b) This section does not apply to a salary paid:

(1) to the governor;

(2) to an employee of a political subdivision in a position that is excluded from the limit as specified under section 43A.17, subdivision 9; or

(3) to a state employee in a position for which the commissioner of employee relations has approved a salary rate that exceeds 95 percent of the governor's salary.

(c) The limited covered salary determined under this section must be used in determining employee and employer contributions and in determining retirement annuities and other benefits under the respective covered retirement fund and under this chapter.

Sec. 12. [EFFECTIVE DATE.]

(a) Sections 1 to 11 are effective the day following final enactment.

(b) Sections 1, 4, and 8 apply to labor organization employees initially employed in that employment position after the effective date specified in paragraph (a). Sections 2, 5, 7, 9, and 11 apply to the plan salary and contributions after July 1, 1994, for labor organization employees who were employees in that employment position before the effective date specified in paragraph (a).

ARTICLE 5

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

Section 1. [CONSOLIDATED LOCAL RELIEF ASSOCIATIONS; RETIREMENT COVERAGE OPTION.]

Notwithstanding the 180-day limitation contained in Minnesota Statutes, section 353A.08, subdivision 3, an active member of a former local relief association that consolidated with the public employees retirement association before July 1, 1993, may make an election to have retirement benefit coverage provided by the public employees police and fire fund as authorized by the cited law. An election under this section must be made within six months after the effective date of this section, and shall in all other respects be governed by Minnesota Statutes, section 353A.08, and other applicable laws.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on July 1, 1994."

Amend the title as follows:

Page 1, line 7, delete "176.021, subdivision 7;"

Page 1, line 8, after "13;" insert "352.029, subdivision 1, and by adding subdivisions;"

Page 1, line 9, after the semicolon, insert "352B.265;"

Page 1, lines 10 and 11, delete "353.33, subdivisions 5 and 7; 353.656, subdivisions 2 and 4;"

Page 1, line 14, after "2;" insert "354.41, subdivision 4, and by adding subdivisions;"

Page 1, line 16, delete "5,"

Page 1, line 17, delete "354.50, subdivision 1;"

Page 1, line 24, delete "352D.02, subdivision 1a;"

Page 1, line 25, delete "by adding a subdivision" and insert "subdivisions 1, 3, and by adding subdivisions"

Page 1, line 26, delete "353.33, subdivisions 11 and 12;"

Page 1, line 28, delete "353.656, subdivision 6a;"

Page 1, line 31, delete "chapter 354" and insert "chapters 354; and 356"

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

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

H.F. No. 228: A bill for an act relating to local government; providing for annexation elections; changing conditions permitting annexation by ordinance; amending Minnesota Statutes 1992, sections 414.031, by adding a subdivision; and 414.033, subdivision 2; repealing Minnesota Statutes 1992, section 414.033, subdivision 2a.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 414.01, subdivision 14, is amended to read:

Subd. 14. When a board order enlarges or diminishes the area of an existing municipality or town, the population of the annexed or detached area shall be as found by the board at its hearing *or, in cases in which no hearing by the board for the boundary change is required, as stated in the resolution or ordinance.* The effective date of the population change shall be the same as the effective date of the order *whether or not the order is from a hearing or from the approval of an annexation resolution or ordinance.* The board shall communicate its population finding to the state demographer who shall

incorporate that data into the population estimate for the municipality or town. When a new municipality is created by an order of the board, the municipality shall request a separation census from the United States bureau of the census and bear any costs incurred.

Sec. 2. Minnesota Statutes 1992, section 414.01, is amended by adding a subdivision to read:

Subd. 17. [DATA FROM STATE AGENCIES.] The board may request information from any state department or agency in order to assist it to carry out its duties. The department or agency shall promptly furnish the requested information to the board.

Sec. 3. Minnesota Statutes 1992, section 414.0325, subdivision 1a, is amended to read:

Subd. 1a. [ORDERLY ANNEXATION BY PETITION.] If the board receives a petition for annexation of an area owned by a municipality or from all of the property owners in an area, and the area is within two miles of the corporate boundaries of the municipality, the petition shall confer jurisdiction on the board to consider designation of the area for orderly annexation. Upon receipt of the petition, the board shall inform the affected parties of their opportunity to request a hearing before the board on the petition, and if a hearing is requested, it must be held within 60 days of the request. Any person aggrieved by the board's designation of an area as appropriate for orderly annexation may appeal the board's order to district court in accordance with section 414.07.

