

NINETY-SECOND DAY

St. Paul, Minnesota, Monday, April 18, 1994

The Senate met at 10:00 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. Thomas M. Carlson.

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

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

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

The President declared a quorum present.

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

REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed by the Secretary of the Senate: Children's Mental Health Integrated Fund Task Force, 1994; Department of Human Services, Mental Health Screening and Treatment of Juveniles in Detention, Annual Report, 1994; Department of Human Services, Mental Health Report, 1994; Department of Human Services, Out-of-State Placements, 1994; Board of Aging, Office of Ombudsman for Older Minnesotans, 1994; Metropolitan Council, Regional Parks Operations and Maintenance Grants, 1994; Department of Public Safety, Emergency Response Plan for High-Level Radioactive Waste Transportation Accidents/Incidents, 1993; Department of Human Services, Disproportionate Population Adjustment,

1994; Department of Revenue, Independent Contractors Compliance with Income Tax Withholding Laws, 1994; Board of Pardons, Annual Report, 1994; Department of Human Services, MinnesotaCare Health Care Access Fund, Status Report, 1994; Department of Human Services, MinnesotaCare Progress Report on the Coordination of Medical Assistance and the MinnesotaCare Plan, 1994; Cold Weather Resource Center, Annual Report, 1993; International Joint Commission, Great Lakes Water Quality, Seventh Biennial Report, 1994; Department of Human Services, Rule 79 Mental Health Case Management Medical Assistance Reimbursement Study, 1994; Department of Human Services, Status of Revisions to Rule 53 and Proposed Uses for Client Assessment in Rule 53, 1994; Department of Public Safety, Office of Pipeline Safety, Certification Forms for Natural Gas and Hazardous Liquid Programs, 1994; Department of Health, Health Care Delivery Systems Division Medical Savings Accounts, 1994; Department of Employee Relations, Local Government Pay Equity Compliance Report, 1994; Department of Trade and Economic Development, Office of Tourism, Improving Minnesota's Competitive Position in the Tourism Industry, 1994; Ethical Practices Board, Annual Report Supplement, 1993; Capital Equipment Advisory Council, 1994; Department of Public Safety, Access to Criminal Conviction Data, 1994; Department of Human Services, Development of Reform Strategies for Developmental Disabilities Services, Progress Report, 1994; Department of Human Services, Vulnerable Adult Act: An Outline for Reform, 1994; Department of Human Services, Pilot Children's Safety Centers, 1994; Legislative Water Commission, Proposed Lewis and Clark Rural Water System, 1994; Office of the State Auditor, Revenue, Expenditures, and Debt of Minnesota, Cities Under 2500 in Population, 1992; Office of the State Auditor, Revenue, Expenditures, and Debt of Minnesota, Cities Over 2500 in Population, 1992; Department of Trade and Economic Development, Interim Performance Report for Business Finance Programs; Department of Jobs and Training, Transitional Housing Program, 1993; Department of Health, Cost of Tuberculosis Control in Minnesota, 1994; Department of Health, Prescription Drug Study, Preliminary Report, 1994; Department of Human Services, Preliminary Evaluation of the Mt. Olivet Rolling Acres Special Services Program, 1993; Minnesota Health Care Commission, Use and Distribution of Health Care Technology in Minnesota, 1994; Department of Public Safety, Minnesota Crime Information, 1992; Department of Commerce, Effectiveness of Standards for the Appointment of Qualified Actuaries; Department of Commerce, Effectiveness of the Minnesota Risk-Adjusted Capital (RAC) Ratio; Legislative Commission on Children, Youth and Their Families, Annual Report, 1994; Board on Judicial Standards, Annual Report, 1993; Department of Public Safety, Data Exchange Committee, 1994; Department of Health, Office of Rural Health, Community Health Center Program.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 14, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| S.F. No. | H.F. No. | Session Laws Chapter No. | Time and Date Approved 1994 | Date Filed 1994 |
|-------------|-------------|-----------------------------|-----------------------------------|--------------------|
| 2073 | | 416 | 1:15 p.m. April 13 | April 13 |
| | 1934 | 417 | 1:04 p.m. April 13 | April 13 |
| | 2187 | 418 | 1:06 p.m. April 13 | April 13 |
| 1692 | | 419 | 1:17 p.m. April 13 | April 13 |
| | 2306 | 420 | 1:03 p.m. April 13 | April 13 |
| | 2562 | 421 | 1:07 p.m. April 13 | April 13 |
| | 2646 | 422 | 1:08 p.m. April 13 | April 13 |
| | 1890 | 423 | 1:09 p.m. April 13 | April 13 |
| 1826 | | 424 | 1:20 p.m. April 13 | April 13 |
| | 1886 | 425 | 1:10 p.m. April 13 | April 13 |
| | 1964 | 426 | 1:12 p.m. April 13 | April 13 |
| | 2487 | 427 | 1:13 p.m. April 13 | April 13 |
| 2671 | | 428 | 1:22 p.m. April 13 | April 13 |
| 2462 | | 429 | 1:25 p.m. April 13 | April 13 |
| 2464 | | 430 | 1:24 p.m. April 13 | April 13 |
| 2598 | | 431 | 1:25 p.m. April 13 | April 13 |
| 2135 | | 432 | 1:27 p.m. April 13 | April 13 |
| 2345 | | 433 | 1:02 p.m. April 13 | April 13 |
| 2572 | | 434 | 1:31 p.m. April 13 | April 13 |
| 2582 | | 435 | 1:33 p.m. April 13 | April 13 |
| 2503 | | 436 | 1:35 p.m. April 13 | April 13 |
| 1959 | | 437 | 1:38 p.m. April 13 | April 13 |

Sincerely,

Joan Anderson Growe
Secretary of State

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. 2913: A bill for an act relating to state government; supplementing appropriations for public safety; the environment and natural resources; the general legislative, judicial, and administrative expenses of state government; community development; and human services; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.737, subdivisions 1 and 4; 16A.124, subdivisions 2 and 7; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 41A.09, subdivisions 2 and 5; 43A.37, subdivision 1; 60K.06; 60K.19, subdivision 8; 62A.046; 62A.048; 62A.27; 62D.102; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08,

subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 84.0887, by adding subdivisions; 84A.32, subdivision 1; 85A.02, subdivision 17; 144.804, subdivision 1; 144A.47; 171.06, subdivision 3; 176.102, subdivisions 3a and 14; 176.611, subdivision 6a; 204B.27, by adding a subdivision; 221.041, by adding a subdivision; 221.171, subdivision 2; 245.97, subdivision 1; 246.18, by adding a subdivision; 252.025, by adding a subdivision; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256B.056, by adding a subdivision; 256B.0625, subdivision 25, and by adding a subdivision; 256B.0641, subdivision 1; 256B.431, subdivision 17; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 296.02, subdivision 7; 354.06, subdivision 1; 462A.05, by adding a subdivision; 477A.12; 504.33, subdivision 4; 504.35; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 15.50, subdivision 2; 41A.09, subdivision 3; 62A.045; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 97A.028, subdivisions 1 and 3; 116J.966, subdivision 1; 138.763, subdivision 1; 144A.071, subdivisions 3 and 4a; 239.785, subdivision 2, and by adding a subdivision; 245.97, subdivision 6; 246.18, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 256.969, subdivision 24; 256B.431, subdivision 24; 256I.04, subdivision 3; 257.55, subdivision 1; 257.57, subdivision 2; 268.98, subdivision 1; 477A.13; 477A.14; 504.33, subdivision 7; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 145; 148; 268; and 518; repealing Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 268.32; 268.551; 268.552; 355.04; and 355.06; Laws 1985, First Special Session chapter 12, article 11, section 19.

Senate File No. 2913 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1994

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S.F. No. 2913, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1766: A bill for an act relating to attorneys; expanding remedies for the unauthorized practice of law; amending Minnesota Statutes 1992, section 481.02, subdivision 8.

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

Bishop, Pugh and Macklin.

Senate File No. 1766 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1994

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2710:

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

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

Kahn, Krueger and Krinkie have been appointed as such committee on the part of the House.

House File No. 2710 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 15, 1994

Mr. Riveness moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2710, 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 that the House refuses to concur in the Senate amendments to House File No. 2882:

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.

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

Olson, E.; Lieder and Tunheim have been appointed as such committee on the part of the House.

House File No. 2882 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 15, 1994