At least 60 days before a petition is filed, the petitioner must notify the municipality that the petitioner intends to file a petition for annexation. At least 30 days before a petition is filed for annexation under this subdivision or section 414.033, the petitioner must be notified by the municipality that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.

Sec. 4. Minnesota Statutes 1992, section 414.033, subdivision 2, is amended to read:

Subd. 2. A municipal council may by ordinance declare land annexed to the municipality and any such land is deemed to be urban or suburban in character or about to become so if:

- (1) the land is owned by the municipality;*
- (2) the land is completely surrounded by land within the municipal limits;*

or

(3) the land abuts the municipality and the area to be annexed is 60 acres or less, and the area to be annexed is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the municipality receives a petition for annexation from all the property owners of the land; or

(4) the land has been approved after August 1, 1995, by a preliminary plat or final plat for subdivision to provide residential lots that average 21,780 square feet or less in area and the land is located within two miles of the municipal limits.

Sec. 5. Minnesota Statutes 1992, section 414.033, subdivision 2a, is amended to read:

Subd. 2a. [MUNICIPALITY MAY ANNEX.] Notwithstanding the abutting requirement of subdivision 1, if land is owned by a municipality or if all of the landowners petition for annexation, and the land is within an existing orderly annexation area as provided by section 414.0325, then the municipality may declare the land annexed. *This municipal action does not otherwise affect the other terms and conditions of existing orderly annexation agreements entered into pursuant to section 414.0325.*

Sec. 6. Minnesota Statutes 1992, section 414.033, is amended by adding a subdivision to read:

Subd. 2b. [NOTICE REQUIRED.] *Before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), or subdivision 2a, a municipality must hold a public hearing and give 30 days' written notice by certified mail to the town or towns affected by the proposed ordinance and to all landowners within and contiguous to the area to be annexed.*

Sec. 7. Minnesota Statutes 1992, section 414.033, is amended by adding a subdivision to read:

Subd. 11. [FLOOD PLAIN; SHORELAND AREA.] *When a municipality declares land annexed to the municipality under subdivision 2, clause (3), or subdivision 2a, and the land is within a designated flood plain, as provided by section 103F.111, subdivision 4, or a shoreland area, as provided by section 103F.205, subdivision 4, the municipality shall adopt or amend its land use controls to conform to chapter 103F, and any new development of the annexed land shall be subject to chapter 103F.*

Sec. 8. Minnesota Statutes 1992, section 414.033, is amended by adding a subdivision to read:

Subd. 12. [PROPERTY TAXES.] *When a municipality annexes land under subdivision 2, clause (2), (3) or (4), or subdivision 2a, property taxes payable on the annexed land shall continue to be paid to the affected town or towns for the year in which the annexation becomes effective. Thereafter, property taxes on the annexed land shall be paid to the municipality. In the first year following the year the land was annexed, the municipality shall make a cash payment to the affected town or towns in an amount equal to 90 percent of the property taxes paid in the year the land was annexed; in the second year, an amount equal to 70 percent of the property taxes paid in the year the land was annexed; in the third year, an amount equal to 50 percent of the property taxes paid in the year the land was annexed; in the fourth year, an amount equal to 30 percent of the property taxes paid in the year the land was annexed; and in the fifth year, an amount equal to ten percent of the property taxes paid in the year the land was annexed. The municipality and the affected township may agree to a different payment.*

Sec. 9. Minnesota Statutes 1992, section 414.061, subdivision 5, is amended to read:

Subd. 5. [PROPERTY OWNER INITIATION.] Property owners may initiate proceedings for the concurrent detachment of their property from one municipality and its annexation to an adjacent municipality by a petition signed by all of them *that they submit to the board accompanied by a resolution of the city council of at least one of the affected municipalities.* The

board shall conduct hearings and issue its order as in the case of consolidations of two or more municipalities under sections 414.041, subdivision 5 and 414.09.

Sec. 10. Minnesota Statutes 1992, section 414.07, subdivision 1, is amended to read:

Subdivision 1. [ORDERS OF BOARD, TIME LIMITATION.] All orders of the board shall be issued within ~~two years~~ *one year* from the date of the *day* of the first hearing thereon provided that the time may be extended for a fixed additional period upon consent of all parties of record. Failure to so order shall be deemed to be an order denying the matter before the board. An appeal may be taken from such failure to so order in the same manner as an appeal from an order as provided in subdivision 2.