Mr. Moe, R.D. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2882, 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. 2351 and 3210.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 2351: A bill for an act relating to crime and crime prevention; appropriating money for the attorney general, department of administration, public defense, courts, corrections, criminal justice, and crime prevention and education programs; increasing penalties for a variety of violent crimes; increasing regulation of and penalties for unlawful possession or use of firearms and other dangerous weapons; providing for access to and sharing of government data relating to criminal investigations; improving law enforcement investigations of reports of missing and endangered children; enhancing 911 telephone service; providing a number of new investigative tools for law enforcement agencies; regulating explosives and blasting agents; modifying programs in state and local correctional facilities; increasing crime victim rights and protections; increasing court witness fees; requiring a study of civil commitment laws; completing the state takeover of public defender services; authorizing a variety of crime prevention programs; making it a crime to engage in behavior that transmits the HIV virus; requiring dangerous repeat offenders to serve mandatory minimum terms; requiring inmates to contribute to costs of confinement; providing mandatory minimum sentences for certain criminal sexual conduct offenses; providing that certain sex offenders shall serve indeterminate sentences; making it a crime to possess a dangerous weapon in any courthouse and certain state public buildings; mandating that parents are responsible for providing health care to children; amending Minnesota Statutes 1992, sections 2.722, subdivision 1; 8.06; 13.99, subdivision 79; 84.9691; 123.3514, subdivision 3, and by adding a subdivision; 126.02, subdivision 1; 144.125; 145A.05, by adding a subdivision; 152.01, by adding a subdivision; 152.021, subdivision 1; 152.024, subdivision 1; 169.89, subdivision 2; 171.18, subdivision 1; 171.22, subdivision 2; 241.26, subdivision 7; 243.05, subdivision 1, and by adding subdivisions; 243.166, subdivision 5; 243.18, subdivision 1; 243.23, subdivision 2; 243.24, subdivision 1; 244.09, by adding a subdivision; 244.12, subdivisions 1 and 2; 244.15, subdivision 4; 253B.19, subdivision 2; 260.161, by adding a subdivision; 299A.31; 299A.32, subdivision 3; 299A.38, subdivision 3; 299C.065, as amended; 299C.11; 299C.14; 299C.52, subdivision 1; 299C.53, subdivision 1, and by adding a subdivision; 299D.07; 299F.71; 299F.72, subdivision 2, and by adding subdivisions; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; 352.91, by adding subdivisions; 352.92, subdivision 2; 357.22; 357.241; 357.242; 383B.225,

subdivision 6; 388.051, by adding a subdivision; 403.02, by adding a subdivision; 403.11, subdivisions 1 and 4; 477A.012, by adding a subdivision; 480.09, by adding a subdivision; 485.06; 494.05; 508.11; 600.23, subdivision 1; 609.0331; 609.0332; 609.152, by adding a subdivision; 609.165, by adding a subdivision; 609.185; 609.2231, subdivision 2; 609.224, by adding a subdivision; 609.245; 609.25, subdivision 2; 609.321, subdivision 12; 609.3241; 609.325, subdivision 2; 609.341, subdivisions 11, 12, and by adding subdivisions; 609.342, subdivisions 1 and 2; 609.3451, subdivision 1; 609.377; 609.485, subdivisions 2 and 4; 609.497, subdivision 1, and by adding a subdivision; 609.506, by adding subdivisions; 609.52, subdivision 3; 609.5315, subdivision 3; 609.561, by adding a subdivision; 609.611; 609.66, subdivisions 1, 1b, 1c, and by adding a subdivision; 609.713, subdivision 3; 609.72, subdivision 1; 609.855; 609.87, by adding a subdivision; 609.88, subdivision 1; 609.89, subdivision 1; 611.21; 611.26, subdivisions 4 and 6; 611A.036; 611A.045, subdivision 3; 611A.19; 611A.53, subdivision 2; 617.23; 624.714, subdivision 3; 626.556, subdivisions 3a and 10e; 626.557, subdivisions 2, 10a, and 12; 626.76; 626.846, subdivision 6; 626A.05, subdivision 2; 629.471; 629.73; and 631.425, subdivision 6; Minnesota Statutes 1993 Supplement, sections 8.15; 13.46, subdivision 2; 13.82, subdivision 10; 144.651, subdivisions 2, 21, and 26; 152.022, subdivision 1; 152.023, subdivision 2; 171.24; 242.51; 243.166, subdivisions 1, 2, 3, 4, 6, and 9; 243.18, subdivision 2; 244.05, subdivisions 4 and 5; 244.101, by adding a subdivision; 244.14, subdivision 3; 253B.03, subdivisions 3 and 4; 260.161, subdivisions 1 and 3; 299C.10, subdivision 1; 299C.65, subdivision 1; 357.021, subdivision 2; 357.24; 388.23, subdivision 1; 401.13; 462A.202, by adding a subdivision; 473.407, subdivision 1; 480.30; 518B.01, subdivisions 2, 6, and 14; 593.48; 609.11, subdivisions 4, 5, 7, 8, and by adding a subdivision; 609.14, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.346, subdivision 2; 609.378, subdivision 1; 609.531, subdivision 1; 609.66, subdivision 1a; 609.685, subdivision 3; 609.713, subdivision 1; 609.748, subdivision 5; 609.902, subdivision 4; 611.17; 611.20, subdivision 2; 611.27, subdivision 4; 611A.04, subdivision 1; 611A.06, subdivision 1; 611A.52, subdivision 8; 624.712, subdivision 5; 624.713, subdivision 1; 624.7131, subdivision 1; 624.7132, subdivisions 1 and 12; 624.7181; 626.556, subdivision 2; and 626.861, subdivision 4; Laws 1993, chapter 146, article 2, section 32; proposing coding for new law in Minnesota Statutes, chapters 8; 16B; 116J; 126; 144; 241; 243; 245; 253B; 268; 299C; 299F; 403; 609; 611A; 626; and 629; repealing Minnesota Statutes 1992, sections 152.01, subdivision 17; 260.315; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; 299F.815, as amended; 609.0332, subdivision 2; and 629.69; Minnesota Statutes 1993 Supplement, sections 243.18, subdivision 3; and 299F.811.

Mr. Moe, R.D. moved that H.F. No. 2351 be laid on the table. The motion prevailed.

H.F. No. 3210: A bill for an act relating to the organization and operation of state government; appropriating money for the departments of human services and health, the ombudsman for mental health and mental retardation, the council on disability, veterans nursing homes board, jobs and training, housing finance, veterans affairs, human rights, and other purposes with certain conditions; establishing and modifying certain programs; modifying the compact on industrialized/modular buildings; providing for appointments; amending Minnesota Statutes 1992, sections 16A.124, subdivisions 1, 2, 3, 4, 5, and 6; 16B.75; 62A.046; 62A.048; 62A.27; 62A.31, by adding a subdivision; 62J.05, subdivision 2; 126A.02, subdivision 2; 144.0721, by adding a

subdivision; 144.0723, subdivisions 1, 2, 3, 4, and 6; 144.414, subdivision 3; 144.417, subdivision 1; 144.801, by adding a subdivision; 144.804, subdivision 1; 144.878, by adding a subdivision; 144A.073, subdivisions 1, 3a, 4, 8, and by adding a subdivision; 144A.46, subdivision 2; 145A.14, by adding a subdivision; 148B.23, subdivisions 1 and 2; 148B.27, subdivision 2, and by adding a subdivision; 148B.60, subdivision 3; 245A.14, subdivision 7; 246.50, subdivision 5; 246.53, subdivision 1; 246.57, subdivision 1; 252.025, subdivision 1, and by adding a subdivision; 252.275, subdivisions 3, 4, and by adding a subdivision; 253.015, by adding a subdivision; 256.015, subdivisions 2 and 7; 256.045, subdivisions 3, 4, and 5; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.056, by adding a subdivision; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.0625, subdivisions 8, 8a, 25, and by adding subdivisions; 256B.0641, subdivision 1; 256B.0913, subdivision 8, and by adding a subdivision; 256B.0915, subdivision 5; 256B.0917, subdivisions 6 and 8; 256B.15, subdivision 1a; 256B.431, subdivisions 3c, 3f, and 17; 256B.432, subdivisions 1, 3, and 6; 256B.49, subdivision 4; 256B.501, subdivisions 1, 3, 3c, and by adding a subdivision; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; 256D.05, subdivisions 3 and 3a; 256D.16; 256D.425, by adding a subdivision; 256F.09; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 261.04, subdivision 2; 518.171, subdivision 5; 518.613, subdivision 7; 524.3-803; 524.3-1201; 528.08; and 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 16B.06, subdivision 2a; 62A.045; 144.551, subdivision 1; 144.651, subdivisions 21 and 26; 144.872, subdivision 4; 144.873, subdivision 1; 144.874, subdivisions 1 and 3a; 144.8771, subdivision 2; 144.99, subdivisions 1 and 6; 144A.071, subdivisions 3 and 4a; 144A.073, subdivisions 2 and 3; 153A.14, subdivision 2; 157.08; 239.785, subdivision 2, and by adding a subdivision; 245.492, subdivisions 2, 6, 9, and 23; 245.493, subdivision 2; 245.4932, subdivisions 1, 2, 3, and 4; 245.494, subdivisions 1 and 3; 245.495; 245.496, subdivision 3, and by adding a subdivision; 245.97, subdivision 6; 252.46, by adding a subdivision; 253B.03, subdivisions 3 and 4; 256.9353, subdivisions 3 and 7; 256.9354, subdivisions 1, 4, 5, and 6; 256.9362, subdivision 6; 256.9657, subdivisions 2 and 3; 256.9685, subdivision 1; 256.969, subdivision 1; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 13, 19a, 20, and 37; 256B.0626; 256B.0911, subdivisions 2, 4, and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivisions 1 and 3; 256B.0917, subdivisions 1, 2, and 5; 256B.15, subdivision 2; 256B.431, subdivisions 2b, 2r, 15, and 24; 256B.432, subdivision 5; 256B.501, subdivisions 3g, 5a, and 8; 256D.03, subdivisions 3 and 4; 256I.04, subdivision 3; 256I.06, subdivision 1; 257.55, subdivision 1; 257.57, subdivision 2; 326.71, subdivision 4; 326.75, subdivision 3; 514.981, subdivisions 2 and 5; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; 518.615, subdivision 3; and 626.556, subdivision 11; Laws 1993, chapter 369, sections 5, subdivision 4; and 11; proposing coding for new law in Minnesota Statutes, chapters 137; 144; 145; 148; 197; 245; 246; 252; 253; 256; 256B; 256D; 268; 268A; and 645; repealing Minnesota Statutes 1992, sections 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 144.0723, subdivision 5; 148B.23, subdivision 1a; 148B.28, subdivision 6; 197.235; 252.275, subdivisions 4a and 10; 256.969, subdivision 24; 256B.501, subdivisions 3d, 3e, and 3f; 256D.065; 268.32; 268.551; and 268.552; Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5;

157.082; and 157.09; Laws 1993, chapter 286, section 11; and Laws 1993, First Special Session chapter 1, article 9, section 49; Minnesota Rules, parts 3300.0100; 3300.0200; 3300.0300; 3300.0400; 3300.0500; 3300.0600; and 3300.0700.

Mr. Moe, R.D. moved that H.F. No. 3210 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

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

S.F. No. 2836: A bill for an act relating to public finance; changing procedures for allocating bonding authority; amending Minnesota Statutes 1992, sections 474A.02, subdivisions 8a, 13a, and 23a; 474A.03, subdivision 1; 474A.04, subdivision 1a; 474A.061, subdivision 4; 474A.091, subdivisions 3 and 5; and 474A.131, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 474A.047, subdivision 1; and 474A.061, subdivision 2a.

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

Page 5, line 26, delete "*existing*"

Page 6, line 15, after ""city"" insert "*means county and*"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1867: A bill for an act relating to health; requiring the legislative auditor to study the administrative costs of providing health care services.

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

Page 1, line 7, delete "*auditor shall study*" and insert "*audit commission is requested to direct the legislative auditor to conduct an evaluation of*"

Page 1, after line 23, insert:

"Sec. 2. [APPROPRIATION.]

\$65,000 is appropriated from the general fund to the legislative auditor for the purposes of this act."

Amend the title as follows:

Page 1, line 2, delete "*requiring*" and insert "*requesting*"

Page 1, line 4, before the period, insert "*; appropriating money*"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2079: A bill for an act relating to privacy; classifying data; modifying certain human service licensing data provisions; authorizing access by the department of human services to certain data maintained by the department of jobs and training; permitting the commissioner of health to conduct fetal, infant, and maternal death studies; classifying certain data obtained by the department of trade and economic development as nonpublic; providing for release of certain information on juvenile offenders to schools and victims; limiting release of records; providing for the preparation of an information policy training plan; providing for the release of commitment information for firearm background checks; allowing sharing of certain information by family services and local children's mental health collaboratives; proposing classifications of data as private, nonpublic, and protected nonpublic; limiting liability for 911 systems; providing for a social worker witness privilege; appropriating money; amending Minnesota Statutes 1992, sections 13.38, by adding a subdivision; 13.39, subdivision 2; 13.41, subdivision 2; 13.57; 13.76, by adding a subdivision; 13.82, by adding a subdivision; 13.84, subdivision 5a; 214.10, subdivision 8; 253B.23, subdivision 4; 256.0361, by adding a subdivision; 260.161, subdivision 2, and by adding subdivisions; 480.235; 624.7131, subdivision 2; and 624.714, subdivisions 3 and 4; Minnesota Statutes 1993 Supplement, sections 13.32, subdivision 5; 13.43, subdivision 2; 13.46, subdivision 4; 13.643, by adding a subdivision; 121.8355, by adding a subdivision; 144.335, subdivision 3a; 148B.04, subdivision 6; 245.493, by adding a subdivision; 260.161, subdivision 3; 595.02, subdivision 1; 624.7131, subdivision 1; and 624.7132, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 145; 245; 253B; and 403; proposing coding for new law as Minnesota Statutes, chapter 325I.

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

Page 35, line 15, delete "\$....." and insert "\$50,000" and delete "general fund" and insert "*public employees insurance reserve holding account established in Minnesota Statutes, section 353.65, subdivision 7,*"

Page 35, line 17, delete from ". for" through page 35, line 20, to "training"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2220: A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; 103I.235, subdivision 1; 103I.331, subdivision 6; and 103I.401, subdivision 1; Minnesota

Statutes 1993 Supplement, sections 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

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

Page 15, line 5, strike "drilled that produces less than 50"

Page 15, strike line 6

Page 15, line 7, strike "installed," and delete "\$100" and strike the semicolon

Page 15, strike line 8

Page 15, line 9, strike "more based on the actual capacity of the pump installed"

Page 15, line 11, delete "(3)" and insert "(2)"

Page 20, after line 25, insert:

"Sec. 26. [APPROPRIATIONS.]

(a) \$50,000 is appropriated for fiscal year 1995 from the general fund to the commissioner of agriculture for coordination and outreach activities relating to sustainable agriculture and integrated pest management programs in section 4.

(b) \$100,000 is appropriated for fiscal year 1995 from the general fund to the commissioner of agriculture for demonstration grants on sustainable agriculture and integrated pest management projects. This appropriation is available until expended.

(c) \$50,000 is appropriated for fiscal year 1995 from the general fund to the environmental quality board through the director of the office of strategic and long-range planning for the purposes of sections 10 and 11.

(d) \$160,000 is appropriated for fiscal year 1995 from the general fund to the board of water and soil resources to fund two complement positions with the Minnesota extension service to work on groundwater education efforts with local units of government and landowners and for grants under Minnesota Statutes, section 103F.461, paragraph (c).

(e) \$100,000 is appropriated for fiscal year 1995 from the general fund to the office of strategic and long-range planning for the purpose of maintaining a computerized database of the results of groundwater quality monitoring required in Minnesota Statutes, section 103H.175."

Re number the sections in sequence

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

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

S.F. No. 2816: A bill for an act relating to metropolitan government; increasing the amount of obligations the metropolitan council may issue for

certain transit purposes; amending Minnesota Statutes 1992, section 473.39, subdivision 1b.

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

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1992, section 473.375, subdivision 14, is amended to read:

Subd. 14. [COORDINATION.] The board shall coordinate transit operations within the metropolitan area and shall establish a transit information program to provide transit users with accurate information on transit schedules and service. *The board shall establish a uniform design for signs which shall be used by the commission and transit service providers in the metropolitan areas to mark bus stops throughout the regular route transit system. Design of these signs shall incorporate the international bus stop symbol and may allow smaller, secondary symbols identifying the individual service provider.*”

Page 1, after line 21, insert:

“Sec. 3. [HIGH SPEED BUS PLAN.]

The high speed bus coalition, consisting of the cities of Apple Valley, Bloomington, Burnsville, Eagan, Edina, Lakeville, Prior Lake, Richfield, Rosemount, Savage, and Eden Prairie, and Dakota county, shall prepare and submit to the regional transit board a high speed bus plan.

Sec. 4. [HIGH SPEED BUS SERVICE PILOT PROJECT.]

The regional transit board shall implement a high speed bus service pilot project consistent with the high speed bus plan and in consultation with the high speed bus advisory group established in section 5.

Sec. 5. [HIGH SPEED BUS ADVISORY GROUP.]

The regional transit board shall establish a high speed bus service pilot project advisory committee to assist the board in implementing the service. The committee shall consist of:

(1) a representative of each of the following cities appointed by the governing body of the city represented: Apple Valley, Bloomington, Burnsville, Eagan, Edina, Lakeville, Prior Lake, Richfield, Rosemount, Savage, and Eden Prairie;

(2) a representative of Dakota county appointed by the county board;

(3) the commissioner of transportation or designee; and

(4) one representative each from the metropolitan transit commission and the metropolitan council.

This section expires July 31, 1998.

Sec. 6. [REPORT.]

The regional transit board shall evaluate the high speed bus pilot project and report to the legislature by February 1, 1998. The report must include, but is not limited to, data on ridership, hours of service, miles of service, operating costs, operating subsidies, fare box recovery rate, and capital costs.

The report must also discuss the impact of the high speed bus service on highway congestion, regional transit ridership, and air quality, types of service provided, and other qualitative information that will help evaluate the effectiveness of high speed bus service.

Sec. 7. Minnesota Statutes 1992, section 473.39, is amended by adding a subdivision to read:

Subd. 1c. [OBLIGATIONS 1995-1998.] The council may also issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$6,250,000 which may be used by the board for transit vehicles, transit facilities, and capital improvements required by the high speed bus service pilot project under section 4, and related costs including the cost of issuance and sale of obligations.

Sec. 8. [APPLICATION.]

Sections 3 to 7 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 9. [EFFECTIVE DATE; LOCAL APPROVAL.]

Sections 3 to 8 are effective the day after each of the governing bodies of the cities and county named in section 3 have complied with Minnesota Statutes, section 645.021, subdivision 3."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring design of uniform bus stop signs for use by metropolitan area transit providers; authorizing a high speed bus plan, pilot project, advisory group, and report;"

Page 1, line 5, delete "section" and insert "sections 473.375, subdivision 14; and" and after "1b" insert ", and by adding a subdivision"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2358: A bill for an act relating to employee relations; ratifying labor agreements; making certain positions unclassified; changing duties of the legislative commission on employee relations; revising a salary range for a certain position in the judicial branch; amending Minnesota Statutes 1992, sections 3.855, subdivisions 2, 3, and by adding a subdivision; 15A.081, subdivisions 7 and 7b; 43A.05, subdivision 5; 43A.08, subdivisions 1 and 1a; 43A.18, subdivisions 2, 3, and 5; 179A.18, subdivision 1; and 179A.22, subdivision 4; Minnesota Statutes 1993 Supplement, sections 15A.081, subdivision 1; 15A.083, subdivision 4; and 43A.18, subdivision 4.

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

Page 3, after line 2, insert:

"Subd. 13. [CORRECTIONAL GUARDS.] The arbitration award and memorandum of understanding for unit 8, the correctional guards unit,

approved by the legislative commission on employee relations on April 6, 1994, are approved."

Page 8, after line 23, insert:

"Sec. 7. Minnesota Statutes 1992, section 15A.082, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] A compensation council is created each even-numbered year to assist the legislature in establishing the compensation of constitutional officers, members of the legislature, justices of the supreme court, ~~and~~ judges of the court of appeals, district court, county court, and county municipal court, *and the heads of state and metropolitan agencies.*

Sec. 8. Minnesota Statutes 1992, section 15A.082, subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF RECOMMENDATIONS:] (a) By May 1 in each odd-numbered year, the compensation council shall submit to the speaker of the house of representatives and the president of the senate salary recommendations for constitutional officers, legislators, justices of the supreme court, and judges of the court of appeals, district court, county court, and county municipal court. The recommended salary for each office must take effect on July 1 of the next odd-numbered year, with no more than one adjustment, to take effect on July 1 of the year after that. The salary recommendations for legislators, judges, and constitutional officers take effect if an appropriation of money to pay the recommended salaries is enacted after the recommendations are submitted and before their effective date. Recommendations may be expressly modified or rejected. The salary recommendations for legislators are subject to additional terms that may be adopted according to section 3.099, subdivisions 1 and 3.