Sec. 11. Minnesota Statutes 1992, section 414.09, subdivision 1, is amended to read:

Subdivision 1. [HEARINGS.] Proceedings initiated by the submission of an initiating document or by the board of its own motion shall come on for hearing within 30 to ~~420~~ 60 days from receipt of the document by the board or from the date of board action *and the board must submit its order no later than one year from the date of the day of the first hearing.* In any proceeding before the board and upon the request of any party, the board shall meet physically rather than by means of electronic media. The place of the hearing shall be in the county where a majority of the affected territory is situated, and shall be established for the convenience of the parties. The executive director shall mail notice of the hearing to the following parties: the township or municipality presently governing the affected territory; any township or municipality abutting the affected territory; the county where the affected territory is situated; and each planning agency which has jurisdiction over the affected area. The executive director shall cause notice of the hearing to be published for two successive weeks in a legal newspaper of general circulation in the affected area. When the board exercises its authority to change the boundaries of the affected area so as to increase the quantity of the land, the hearing shall be recessed and reconvened upon two weeks published notice in a legal newspaper of general circulation in the affected area.

Sec. 12. Minnesota Statutes 1992, section 414.09, subdivision 2, is amended to read:

Subd. 2. [TRANSMITTAL OF BOARD'S ORDER.] The executive director shall cause copies of the board's order to be mailed to all parties entitled to mailed notice of hearing under subdivision 1, the secretary of state, the department of revenue, the state demographer, individual property owners if initiated in that manner, *affected county auditor*, and any other party of record. *The affected county auditor shall record the order against the affected property.*

Sec. 13. [REPORT TO LEGISLATURE.]

The office of strategic and long-range planning shall establish criteria for defining the terms "urban or suburban in character," and "rural residential" as the terms are used in Minnesota Statutes, chapter 414, and report the criteria to the legislature by February 1, 1995.

Sec. 14. [EFFECTIVE DATE.]

Section 4 is effective August 1, 1995. The other sections are effective August 1, 1994, and apply to annexations initiated on or after that date."

Delete the title and insert:

"A bill for an act relating to local government; providing procedures and criteria for municipal annexations; providing for the application of city development regulations; amending Minnesota Statutes 1992, sections 414.01, subdivision 14, and by adding a subdivision; 414.0325, subdivision 1a; 414.033, subdivisions 2, 2a, and by adding subdivisions; 414.061, subdivision 5; 414.07, subdivision 1; and 414.09, subdivisions 1 and 2."

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. 1961: A bill for an act relating to driving while intoxicated; authorizing imposition of a two-year gross misdemeanor sentence on certain repeat DWI offenders; requiring consecutive sentences for multiple crimes committed by repeat DWI offenders and DWI offenders who drive without insurance or after license cancellation or revocation; imposing misdemeanor penalties on persons who knowingly lend their motor vehicles to intoxicated or unlicensed drivers; amending Minnesota Statutes 1992, sections 169.797, subdivision 4; 609.02, subdivision 2, and by adding a subdivision; 609.105; Minnesota Statutes 1993 Supplement, sections 169.121, subdivision 3; and 171.24; proposing coding for new law in Minnesota Statutes, chapter 169.

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 84.91, subdivision 5, is amended to read:

Subd. 5. [PENALTIES.] (a) A person who violates any prohibition contained in subdivision 1, or an ordinance in conformity with it, is guilty of a misdemeanor.

(b) A person is *guilty of a gross misdemeanor* who violates any prohibition contained in subdivision 1:

(1) within five years of a prior:

(i) conviction under ~~that subdivision or~~ *subdivision 1, section 169.121, section 169.129, or any of clauses (2) to (4) of subdivisions 1 to 4 of section 609.21;*

(ii) civil liability under section 84.911, subdivision 2; or

(iii) *conviction under an ordinance in conformity with either any of them;*

or

(2) within ten years of the first of two or more prior:

(i) *convictions under ~~that subdivision or~~ subdivision 1, section 169.121, section 169.129, or any of clauses (2) to (4) of subdivisions 1 to 4 of section 609.21;*

(ii) ~~civil liability liabilities~~ under section 84.911, subdivision 2, ~~or an ordinance;~~

(iii) ~~convictions of ordinances~~ in conformity with ~~either~~ any of them; ~~is guilty of a gross misdemeanor; or~~

(iv) ~~convictions or liabilities~~ under any combination of items (i) to (iii).

(c) The attorney in the jurisdiction where the violation occurred who is responsible for prosecuting misdemeanor violations of this section is also responsible for prosecuting gross misdemeanor violations of this section. When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior convictions from a court, the court must furnish the information without charge.