(b) The council shall also submit to the speaker of the house of representatives and the president of the senate recommendations for the salaries of the heads of state and metropolitan agencies, to be effective retroactively from January 1 of that year. The recommendations shall include the appropriate group in section 15A.081 to which each agency head should be assigned and the appropriate limitation on the maximum salary of the agency heads in each group, expressed as a percentage of the salary of the governor."

Page 17, after line 16, insert:

"Sec. 17. Minnesota Statutes 1992, section 179A.10, subdivision 3, is amended to read:

Subd. 3. [STATE EMPLOYEE SEVERANCE.] Each of the following groups of employees has the right, as specified in this subdivision, to separate from the general professional, health treatment, or general supervisory units provided for in subdivision 2: attorneys, physicians, professional employees of the higher education coordinating board who are compensated under section 43A.18, subdivision 4, state patrol-supervisors, ~~regional~~ enforcement officers supervisors employed by the department of natural resources, and criminal apprehension investigative-supervisors. This right must be exercised by petition during the 60-day period commencing 270 days prior to the termination of a contract covering the units. If one of these groups of employees exercises the right to separate from the units they have no right to meet and negotiate, but retain the right to meet and confer with the commissioner of employee relations and with the appropriate appointing

authority on any matter of concern to them. The right to separate must be exercised as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a statewide basis wish to separate from their units may petition the commissioner for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support for the petitioner from the employees, the commissioner shall hold an election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the units provided in subdivision 2. This election must be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from the unit in favor of separate meet and confer status for any one of these groups of employees, the commissioner shall certify that result. This election, where not inconsistent with other provisions of this section, is governed by section 179A.12. If a group of employees elects to sever, the group may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance."

Page 19, after line 3, insert:

"Sec. 20. [TRANSITION.]

Notwithstanding Laws 1993, chapter 192, section 2, subdivision 6, the compensation council appointed in 1993 expires on the first Monday in January 1995. The governor shall then appoint a new compensation council to make recommendations under Minnesota Statutes, section 15A.082, by April 1, 1995. The new salaries for agency heads will be effective retroactively from January 1, 1995. The new salaries for legislators, judges, and constitutional officers will be effective July 1, 1997."

Page 19, after line 29, insert:

"Sec. 22. [STUDY OF ARBITRATION.]

The legislative commission on employee relations shall study the use of arbitration to resolve labor disputes between public employers and public employees and report to the legislature by January 15, 1995, its recommendations for changes in the process by which arbitrators are selected and the conditions under which disputes are referred to arbitration."

Page 19, line 31, delete "17" and insert "21"

Renumber the sections of article 2 in sequence

Amend the title as follows:

Page 1, line 9, after the first semicolon, insert "15A.082, subdivisions 1 and 3;"

Page 1, line 11, after "5;" insert "179A.10, subdivision 3;"

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

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

H.F. No. 2519 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. |
| 2519 | 2112 | | | | |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2519 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2519 and insert the language after the enacting clause of S.F. No. 2112, the first engrossment; further, delete the title of H.F. No. 2519 and insert the title of S.F. No. 2112, the first engrossment.

And when so amended H.F. No. 2519 will be identical to S.F. No. 2112, and further recommends that H.F. No. 2519 be given its second reading and substituted for S.F. No. 2112, 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. 2410 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. |
| 2410 | 2236 | | | | |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2410 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2410 and insert the language after the enacting clause of S.F. No. 2236, the first engrossment; further, delete the title of H.F. No. 2410 and insert the title of S.F. No. 2236, the first engrossment.

And when so amended H.F. No. 2410 will be identical to S.F. No. 2236, and further recommends that H.F. No. 2410 be given its second reading and substituted for S.F. No. 2236, 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. 2836, 1867, 2079, 2220, 2816 and 2358 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2519 and 2410 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the name of Mr. Solon be added as a co-author to S.F. No. 2918. The motion prevailed.

Mr. Larson introduced—

Senate Resolution No. 82: A Senate resolution commending Sister Suzanne Slominski for her dedication and contributions to the betterment of education.

Referred to the Committee on Rules and Administration.

Messrs. Larson and Berg introduced—

Senate Resolution No. 83: A Senate resolution congratulating Tom Lehman, Alexandria, Minnesota on his outstanding accomplishments in golf competition.

Referred to the Committee on Rules and Administration.

Mr. Chandler moved that S.F. No. 2314, on General Orders, be stricken and returned to its author. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2148: A bill for an act relating to human services; providing monitoring and evaluation of emergency health services on a pilot project basis; authorizing an advisory committee.

Mr. Betzold moved to amend H.F. No. 2148, as amended pursuant to Rule 49, adopted by the Senate April 6, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1760.)

Page 1, line 8, delete "COMMITTEE" and insert "COMMITTEES"

Page 1, line 9, delete "a" and insert "three"

Page 1, line 10, delete "committee" and insert "committees" and after "monitor" insert "the emergency adult mental health services in accordance with"

Page 1, line 11, after the period, insert *"Each committee shall be made up of members who reside in the county the committee is monitoring."*

Page 1, line 13, delete *"state"* and insert *"local"* and delete *"council"* and insert *"councils"*

Page 1, line 14, delete *"committee"* and insert *"committees"* and delete *"six"* and insert *"five"*

Page 1, lines 21, 23, and 25, delete *"committee"* and insert *"committees"*

Page 2, line 4, delete *"chosen"* and insert *"selected"*

Page 2, line 10, after the period, insert *"Counties shall be given the opportunity to participate in the pilot study. If there is no county requesting to participate, the counties shall be designated by the commissioner."*

Page 2, line 12, after *"provided"* insert *"for persons"*

Amend the title as follows:

Page 1, line 4, delete *"an"* and delete *"committee"* and insert *"committees"*

The motion prevailed. So the amendment was adopted.

H.F. No. 2148 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

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.

Ms. Hanson moved to amend H.F. No. 2135, as amended pursuant to Rule 49, adopted by the Senate April 7, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1698.)

Page 1, after line 16, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

Mr. Mondale moved to amend H.F. No. 2135, as amended pursuant to Rule 49, adopted by the Senate April 7, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1698.)

Page 1, after line 16, insert:

“Sec. 2. [346.58] [DEFINITIONS.]

Subdivision 1. [SCOPE.] *The definitions in this section apply to sections 2 and 3.*

Subd. 2. [ANIMAL.] “Animal” means a dog, wholly or in part of the species *Canis familiaris*, or a cat, wholly or in part of the species *Felis domesticus*.

Subd. 3. [BREEDER.] “Breeder” means a person, firm, partnership, corporation, or association that:

(1) breeds animals for direct or indirect sale to the public and sells more than 24 puppies or kittens per year; or

(2) sells animals to brokers or pet dealers.

Subd. 4. [BROKER.] “Broker” means a person, firm, partnership, corporation, or association that purchases or breeds animals for resale to other brokers or pet dealers.

Subd. 5. [CONFINEMENT AREA.] “Confinement area” means a structure used or designed for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, or hutch.

Subd. 6. [HOUSING FACILITY.] “Housing facility” means a room, building, or area that contains a confinement area.

Subd. 7. [PET DEALER.] “Pet dealer” means a person, firm, partnership, corporation, or association, that sells animals to the public. “Pet dealer” does not include a humane society, a nonprofit organization performing the functions of a humane society, an animal control agency, a pet broker, or a person, firm, partnership, corporation, or association that breeds animals for direct sale to the public and sells or gives away fewer than 25 puppies or kittens per year.

Subd. 8. [VETERINARIAN.] “Veterinarian” means a doctor of veterinary medicine, licensed to practice in the state of Minnesota, who does not have a financial interest in the firm, partnership, corporation, or the transaction or sale of animals for which the examination of the animals is being performed.

Sec. 3. [346.59] [STANDARDS.]

Subdivision 1. [APPLICABILITY.] *This section applies to breeders, brokers, and pet dealers. Breeders, brokers, and pet dealers do not need to comply with section 346.39.*

Subd. 2. [FOOD.] *Animals must be provided with food which meets or exceeds National Research Council standards for nutrients and balance and American Association of Feed Company Officials, Inc., standards of processing of sufficient quantity and quality to allow for normal growth or maintenance of body weight. Animals must be provided wholesome food suitable for the species served in a clean receptacle, dish, or container, at a frequency and amount appropriate for the species and age. Animals over the*

age of 20 weeks must be offered food at least once every 24 hours. Animals under the age of 20 weeks must be offered food at least twice every 24 hours.

Subd. 3. [WATER.] Animals must be provided access to clean, fresh, potable water provided in a sanitary manner at least once every 12 hours or in sufficient quantity to satisfy the animals' needs or supplied by free choice. Snow or ice is not an adequate water source.

Subd. 4. [SHELTER.] A shelter that protects the animal from inclement weather, wind, and direct rays of the sun must be supplied for each animal. If an animal is maintained in an outdoor confinement area, that space must contain a shelter that complies with section 343.40. If an animal is maintained in a confinement area within a housing facility used primarily to house animals, the confinement area must provide sufficient space to allow each animal to turn around freely and to easily stand, sit, and lie in a normal position. Each confined animal must be provided a minimum square footage of floor space as measured from the tip of its nose to the base of its tail, plus 25 percent, expressed in square feet. The formula for computing minimum square footage is: (length of animal in inches plus 25 percent) times (length of animal in inches plus 25 percent) divided by 144.