(d) A person who operates a snowmobile or all-terrain vehicle during the period the person is prohibited from operating the vehicle under subdivision 6 is guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 1992, section 86B.331, subdivision 5, is amended to read:

Subd. 5. [PENALTIES.] (a) A person who violates a prohibition contained in subdivision 1, or an ordinance in conformity with it, is guilty of a misdemeanor.

(b) A person *is guilty of a gross misdemeanor* who violates a prohibition contained in subdivision 1:

(1) within five years of a prior:

(i) conviction under ~~that subdivision or~~ subdivision 1, section 169.121, section 169.129, or any of clauses (2) to (4) of subdivisions 1 to 4 of section 609.21;

(ii) civil liability under section 86B.335, subdivision 2; or

(iii) *conviction under an ordinance* in conformity with ~~either~~ any of them; or

(2) within ten years of the first of two or more prior:

(i) convictions under ~~that subdivision or~~ subdivision 1, section 169.121, section 169.129, or any of clauses (2) to (4) of subdivisions 1 to 4 of section 609.21;

(ii) ~~civil liability liabilities~~ under section 86B.335, subdivision 2, ~~or an ordinance;~~

(iii) *convictions of ordinances* in conformity with ~~either~~ any of them; ~~is guilty of a gross misdemeanor; or~~

(iv) *convictions or liabilities* under any combination of items (i) to (iii).

(c) The attorney in the jurisdiction where the violation occurred who is responsible for prosecution of misdemeanor violations of this section is also responsible for prosecution of gross misdemeanor violations of this section. When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior convictions from a court, the court must furnish the information without charge.

(d) A person who operates a motorboat on the waters of this state during the period the person is prohibited from operating any motorboat or after the person's watercraft operator's permit has been revoked, as provided under subdivision 6, is guilty of a misdemeanor.

Sec. 3. Minnesota Statutes 1993 Supplement, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] (a) As used in this subdivision:

(1) "prior impaired driving conviction" means a prior conviction under this section; section 84.91, subdivision 1, paragraph (a); 86B.331, subdivision 1, paragraph (a); 169.129; 360.0752; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); 609.21, subdivision 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult; and

(2) "prior license revocation" means a driver's license suspension, revocation, or cancellation under this section; section 169.123; 171.04; 171.14; 171.16; 171.17; or 171.18 because of an alcohol-related incident; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); or 609.21, subdivision 4, clauses (2) to (4).

(b) A person who violates subdivision 1 or 1a, or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1 within five years of a prior impaired driving conviction, or within ten years of the first of two or more prior impaired driving convictions;

(2) the person violates subdivision 1a within five years of a prior license revocation, or within ten years of the first of two or more prior license revocations;

(3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

(e) When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

(f) A violation of subdivision 1a may be prosecuted either in the jurisdiction where the defendant first was stopped by the peace officer or in the jurisdiction where the refusal occurred.

Sec. 4. Minnesota Statutes 1993 Supplement, section 169.121, subdivision 3a, is amended to read:

Subd. 3a. [HABITUAL OFFENDER PENALTIES.] (a) If a person has been convicted under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them, and if the person is then convicted of a gross misdemeanor violation of this section, a violation of section 169.129, or an ordinance in conformity with either of them (1) once within five years after the first conviction or (2) two or more times within ten years after the first conviction, the person must be sentenced to a minimum of 30 days imprisonment or to eight hours of community work service for each day less than 30 days that the person is ordered to serve in jail. Provided, that if a person is convicted of violating this section, section 169.129, or an ordinance in conformity with either of them two or more times within five years after the first conviction, or within five years after the first of two or more license revocations, as defined in subdivision 3, paragraph (a), clause (2), the person must be sentenced to a minimum of 30 days imprisonment and the sentence may not be waived under paragraph (b) or (c). Notwithstanding section 609.135, the above sentence must be executed, unless the court departs from the mandatory minimum sentence under paragraph (b) or (c).

(b) Prior to sentencing the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the prosecutor's motion and if it finds that substantial mitigating factors exist, the court shall sentence the defendant without regard to the mandatory minimum sentence established by this subdivision.

(c) The court may, on its own motion, sentence the defendant without regard to the mandatory minimum sentence established by this subdivision if it finds that substantial mitigating factors exist and if its sentencing departure is accompanied by a statement on the record of the reasons for it.

(d) The court may sentence the defendant without regard to the mandatory minimum sentence established by this subdivision if the defendant is sentenced to probation and ordered to participate in a program established under section 169.1265.