Subd. 5. [CONFINEMENT AND EXERCISE AREA SURFACES.] The interior surfaces of all indoor confinement and exercise areas, including crates or containers, must be constructed and maintained so that they are impermeable and may be readily cleaned. Confinement area flooring must be constructed of nonabrasive wire of ten gauge or larger or smooth, durable, impermeable material suitable for animals. Sufficient space or barrier must be provided between confinement areas to ensure that no liquid or solid waste, water, or food passes from one confinement area to the other. Confinement areas must be ventilated sufficiently to allow for the free movement of air in and around the confinement area. Confinement areas must protect the animal from injury and be kept in good repair. All outdoor confinement area flooring must be impermeable material or well drained aggregate. Each animal must be provided with a raised solid resting surface of appropriate size to allow the animal to lie down comfortably.

Subd. 6. [EXERCISE.] All animals must be provided the opportunity for exercise at least twice per day. An indoor or outdoor exercise area of at least 72 square feet must be provided. If more than three animals use an area simultaneously, space must be increased to allow sufficient room for each animal to exercise freely. A shaded area must be provided sufficient to protect the animal from the direct rays of the sun at all times during the months of May to October.

Subd. 7. [GROUP HOUSING AND BREEDING.] Animals housed together must be kept in compatible groups. Animals must not be bred so as to endanger their health. Health is endangered if a female is bred more than three times in two years. A female animal younger than 18 months may not be bred. A female animal over eight years old may not be bred unless individually authorized in writing by a veterinarian.

Subd. 8. [TEMPERATURE.] Indoor housing facilities for animals must be maintained at an ambient temperature of not less than 50 degrees Fahrenheit at floor level. Heating and cooling units must be of a type and installation approved by applicable building or safety codes. Infrared heating devices may not be used as a primary heating source.

Subd. 9. [VENTILATION.] *Housing facilities must be ventilated. Auxiliary ventilation, such as exhaust fans, vents, air conditioning, or a combination of them, must be used when the ambient temperature exceeds 85 degrees Fahrenheit at floor level. Facilities used primarily to house animals must be equipped with an air exchange or air purification system that fully exchanges or purifies the air at least four times per hour. This system must be of a type and installation approved by applicable building or safety codes.*

Subd. 10. [LIGHTING.] *Housing facilities must have at least eight hours of illumination at a minimum of 25 foot candles 30 inches above floor level. Ample lighting, by natural or artificial means must be uniformly distributed. The lighting must be provided in a regular diurnal cycle. Confinement areas must be placed to avoid exposure of animals to excessive light.*

Subd. 11. [DRAINAGE.] *A suitable method must be used to eliminate excess fluids from confinement areas. All feces must be removed and disposed of daily. All waste drainage and waste material must be disposed of using a method prescribed by applicable building or health codes.*

Subd. 12. [SANITATION.] *Food and water receptacles must be accessible to each animal and located so as to prevent contamination by excreta. Opened food bags must be stored in plastic or metal cans with tight fitting lids. Feeding and water receptacles must be kept free of contaminants. Disposable foods receptacles must be discarded when soiled.*

Confinement areas must be thoroughly cleaned daily and impervious surfaces treated with disinfectant at least once per week. Animals must be removed from an area while the area is being treated with disinfectant and animals must not be returned to that area until the area is dry.

Animals with infectious or contagious diseases must be isolated from healthy animals. Caretakers must disinfect their hands and shoes after handling animals with infectious or contagious diseases.

Bedding, if used, must be kept clean and dry. Outdoor confinement and exercise areas must be kept clean and base material replaced as necessary.

Each cat confinement area must be provided with a container for elimination. This container must be constructed so it is impervious to moisture and may be readily cleaned. The container must contain absorbent material suitable for use by cats. The container must be cleaned daily and absorbent material removed and replaced at least once per week.

Subd. 13. [FEMALES AND LITTERS.] *Females and litters must be provided a separate confinement area of a size that complies with this section. Healthy litters must remain with their mother at least five weeks, unless rejected or endangered by their mother or the mother's health is endangered by its litter. No animal may be sold or given away before the age of eight weeks, except the entire litter and the mother may be sold or given away together before the litter is eight weeks old.*

The ambient temperature of the confinement area must be maintained at a minimum of 70 degrees Fahrenheit at floor level and a maximum of 90 degrees Fahrenheit for animals under seven weeks of age unless authorized in writing by a veterinarian. The litter must be provided fresh, clean water at all times and fresh food in amounts and at frequency appropriate for age and species.

Litters must be provided socialization and exercise. Socialization must include physical contact with other animals of like species and human beings.

No pet dealer who is not the breeder of the animal may be in possession of an animal that is under the age of eight weeks.

Subd. 14. [TRANSPORTATION AND SHIPMENT.] An animal may not be delivered or held for transport in commerce more than four hours before the scheduled departure time of the primary conveyance on which the animal is to be transported. No animal may be shipped on consignment. Shippers must provide the carriers or intermediate handlers with the name, address, and telephone number of the receiver, shipper's name, address, telephone number, tag or tattoo number of the animals, and time and date the animal was last fed and watered. All shippers must securely attach to the outside of the shipping container written instructions for the in-transit food and water requirements.

No one may transport or cause to be transported into, out of, or within the state for purposes of resale any animal under eight weeks of age, unless the entire litter and the mother are being transported together for resale.

If animals are transported in containers, the containers must be constructed of nonabrasive wire or a smooth, durable material suitable for animals. Floors must be smooth, impermeable material with grating of smooth wire of ten gauge or larger. Containers must be provided with barriers so as to ensure that no liquid or solid waste, water, or food passes from one confinement area to another. Containers must be clean, adequately ventilated, contain sufficient space to allow the animals to stand up, lie down, and turn around and provide maximum safety and protection to the animals. If more than a single animal is transported in one container, each animal must be provided sufficient space to stand up, lie down, and turn around.

Animals must be maintained in compatible groups. No more than two animals may be transported in the same container. Female animals in estrus may not be transported in the same container with any male.

Food and water receptacles must be securely attached inside the container and placed so that the receptacle can be filled from outside the container without opening the door. Animals over the age of 20 weeks must be offered food at least once every 24 hours. Animals under the age of 20 weeks must be offered food at least once every 12 hours. Each animal must be offered clean, fresh, potable water, provided in a sanitary manner, at least once every eight hours.

Exercise must be provided at least once every eight hours, or at suitable intervals in relation to food and water consumption.

Subd. 15. [FIRE SAFETY.] Smoke detectors must be installed in a housing facility at a frequency prescribed by applicable fire code. Fire extinguishers containing substances nontoxic to animals must be readily available.

Subd. 16. [PENALTIES.] A violation of this section is a misdemeanor. A violation of each subdivision is a separate violation. Before prosecution of a violation of subdivision 5, 8, 9, 10, 11, 12, or 15 may be initiated, an animal control officer or peace officer must give written notice to a breeder, owner, or pet dealer that a probable violation exists, and that the probable violation must be corrected within seven days or the probable violation will be referred to the appropriate prosecuting authority. Prosecution may be initiated by the prosecuting authority for a violation of subdivision 5, 8, 9, 10, 11, 12, or 15

if the violation continues more than seven days after receipt of the notice of probable violation.

Subd. 17. [ENFORCEMENT.] The enforcement provisions in chapter 343 also apply to sections 2 and 3.

Sec. 4. [EFFECTIVE DATE.]

Sections 2 and 3 are effective 180 days following final enactment."

Amend the title as follows:

Page 1, line 2, delete "manufactured home parks" and insert "animals"

Page 1, line 5, after the semicolon, insert "setting standards for care of dogs and cats by pet dealers, breeders, and brokers; providing for seizure and disposition of certain animals that are suffering cruelty or neglect, are in danger, or are a significant health risk to animals or humans; imposing a penalty;"

Page 1, line 6, before the period, insert "proposing coding for new law in Minnesota Statutes, chapter 346"

Mr. Finn questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the adoption of the Mondale amendment. The motion prevailed. So the amendment was adopted.

Ms. Hanson moved that H.F. No. 2135 be laid on the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 2405: 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, the teachers retirement association, and police and firefighters retirement law; requiring disclosure of certain investment information; amending Minnesota Statutes 1992, sections 352.01, subdivisions 11 and 13; 352.029, subdivision 1, and by adding subdivisions; 352.04, subdivisions 2 and 3; 352.119, by adding a subdivision; 352B.265; 352D.04, subdivision 2; 353.03, subdivisions 1 and 3a; 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; 354.41, subdivision 4, and by adding subdivisions; 354.42, subdivisions 3 and 5; 354.44, subdivisions 1a, 4, and 5a; 354.47; 354.48, subdivision 2; 354.49, 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; 353.01, subdivisions 10, 12a, 16, and 28; 353.017, subdivisions 1, 3, and by adding subdivisions; 353.27, subdivision 7; 353.37, subdivisions 1, 2, and 4; 353.65, subdivision 3a; 353A.08, subdivision 3; 354.05, subdivision 8; and 354.46, subdivisions 1 and 5; proposing coding for new law in Minnesota Statutes, chapters 354; 356; and 423A; 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.

Mr. Stumpf moved to amend H.F. No. 2405, as amended pursuant to Rule 49, adopted by the Senate April 11, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2288.)

Page 29, line 6, delete "12" and insert "13"

Page 29, line 8, delete "13" and insert "14"

Page 56, after line 14, insert:

"ARTICLE 6

LOCAL POLICE AND FIRE

Section 1. [423A.171] [BYLAW AMENDMENTS.]