(e) When any portion of the sentence required by this subdivision is not executed, the court should impose a sentence that is proportional to the extent of the offender's prior criminal and moving traffic violation record. *Any sentence required by this subdivision must include a mandatory sentence, that shall not be subject to suspension or probation, of imprisonment for no less than 48 consecutive hours or 80 hours of community work service.*

Sec. 5. Minnesota Statutes 1992, section 169.797, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] (a) A person who violates this section is guilty of a misdemeanor. A person is guilty of a gross misdemeanor who violates this section within ten years of the first of two prior convictions under this section, section 169.791, or a statute or ordinance in conformity with one of those sections. The operator of a vehicle who violates subdivision 3 and who causes or contributes to causing a vehicle accident that results in the death of any person or in substantial bodily harm to any person, as defined in section

609.02, subdivision 7a, is guilty of a gross misdemeanor. The same prosecuting authority who is responsible for prosecuting misdemeanor violations of this section is responsible for prosecuting gross misdemeanor violations of this section. In addition to any sentence of imprisonment that the court may impose on a person convicted of violating this section, the court shall impose a fine of not less than \$200 nor more than the maximum amount authorized by law. The court may allow community service in lieu of any fine imposed if the defendant is indigent.

(b) In addition to the criminal penalty, the driver's license of an operator convicted under this section shall be revoked for not more than 12 months. If the operator is also an owner of the vehicle, the registration of the vehicle shall also be revoked for not more than 12 months. Before reinstatement of a driver's license or registration, the operator shall file with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in this state stating that security has been provided by the operator as required by section 65B.48.

(c) The commissioner shall include a notice of the penalties contained in this section on all forms for registration of vehicles required to maintain a plan of reparation security.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section is also responsible for prosecution of gross misdemeanor violations of this section.

Sec. 6. Minnesota Statutes 1993 Supplement, section 171.24, is amended to read:

171.24 [VIOLATIONS; DRIVING WITHOUT VALID LICENSE.]

(a) Except as otherwise provided in paragraph (c), any person whose driver's license or driving privilege has been canceled, suspended, or revoked and who has been given notice of, or reasonably should know of the revocation, suspension, or cancellation, and who disobeys such order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, while such license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor.

(b) Any person who has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle, who has been given notice of or reasonably should know of the disqualification, and who 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) A person is guilty of a gross misdemeanor if:

(1) the person's driver's license or driving privileges has been canceled under section 171.04, subdivision 1, clause (8), and the person has been given notice of or reasonably should know of the cancellation; and

(2) 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.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section is also responsible for prosecution of gross misdemeanor violations of this section.

(e) 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. 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. 7. Minnesota Statutes 1993 Supplement, section 487.25, subdivision 10, is amended to read:

Subd. 10. [PROSECUTING ATTORNEYS.] Except as otherwise provided by law, violations of state law that are petty misdemeanors or misdemeanors must be prosecuted by the attorney of the statutory or home rule charter city where the violation is alleged to have occurred, if the city has a population greater than 500 600. If a city has a population of 500 600 or less, it may, by resolution of the city council, and with the approval of the board of county commissioners, give the duty to the county attorney. In cities of the first, second, and third class, gross misdemeanor violations of sections 609.52, 609.535, 609.595, 609.631, and 609.821 must be prosecuted by the attorney of the city where the violation is alleged to have occurred. The statutory or home rule charter city may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other petty misdemeanors, misdemeanors, and gross misdemeanors must be prosecuted by the county attorney of the county in which the alleged violation occurred. All violations of a municipal ordinance, charter provision, rule, or regulation must be prosecuted by the attorney for the governmental unit that promulgated the municipal ordinance, charter provision, rule, or regulation, regardless of its population, or by the county attorney with whom it has contracted to prosecute these matters.

In the counties of Anoka, Carver, Dakota, Scott, and Washington, violations of state law that are petty misdemeanors, misdemeanors, or gross misdemeanors except as provided in section 388.051, subdivision 2, must be prosecuted by the attorney of the statutory or home rule charter city where the violation is alleged to have occurred. The statutory or home rule charter city may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other petty misdemeanors, misdemeanors, or gross misdemeanors must be prosecuted by the county attorney of the county in which the alleged violation occurred. All violations of a municipal ordinance, charter provision, rule, or regulation must be prosecuted by the attorney for the governmental unit that promulgated the municipal ordinance, charter provision, rule, or regulation or by the county attorney with whom it has contracted to prosecute these matters.

Sec. 8. Minnesota Statutes 1993 Supplement, section 609.035, is amended to read:

609.035 [CRIME PUNISHABLE UNDER DIFFERENT PROVISIONS.]