(a) *Notwithstanding a provision of section 69.48; 423.387, subdivision 1; 423.58, subdivision 1; 423.810, subdivision 1; 423B.10; or 424.24, subdivision 1, or other law governing a local police or salaried firefighters relief association to the contrary, the board of trustees of a local relief association governed by section 69.77 or its successor board under chapter 353A or 353B, with municipal approval as provided in section 69.77, subdivision 2i, may amend the bylaws of the relief association to provide that a surviving spouse benefit is payable to a surviving spouse who married a deferred or retired member after the member's retirement, provided the marriage occurred at least five years before the death of the member.*

(b) *If the surviving spouse benefit change described in paragraph (a) is made, the change applies to a surviving spouse benefit payable on the effective date of the change and to the potential surviving spouses of all deferred or retired members of the relief association who have that status on the effective date of the change.*

(c) *The bylaw amendment is not effective until a certified copy of the amendment and the municipal approval has been filed by the municipal clerk with the executive director of the legislative commission on pensions and retirement, the state auditor, and the secretary of state.*

(d) *Notwithstanding the provisions of section 353B.11, a surviving spouse benefit change made under this section for a relief association that has consolidated with the public employees retirement association is effective upon approval by the public employees retirement association and the municipality pursuant to clause (c)."*

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2405 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

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 time-lines 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; 144.335, by adding a subdivision; 144.581, subdivision 2; 256.9355, by adding a subdivision; 256.9358, subdivision 4; 295.50, by adding subdivisions; and 318.02, by adding a subdivision; 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, subdivisions 1a and 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; 256.9353, subdivisions 3 and 7; 256.9354, subdivisions 1, 4, and 6; 256.9356, subdivision 3; 256.9362, subdivision 6; 256.9363, subdivisions 6, 7, and 9; 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; Laws 1992, chapter 549, article 9, section 22; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; 62P; 144; and 317A; 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.

Ms. Berglin moved to amend S.F. No. 2192 as follows:

Page 120, line 3, after "*hospitals*," insert "*claims clearinghouses; third-party administrators; billing service bureaus; value added networks*;"

Page 124, line 2, before "*On*" insert "*(a)*"

Page 124, after line 6, insert:

"(b) The instructions and definitions for the use of the uniform claim form shall be in accordance with instructions specified by the commissioner of health, except as provided in subdivision 5."

Page 124, line 36, delete "*July*" and insert "*January*"

Page 125, line 21, delete "*July 1, 1995*" and insert "*January 1, 1996*"

Page 126, line 9, delete "*July 1, 1995*" and insert "*January 1, 1996*"

Page 129, line 8, after "*standards*" insert "*or new versions of existing standards*"

Page 133, line 26, after the period, insert "*The description shall include the health plan company name and the plan or product name.*"

Page 133, line 31, after the semicolon, insert "*and*"

(8) Provider/clinic name, which is the name of the primary care clinic the cardholder is assigned to by the health plan company. The standard label for this field is "PCP." This information is mandatory only if the health plan company assigns a specific primary care provider to the cardholder."

Page 133, delete lines 32 to 34

Page 134, line 11, after "*eligibility*" insert "*and benefit*"

Page 134, line 13, delete "*and*" and insert "*or*"

Page 134, after line 14, insert:

"(c) The following human readable data elements are mandatory on the back side of the card for health maintenance organizations and integrated service networks:

(1) emergency care authorization telephone number or instruction on how to receive authorization for emergency care. There is no standard label required for this information; and

(2) telephone number to call to appeal to the commissioner of health. There is no standard label required for this information."

Page 134, line 15, delete "*(c)*" and insert "*(d)*"

Page 134, line 16, delete "paragraph (a) or (b)" and insert "paragraphs (a) to (c)"

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 2192 as follows:

Page 179, delete line 18

Page 179, after line 19, insert:

"GENERAL FUND -0- 4,579,000"

Page 179, line 20, delete "(17,894,000)" and insert "(17,757,000)"

Page 179, after line 20, insert:

"APPROPRIATIONS"

Page 180, delete lines 12 and 13

Page 180, line 14, delete "5" and insert "4"

Page 180, after line 30, insert:

"Of this amount transferred in fiscal year 1995, \$4,579,000 is appropriated to the commissioner of human services for general assistance medical care grants."

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 2192 as follows:

Page 174, line 23, delete "and"

Page 174, line 27, before the period, insert " ; and

(18) payments received for services provided by community supervised living facilities for persons with mental retardation or related conditions licensed under Minnesota Rules, parts 4665.0100 to 4665.9900"

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 2192 as follows:

Page 3, line 23, after the period, insert "Notwithstanding the foregoing, an organization licensed as a community integrated service network that accepts payments for health care services on a capitated basis, or under another risk-sharing agreement, from a program of self-insurance maintained by an employer as described in section 60A.02, subdivision 3, paragraph (b), shall not be regulated as a community integrated service network with respect to the receipt of such payments, nor are any such payments "premium revenues" for the purposes of calculating the community integrated service network's liability for otherwise applicable state taxes, assessments, or surcharges with the exception of the MinnesotaCare provider tax and the Minnesota comprehensive health association assessment, provided that the community integrated service network does not bear risk for health service expenses in excess of 125 percent of the self-insurance program's expected costs, and provided that the community integrated service network and the employer comply with

the data submission and the administrative simplification provisions of chapter 62J and the provider tax pass-through provision of section 295.582 and the Minnesota comprehensive health association assessment provision of section 62E.11, and provided that the employer has more than 500 employees and the employer's self-insurance program was in effect on April 1, 1994."

Page 3, line 31, after the period, insert:

"Notwithstanding the foregoing, an organization licensed as an integrated service network that accepts payments for health care services on a capitated basis, or under another risk-sharing agreement, from a program of self-insurance maintained by an employer as described in section 60A.02, subdivision 3, paragraph (b), shall not be regulated as an integrated service network with respect to the receipt of such payments, nor are any such payments "premium revenues" for the purposes of calculating the integrated service network's liability for otherwise applicable state taxes, assessments, or surcharges with the exception of the MinnesotaCare provider tax and the Minnesota comprehensive health association assessment, provided that the integrated service network does not bear risk for health service expenses in excess of 125 percent of the self-insurance program's expected costs, and provided that the integrated service network and the employer comply with the data submission and the administrative simplification provisions of chapter 62J and the provider tax pass-through provision of section 295.582 and the Minnesota comprehensive health association assessment provision of section 62E.11, and provided that the employer has more than 500 employees and the employer's self-insurance program was in effect on April 1, 1994."

Page 80, after line 27, insert:

"Section 1. Minnesota Statutes 1992, section 60A.02, subdivision 3, is amended to read:

Subd. 3. [INSURANCE.] (a) "Insurance" is any agreement whereby one party, for a consideration, undertakes to indemnify another to a specified amount against loss or damage from specified causes, or to do some act of value to the assured in case of such loss or damage. A program of self-insurance, self-insurance revolving fund or pool established under section 471.981 is not insurance for purposes of this subdivision.

(b) Capitation or other risk-sharing payments to a capitated entity for health care services by a program of self-insurance maintained by an employer with more than 500 employees do not constitute insurance for the purposes of this subdivision so long as the employer maintained the program of self-insurance on April 1, 1994, and shares risk with the capitated entity such that the capitated entity does not assume risk in excess of 125 percent of the self-insurance program's expected costs, and so long as the employer and the capitated entity comply with the data submission and administrative simplification provisions of chapter 62J and the provider tax pass-through provision of section 295.582 and the Minnesota comprehensive health association assessment provision of section 62E.11. For purposes of this subdivision, a capitated entity must be licensed as a health maintenance organization, integrated service network, or community integrated service network. This paragraph only applies to programs of self-insurance in existence as of April 1, 1994; all other insurance as defined in paragraph (a), even if maintained by an employer that also offers programs of self-insurance, continues to be subject to all applicable state regulations."

Page 82, after line 20, insert:

"Sec. 4. Minnesota Statutes 1992, section 62D.02, subdivision 4, is amended to read:

Subd. 4. "Health maintenance organization" means a nonprofit corporation organized under chapter 317A, or a local governmental unit as defined in subdivision 11, controlled and operated as provided in sections 62D.01 to 62D.30, which provides, either directly or through arrangements with providers or other persons, comprehensive health maintenance services, or arranges for the provision of these services, to enrollees on the basis of a fixed prepaid sum without regard to the frequency or extent of services furnished to any particular enrollee. *Notwithstanding the foregoing, an organization licensed as a health maintenance organization that accepts payments for health care services on a capitated basis, or under another risk-sharing agreement, from a program of self-insurance maintained by an employer, as described in section 60A.02, subdivision 3, paragraph (b), shall not be regulated as a health maintenance organization with respect to the receipt of such payments, nor are any such payments "premium revenues" for the purposes of calculating the health maintenance organization's liability for otherwise applicable state taxes, assessments, or surcharges with the exception of the MinnesotaCare provider tax and the Minnesota comprehensive health association assessment, provided that the health maintenance organization does not bear risk for health service expenses in excess of 125 percent of the self-insurance program's expected costs, and provided that the health maintenance organization and the employer comply with the data submission and the administrative simplification provisions of chapter 62J and the provider tax pass-through provision of section 295.582 and the Minnesota comprehensive health association assessment provision of section 62E.11, and provided that the employer has more than 500 employees and the employer's self-insurance program was in effect on April 1, 1994."*

Renumber the sections of article 8 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 2192 as follows:

Pages 26 and 27, delete section 17

Renumber the sections of article 2 in sequence and correct the internal references

Page 37, line 33, strike "commissioner" and insert "commissioners"

Page 37, line 34, after the first "health" insert "and commerce"

Page 37, line 36, after the comma, insert "with respect to the health plan companies that each commissioner respectively regulates"

Page 38, line 6, strike "increase"

Page 38, after line 10, insert:

"(c) Notwithstanding paragraphs (a) and (b), premiums charged by a health plan company shall be reasonable, adequate, and not predatory in relation to the benefits, considering actuarial projection of the cost of

providing or paying for the covered health services, considering costs of administration, and in relation to reserves and surplus required by law. A health plan company may appeal a denial of its proposed premium rate by mailing to the commissioner of health or the commissioner of commerce, as applicable, a written notice of appeal within 30 days from the date that the denial was mailed. The contested case and judicial review provisions of chapter 14 apply to the appeal.