Subdivision 1. Except as provided in *subdivision 2*, and in sections 609.251, 609.585, 609.21, subdivisions 3 and 4, 609.2691, 609.486, 609.494, and 609.856, if a person's conduct constitutes more than one offense under the laws of this state, the person may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any

other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.

Subd. 2. (a) When a person is being sentenced for a violation of a provision listed in paragraph (f), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (f), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b), (c), and (d) of this subdivision.

(b) When a person is being sentenced for a violation of section 169.129 the court may not impose a consecutive sentence for a violation of a provision of section 169.121, subdivision 1, or for a violation of a provision of section 171.20, 171.24, or 171.30.

(c) When a person is being sentenced for a violation of section 171.20, 171.24, or 171.30, the court may not impose a consecutive sentence for another violation of a provision in chapter 171.

(d) When a person is being sentenced for a violation of section 169.791 or 169.797, the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995.

(e) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135.

(f) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions as defined in section 169.121, subdivision 3:

- (1) section 169.121, subdivision 1, driving while intoxicated;*
- (2) section 169.121, subdivision 1a, testing refusal;*
- (3) section 169.129, aggravated driving while intoxicated;*
- (4) section 169.791, failure to provide proof of insurance;*
- (5) section 169.797, failure to provide vehicle insurance;*
- (6) section 171.20, subdivision 2, operation after revocation, suspension, cancellation, or disqualification;*
- (7) section 171.24, driving without valid license;*
- (8) section 171.30, violation of condition of limited license; and*
- (9) section 609.487, fleeing a peace officer.*

Sec. 9. Minnesota Statutes 1993 Supplement, section 609.135, subdivision 2, is amended to read:

Subd. 2. (a) If the conviction is for a felony the stay shall be for not more than ~~three~~ four years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

(b) If the conviction is for a gross misdemeanor violation of section 169.121 or 169.129, the stay shall be for not more than ~~three~~ four years. The court shall provide for unsupervised probation for the last one year of the stay unless the court finds that the defendant needs supervised probation for all or part of the last one year.

(c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the stay shall be for not more than two years.

(d) If the conviction is for any misdemeanor under section 169.121; 609.746, subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

(e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall be for not more than one year.

(f) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under paragraph (g), or the defendant has already been discharged.

(g) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution or a fine in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution or fine the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution or a fine may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution or fine that the defendant owes.

Sec. 10. Minnesota Statutes 1993 Supplement, section 609.15, subdivision 2, is amended to read:

Subd. 2. [LIMIT ON SENTENCES; MISDEMEANOR AND GROSS MISDEMEANOR.] If the court specifies that the sentence shall run consecutively and all of the sentences are for misdemeanors, the total of the sentences shall not exceed one year. *If the sentences are for a gross misdemeanor and one or more misdemeanors, the total of the sentences shall not exceed two years.* If all of the sentences are for gross misdemeanors, the total of the sentences shall not exceed ~~three~~ four years.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective August 1, 1994, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to driving while intoxicated; imposing increased penalties on persons who operate a snowmobile or motorboat while intoxi-

cated and who have previously been convicted of driving a motor vehicle while intoxicated; extending maximum length for multiple gross misdemeanor sentences and combined gross misdemeanor and misdemeanor sentences; extending maximum length of a stayed gross misdemeanor DWI sentence and certain felony sentences; authorizing consecutive sentences for multiple crimes committed by repeat DWI offenders; authorizing certain cities to transfer responsibility for petty misdemeanor and misdemeanor offenses to the county attorney; clarifying prosecution authority for certain offenses; amending Minnesota Statutes 1992, sections 84.91, subdivision 5; 86B.331, subdivision 5; 169.797, subdivision 4; Minnesota Statutes 1993 Supplement, sections 169.121, subdivisions 3 and 3a; 171.24; 487.25, subdivision 10; 609.035; 609.135, subdivision 2; and 609.15, subdivision 2."

And when so amended the bill do pass.

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

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

S.F. No. 2192: A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the regulated all-payer option; requiring administrative rulemaking; setting timelines and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution process; requiring proposed legislation; establishing task forces; providing for demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.15, subdivision 1; 62A.303; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; and 295.50, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.65, subdivisions 2, 3, 4, 5, and by adding subdivisions; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivision 2; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 16, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9356, subdivision 3; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, and 12b; 295.52, subdivision 5;

295.53; subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; 62P; and 144; proposing coding for new law as Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16.

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

Page 6, line 17, delete "*community network may*" and insert "*managed care plan shall*"

Page 6, lines 19, 24, 26, 27, and 35, delete "*community network*" and insert "*managed care plan*"

Page 6, lines 21 and 22, delete "*community network's*" and insert "*managed care plan's*"

Page 7, lines 2 and 3, delete "*community network*" and insert "*managed care plan*"

Page 7, lines 11, 23, and 32, delete "*community network*" and insert "*managed care plan*"

Page 70, line 1, delete "*study*"

Page 70, line 2, delete everything before "*report*"

Page 70, line 3, delete "*specific recommendations*" and insert "*with an implementation schedule and plan*"

Page 70, line 4, after "*, long-term*" insert "*health care*"

Page 70, line 22, delete from "*by*" through page 70, line 26, to "*with*" and insert "*through an income or payroll tax with consideration given to providing*"

Page 71, line 3, before the period, insert "*such as an income or payroll tax*"

Page 99, after line 19, insert:

"Sec. 29. Minnesota Statutes 1992, section 144.581, subdivision 2, is amended to read:

Subd. 2. [USE OF HOSPITAL FUNDS FOR CORPORATE PROJECTS.] In the event that the municipality, political subdivision, state agency, or other governmental entity provides direct financial subsidy to the hospital from tax revenue at the time an undertaking authorized under subdivision 1, *clauses (a) to (g)*, is established or funded, the hospital may not contribute funds to the undertaking for more than three years and thereafter all funds must be repaid, with interest in no more than ten years."

Page 102, line 1, delete "*31, and 32*" and insert "*29, 32, and 33*"

Page 102, lines 2 and 3, delete "*to 30, 33, and 34*" and insert "*, 28, 30, 31, 34, and 35*"

Renumber the sections of article 8 in sequence

Page 150, line 28, strike "*1994*" and insert "*1995*"

Page 150, line 35, strike "the 1996-1997 biennium" and insert "*fiscal year 1997*" and strike "Notwithstanding any law to the"

Page 150, strike line 36

Page 151, strike lines 1 to 4

Page 151, after line 4, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 256.9354, subdivision 5, is amended to read:

Subd. 5. [ADDITION OF SINGLE ADULTS AND HOUSEHOLDS WITH NO CHILDREN.] (a) Beginning ~~July~~ *October 1, 1994*, "eligible persons" ~~means shall include all families and individuals and households with no children who have gross family incomes that are equal to or less than 125 percent of the federal poverty guidelines and who are not eligible for medical assistance under chapter 256B.~~

(b) *Beginning October 1, 1995, "eligible persons" means all individuals and families who are not eligible for medical assistance under chapter 256B.*

(c) ~~These persons~~ *All eligible persons under paragraphs (a) and (b) are eligible for coverage through the MinnesotaCare plan program but must pay a premium as determined under sections 256.9357 and 256.9358. Individuals and families whose income is greater than the limits established under section 256.9358 may not enroll in the MinnesotaCare plan program."*

Page 151, after line 25, insert:

"Sec. 4. Minnesota Statutes 1992, section 256.9358, subdivision 4, is amended to read:

Subd. 4. [INELIGIBILITY.] ~~An individual or family~~ *Families with children whose gross monthly income is above the amount specified in subdivision 3 is are not eligible for the plan. Beginning October 1, 1994, an individual or households with no children whose gross monthly income is greater than \$767 for a single individual and \$1,025 for a married couple without children are ineligible for the plan. Beginning October 1, 1995, an individual or families whose gross monthly income is above the amount specified in subdivision 3 are not eligible for the plan."*

Page 158, after line 19, insert:

"(c) *The commissioner, upon application by a pharmacy, shall reimburse the pharmacy for the amount of any additional expenses generated by section 295.52 that the pharmacy has in good faith attempted to transfer to a third-party purchaser as provided in paragraph (a), and that is not paid by the third-party purchaser because of preemption under the Employee Retirement and Income Security Act, jurisdictional limits, lack of enforceability, or for any other reason. The commissioner shall notify all pharmacies of the availability of this reimbursement and of the procedures to apply for reimbursement.*

Sec. 16. Laws 1992, chapter 549, article 9, section 22, is amended to read:

Sec. 22. [GROSS RECEIPTS TAX; EFFECTIVE DATE.]

Sections 1 and 16 to 21 are effective the day following final enactment. Section 4 is effective for taxable years beginning after December 31, 1992.