(d) Health plan companies, except those licensed under chapter 60A to sell accident and sickness insurance under chapter 62A, shall annually before the end of the fourth fiscal quarter provide to the commissioner of health or commerce, as applicable, a projection of the level of reserves the company expects to attain during each quarter of the following fiscal year. These health plan companies shall submit with required quarterly financial statements a calculation of the actual reserve level attained by the company at the end of each quarter including identification of the sources of any significant changes in the reserve level and an updated projection of the level of reserves the health plan company expects to attain by the end of the fiscal year. In cases where the health plan company has been given a certificate to operate a new health maintenance organization under chapter 62D, or been licensed as an integrated service network or community integrated service network under chapter 62N, or formed an affiliation with one of these organizations, the health plan company shall also submit with its quarterly financial statement, total enrollment at the beginning and end of the quarter and enrollment changes within each service area of the new organization. The reserve calculations shall be maintained by the commissioners as trade secret information, except to the extent that such information is also required to be filed by another provision of state law and is not treated as trade secret information under such other provisions.

(e) Health plan companies in paragraph (d) whose reserves are less than the required minimum or more than the required maximum at the end of the fiscal year shall submit a plan of corrective action to the commissioner of health or commerce under subdivision 7.

(f) The commissioner of commerce, in consultation with the commissioner of health, shall report to the legislature no later than January 15, 1995, as to whether the concept of a reserve corridor or other mechanism for purposes of monitoring reserves is adaptable for use with indemnity health insurers that do business in multiple states and that must comply with their domiciliary state's reserves requirements."

Page 38, line 35, before "The" insert "(a)"

Page 39, line 5, strike "Each"

Page 39, strike line 6

Page 39, line 7, before "Health" insert "The plan of correction must address the following:

- (1) actuarial assumptions used in forecasting future financial results;
- (2) trend assumptions used in setting future premiums;
- (3) demographic, geographic, and private and public sector mix of the population covered by the health plan company;
- (4) proposed rate increases or decreases;

(5) growth rates applied under section 62J.04, subdivision 1, paragraph (b); and

(6) other factors deemed appropriate by the health plan company or commissioner.

If the health plan company's reserves exceed the required maximum, the plan of correction shall address how the health plan company will come into compliance and set forth a timetable within which compliance would be achieved. The plan of correction may propose premium refunds, credits for prior premiums paid, policyholder dividends, or any combination of these or other methods which will benefit enrollees and/or Minnesota residents and are such that the reserve requirements can reasonably be expected to be met. The commissioner's evaluation of the plan of correction must consider:

(1) whether implementation of the plan would provide the company with an unfair advantage in the market;

(2) the extent to which the reserve excess was created by any movement of enrolled persons to another organization formed by the company;

(3) whether any proposed premium refund, credit, and/or dividend represents an equitable allocation to policyholders covered in prior periods as determined using sound actuarial practice; and

(4) any other factors deemed appropriate by the applicable commissioner.

(b) The plan of correction is subject to approval by the commissioner of health or commerce, as applicable. If such a plan is not approved by the applicable commissioner, the applicable commissioner shall enter an order stating the steps that the health plan company must take to come into compliance. Within 30 days of the date of such order, the health plan company must file a notice of appeal with the applicable commissioner or comply with the commissioner's order. If an appeal is filed, such appeal is governed by chapter 14.

(c)"

Page 39, line 9, delete the new language and strike the old language

Page 39, line 10, strike everything before "shall" and insert "(1994 and 1995, 1996 and 1997)";

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved to amend S.F. No. 2192 as follows:

Page 118, after line 33, insert:

"Sec. 50. [STUDY OF ANESTHESIA PRACTICES.]

The commissioner of health shall study and report to the legislature by January 15, 1995, on anesthesia services provided in the hospitals of this state by nurse anesthetists and anesthesiologists. The study shall compare different contractual and employment arrangements between hospitals, nurse anesthetists, and anesthesiologists in terms of:

(1) the quality of anesthetic services provided under each arrangement;

(2) *the cost of the service provided under each arrangement to hospitals, third-party purchasers, and patients; and*

(3) *any inequitable or anticompetitive effects under each arrangement.*

The report shall also include the commissioner's recommendations on the most appropriate method to provide anesthesia services to ensure cost-effective delivery of quality anesthesia services."

Renumber the sections of article 8 in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Ms. Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 2192. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Samuelson amendment.

The roll was called, and there were yeas 38 and nays 26, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|---------------|------------|-----------------|
| Adkins | Day | Johnson, D.J. | Merriam | Ranum |
| Anderson | Dille | Knutson | Metzen | Reichgott Junge |
| Benson, J.E. | Finn | Kroening | Murphy | Robertson |
| Berg | Flynn | Laidig | Neuville | Samuelson |
| Bertram | Frederickson | Langseth | Novak | Solon |
| Betzold | Hanson | Lessard | Pappas | Vickerman |
| Chandler | Janezich | Marty | Pogemiller | |
| Chmielewski | Johnson, D.E. | McGowan | Price | |

Those who voted in the negative were:

| | | | | |
|---------------|----------|-----------|----------|-------------|
| Belanger | Johnston | Luther | Piper | Terwilliger |
| Benson, D.D. | Kelly | Moe, R.D. | Riveness | Wiener |
| Berglin | Kiscaden | Mondale | Runbeck | |
| Cohen | Krentz | Morse | Sams | |
| Hottinger | Larson | Oliver | Spear | |
| Johnson, J.B. | Lesewski | Pariseau | Stumpf | |

The motion prevailed. So the amendment was adopted.

Mr. Samuelson then moved to amend S.F. No. 2192 as follows:

Page 69, delete lines 8 to 36

Page 70, delete line 1

Page 70, line 2, delete "7" and insert "6"

Page 71, line 16, delete "8" and insert "7"

Page 71, line 21, delete "9" and insert "8"

Page 71, line 27, delete "10" and insert "9"

Page 71, line 28, delete everything after "subdivision"

Page 71, line 29, delete "7" and insert "6" and delete "9" and insert "8"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 40, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|----------|----------|-------------|
| Adkins | Day | Laidig | McGowan | Runbeck |
| Benson, J.E. | Frederickson | Langseth | Merriam | Samuelson |
| Berg | Hanson | Larson | Metzen | Terwilliger |
| Bertram | Johnston | Lesewski | Neuville | Vickerman |
| Chmielewski | Knutson | Lessard | Pariseau | |

Those who voted in the negative were:

| | | | | |
|--------------|---------------|-----------|------------|-----------------|
| Anderson | Finn | Kiscaden | Murphy | Reichgott Junge |
| Belanger | Flynn | Krentz | Novak | Riveness |
| Benson, D.D. | Hottinger | Kroening | Oliver | Robertson |
| Berglin | Janezich | Luther | Pappas | Sams |
| Betzold | Johnson, D.E. | Marty | Piper | Solon |
| Chandler | Johnson, D.J. | Moe, R.D. | Pogemiller | Spear |
| Cohen | Johnson, J.B. | Mondale | Price | Stumpf |
| Dille | Kelly | Morse | Ranum | Wiener |

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

Mr. Finn moved to amend S.F. No. 2192 as follows:

Page 161, after line 8, insert:

“Sec. 36. Minnesota Statutes 1992, section 62L.06, is amended to read:

62L.06 [DISCLOSURE OF UNDERWRITING RATING PRACTICES.]

When offering or renewing a health benefit plan, health carriers shall disclose in all solicitation and sales materials:

- (1) the case characteristics and other rating factors used to determine initial and renewal rates;
 - (2) the extent to which premium rates for a small employer are established or adjusted based upon actual or expected variation in claim experience;
 - (3) provisions concerning the health carrier's right to change premium rates and the factors other than claim experience that affect changes in premium rates;
 - (4) provisions relating to renewability of coverage;
 - (5) the use and effect of any preexisting condition provisions, if permitted;
- and
- (6) the application of any provider network limitations and their effect on eligibility for benefits; and
 - (7) the ability of small employers to insure eligible employees and dependents currently receiving coverage from the comprehensive health association through small employer policies.

Sec. 37. Minnesota Statutes 1992, section 62L.07, subdivision 2, is amended to read:

Subd. 2. [WAIVERS.] Health benefit plans must require that small employers offering a health benefit plan maintain written documentation of a waiver of coverage by an eligible employee or dependent and provide the documentation indicating that each eligible employee was informed of the availability of coverage through the employer and of a waiver of coverage by the eligible employee. This documentation must be provided to the health carrier upon reasonable request.”

Renumber the sections of article 10 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Larson moved to amend S.F. No. 2192 as follows:

Page 15, after line 9, insert:

"Sec. 16. [STUDY OF SOLVENCY REGULATION OF INTEGRATED SERVICE NETWORKS.]

The commissioners of health and commerce shall develop the solvency standards for the integrated service networks created by Minnesota Statutes, chapter 62N. The solvency standards for integrated service networks must be effective no later than January 1, 1996."

Page 15, line 10, delete "16" and insert "17"

Page 15, line 11, delete "15" and insert "16"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Benson, D.D. moved to amend S.F. No. 2192 as follows:

Page 180, line 15, delete "Health Care Access" and insert "General"

The motion prevailed. So the amendment was adopted.

S.F. No. 2192 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 41 and nays 23, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|-----------|-----------------|-------------|
| Anderson | Finn | Luther | Pappas | Solon |
| Belanger | Flynn | Marty | Piper | Spear |
| Benson, D.D. | Hottinger | Metzen | Pogemiller | Stumpf |
| Benson, J.E. | Janezich | Moe, R.D. | Price | Terwilliger |
| Berglin | Johnson, D.E. | Mondale | Ranum | Wiener |
| Betzold | Johnson, J.B. | Morse | Reichgott Junge | |
| Chandler | Kelly | Murphy | Riveness | |
| Cohen | Kiscaden | Novak | Robertson | |
| Dille | Kroening | Oliver | Sams | |

Those who voted in the negative were:

| | | | | |
|-------------|---------------|----------|----------|-----------|
| Adkins | Frederickson | Laidig | McGowan | Runbeck |
| Berg | Hanson | Langseth | Merriam | Samuelson |
| Bertram | Johnson, D.J. | Larson | Neuville | Vickerman |
| Chmielewski | Johnston | Lesewski | Olson | |
| Day | Knutson | Lessard | Pariseau | |

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

MOTION AND RESOLUTION - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2171.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1712: A bill for an act relating to towns; providing for financial audits in certain circumstances; amending Minnesota Statutes 1992, section 367.36, subdivision 1.

Senate File No. 1712 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. Johnson, D.E. moved that the Senate do not concur in the amendments by the House to S.F. No. 1712, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2189:

H.F. No. 2189: A bill for an act relating to education; prekindergarten through grade 12; providing for general education revenue; transportation; special programs; community education; facilities; organization and cooperation; commitment to excellence; other programs; miscellaneous provisions; libraries; state agencies; school bus safety; conforming amendments; providing for appointments; appropriating money; amending Minnesota Statutes 1992, sections 13.04, by adding a subdivision; 120.101, by adding a subdivision; 120.17, subdivision 1; 121.612, subdivision 7; 121.912, subdivision 5; 121.935, subdivision 6; 122.23, subdivisions 6, 8, 10, 13, and by adding a subdivision; 122.531, subdivision 9; 122.533; 122.91, subdivision 3; 122.937, subdivision 4; 123.35, subdivision 19a, and by adding subdivisions; 123.3514, subdivision 4; 123.39, subdivision 1; 123.58, subdivisions 2 and 4; 124.195, subdivisions 3, 6, and by adding a subdivision; 124.223, subdivision 1; 124.244, subdivision 4; 124.26, subdivision 1b; 124.2601, subdivisions 3, 5, and 7; 124.2711, by adding a subdivision; 124.2713, by adding a subdivision; 124.2721, subdivisions 1 and 5; 124.2725, subdivision 16; 124.278, subdivision 1; 124.6472, subdivision 1; 124.84, by adding a subdivision; 124.85; 124.90, by adding a subdivision; 124.912, by adding a

subdivision; 124.95, subdivision 4; 124A.02, by adding subdivisions; 124A.03, subdivision 2a; 124A.22, subdivision 2a; 124A.26, by adding a subdivision; 124C.49; 125.09, subdivision 1; 125.188, subdivision 1; 126.02, subdivision 1; 126.15, subdivision 4; 126.23; 126.69, subdivisions 1 and 3; 126.77, subdivision 1; 126.78; 127.27, subdivision 5; 127.30, by adding a subdivision; 127.31, by adding a subdivision; 127.38; 129C.15, by adding a subdivision; 134.195, subdivision 10; 136D.22, by adding subdivisions; 136D.72, by adding subdivisions; 136D.82, by adding subdivisions; 169.01, subdivision 6; 169.21, subdivision 2; 169.442, subdivision 1; 169.443, subdivision 8, and by adding a subdivision; 169.445, subdivisions 1 and 2; 169.446, subdivision 3; 169.447, subdivision 6; 169.45, subdivision 1; 169.64, subdivision 8; 171.01, subdivision 22; 171.321, subdivision 3; 171.3215; 179A.07, subdivision 6; 260.181, subdivision 2; 272.02, subdivision 8; 475.61, subdivision 4; and 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 120.062, subdivision 5; 120.064, subdivision 16; 120.17, subdivisions 11b, 12, and 17; 121.11, subdivisions 7c and 7d; 121.702, subdivisions 2 and 9; 121.703; 121.705; 121.706; 121.707; 121.708; 121.709; 121.710; 121.831, subdivision 9; 121.885, subdivisions 1, 2, and 4; 123.3514, subdivisions 6 and 6b; 123.58, subdivisions 6, 7, 8, and 9; 123.951; 124.155, subdivisions 1 and 2; 124.17, subdivisions 1 and 2f; 124.225, subdivisions 1 and 7e; 124.226, subdivisions 3a and 9; 124.2455; 124.26, subdivisions 1c and 2; 124.2711, subdivision 1; 124.2713, subdivision 5; 124.2714; 124.2727, subdivisions 6 and 6a; 124.573, subdivision 2b; 124.6469, subdivision 3; 124.91, subdivisions 3 and 5; 124.914, subdivision 4; 124.95, subdivision 1; 124A.029, subdivision 4; 124A.03, subdivisions 1c, 2, and 3b; 124A.22, subdivisions 5, 6, 8, and 9; 124A.225, subdivisions 1, 3, 4, and 5; 124A.29, subdivision 1; 124A.292, subdivision 3; 125.05, subdivision 1a; 125.138, subdivision 9; 125.185, subdivision 4; 125.230, subdivisions 3, 4, and 6; 125.231, subdivisions 1 and 4; 125.623, subdivision 3; 125.706; 126.239, subdivision 3; 126.70, subdivisions 1 and 2a; 127.46; 171.321, subdivision 2; 275.48; Laws 1992, chapter 499, articles 6, section 34; and 11, section 9; Laws 1993, chapter 224, articles 2, section 15, subdivision 2, as amended; 3, sections 36, subdivision 2; 38, subdivision 22; 5, sections 43; 46, subdivisions 2, 3; and 4; 6, section 30, subdivisions 2 and 6; 7, section 28, subdivisions 3, 4, 9, and 11; 8, sections 20, subdivision 2; 22, subdivisions 6, 7, and 12; 12, sections 39 and 41; and 15, section 2; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 123; 124; 124A; 125; 126; 127; 134; and 169; 473; repealing Minnesota Statutes 1992, sections 121.935, subdivision 7; 122.23, subdivision 13a; 122.91, subdivisions 5 and 7; 122.93, subdivision 7; 122.937; 122.94, subdivisions 2, 3, and 6; 122.945; 136D.22, subdivisions 1 and 3; 136D.71, subdivision 2; 136D.72, subdivisions 1, 2, and 5; 136D.82, subdivisions 1 and 3; 169.441, subdivisions 2 and 3; 169.442, subdivisions 2 and 3; 169.445, subdivision 3; 169.447, subdivision 3; Minnesota Statutes 1993 Supplement, sections 121.935, subdivision 5; 123.80; 124.2727, subdivision 8; 124A.225, subdivision 2; Laws 1992, chapter 499, article 6, section 39, subdivision 3; Law 1993, chapter 224, articles 1, section 37; 8, section 14; Minnesota Rules, parts 3520.3600; 3520.3700; 8700.6410; 8700.9000; 8700.9010; 8700.9020; and 8700.9030.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Vellenga; Bauerly; Johnson, A.; Carlson and Ness have been appointed as such committee on the part of the House.

House File No. 2189 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 18, 1994

Mr. Pogemiller moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2189, and that a Conference Committee of 5 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 that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2260, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2260: A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; imposing a penalty for displaying invalid driver's license as being valid; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

REPORTS OF COMMITTEES

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

Mr. Merriam from the Committee on Finance, to which was re-referred

H.F. No. 2010: A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

Amend the report from the Committee on Environment and Natural Resources, adopted by the Senate April 7, 1994, as follows:

Page 3, line 15, delete "*does meet*" and insert "*meets*."

Page 3, line 36, delete "*indemnifies and holds*" and insert "*shall indemnify and hold*"

Page 4, line 14, delete "*as required in clauses (1) and (2)*"

Page 4, line 17, delete "\$2.80" and insert "\$6.45" and delete "\$9.25" and insert "\$21.25"

Page 4, line 19, after the second "*facility*" insert " ; or "

Page 4, delete lines 20 to 25

Page 4, line 26, delete "(3) 60 cents" and insert "(2) \$1.38" and delete "\$2" and insert "\$4.60"

Page 4, line 28, after the second "*facility*" insert a period

Page 4, delete lines 29 to 35

Page 4, line 36, delete "*Payment*" and insert "*A person required to provide proof of financial capability under paragraph (b) shall make payments*" and delete "*must be made*"

Page 5, line 30, delete "35" and insert "30"

Page 5, line 31, delete "\$1.20" and insert "\$1"

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. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2392: A bill for an act relating to crime prevention; requiring law enforcement agencies to adopt policies for investigating cases involving children who are missing and endangered; requiring that all cases of children who are missing and endangered be reported to the bureau of criminal apprehension, which may assist local law enforcement agencies; restricting access to data involving juvenile witnesses; requiring pretrial evaluations in felony and certain other cases; requiring mandated reporters to report instances of kidnapping; requiring the commissioner of public safety to develop a plan for a criminal alert network; appropriating money; amending Minnesota Statutes 1992, sections 299C.52, subdivision 1; 299C.53, subdivision 1, and by adding a subdivision; 299D.07; 626.556, subdivision 3a; and 629.73; Minnesota Statutes 1993 Supplement, sections 13.82, subdivision 10; 299C.065, subdivision 1; and 480.30; proposing coding for new law in Minnesota Statutes, chapters 626; and 629.

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

Page 8, line 23, delete "\$....." and insert "\$1,304,000"

Page 8, line 26, delete "\$....." and insert "\$814,000"

Page 8, line 32, delete "\$490,000" and insert "\$445,000"

Page 8, line 33, delete "\$