Section 7, subdivision 1, is effective for gross revenues generated by services performed and goods sold after December 31, 1992. Section 7, subdivisions 2 to 4, are effective for gross revenues generated by services performed and goods sold after December 31, 1993. Section 8 is effective for hospitals and surgical centers for gross revenues generated by services performed and goods sold after December 31, 1992, except the exclusion under subdivision 1, clause (6), applies to payments for prescription drug purchases made after December 31, 1993. Section 8 is effective for health care providers for gross revenues generated by services performed and goods sold after December 31, 1993, except the exclusion under subdivision 1, clause (6), applies to payments for prescription drug purchases made after December 31, 1993. Sections 14 and 15 are effective July 1, 1992.

Sec. 17. [CORRECTION; STATEMENT OF INTENT.]

The amendment in section 16 corrects and clarifies an effective date in the 1992 legislation enacting the gross receipts tax on hospitals and health care providers. This legislation imposed a gross receipts tax on hospitals effective January 1, 1993, and on health care providers and wholesale drug distributors effective January 1, 1994. To avoid double taxation or pyramiding of the tax burden, hospitals and health care providers were allowed an exclusion for amounts paid to wholesale drug distributors for prescription drugs. These amounts would already be taxed to the wholesale drug distributors. The section creating this exclusion did not contain an effective date. As a result, under Minnesota Statutes, section 645.02, the law may permit hospitals to deduct these amounts for prescription drugs purchased during 1993, even though no tax was imposed on the wholesale drug distributor and no double taxation or pyramiding of the tax could occur. Section 16 corrects this by providing an explicit effective date that makes it clear that the exclusion applies only after the wholesale drug distributor tax goes into effect."

Page 158, line 21, delete "4, 6, and 9" and insert "2, 4, 6, 8, 11, 16, and 17"

Page 158, line 23, delete "2" and insert "3"

Page 158, line 24, delete "3, 5, 7, 8, and 10 to 13" and insert "5, 7, 9, 10, and 12 to 15"

Page 158, line 25, after the period, insert "Section 15, paragraph (c), is effective for additional expenses that a pharmacy attempts to transfer on or after January 1, 1994."

Renumber the sections of article 11 in sequence

Amend the title as follows:

Page 1, line 32, after "5;" insert "144.581, subdivision 2; 256.9358, subdivision 4;"

Page 2, line 2, after "3;" insert "256.9354, subdivision 5;"

Page 2, line 6, after "295.582;" insert "Laws 1992, chapter 549, article 9, section 22;"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2539, 1971, 2540, 2849, 1698, 2885, 1808, 2778, 374 and 2288 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2007, 1957, 1859 and 228 were read the second time.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Belanger introduced—

Senate Resolution No. 71: A Senate resolution congratulating the Bloomington Jefferson High School girls basketball team for winning the 1994 State High School Class AA Girls Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Mondale moved that S.F. No. 1826 be taken from the table. The motion prevailed.

S.F. No. 1826: A bill for an act relating to metropolitan government; extending reporting and effective dates for radio systems planning by the metropolitan council; extending the moratorium on applications for 800 megahertz channels.

CONCURRENCE AND REPASSAGE

Mr. Mondale moved that the Senate concur in the amendments by the House to S.F. No. 1826 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1826 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Berglin voted in the negative.

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

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Betzold moved that S.F. No. 1692 be taken from the table. The motion prevailed.

S.F. No. 1692: A bill for an act relating to contracts; creating the public contractors' performance and payment bond act by amending existing

provisions; amending Minnesota Statutes 1992, sections 574.26; 574.261; 574.262, subdivision 1; 574.263, by adding a subdivision; 574.264, subdivision 1; 574.27; 574.28; 574.29; 574.30; 574.31; and 574.32.

CONCURRENCE AND REPASSAGE

Mr. Betzold moved that the Senate concur in the amendments by the House to S.F. No. 1692 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1692: A bill for an act relating to contracts; creating the public contractors' performance and payment bond act by amending existing provisions; amending Minnesota Statutes 1992, sections 574.26; 574.261; 574.262, subdivision 1; 574.263, subdivision 3, and by adding a subdivision; 574.264; 574.27; 574.28; 574.29; 574.30; 574.31; and 574.32.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MEMBERS EXCUSED

Mr. Kelly was excused from the Session of today. Mr. Johnson, D.J. was excused from the Session of today from 11:10 to 11:15 a.m. Mr. Knutson was excused from the Session of today from 11:23 to 11:30 a.m. Mr. Novak was excused from the Session of today from 8:00 to 9:45 a.m. Ms. Ranum was excused from the Session of today from 11:10 to 11:30 a.m. Mr. Samuelson was excused from the Session of today from 10:45 to 11:10 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 7, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate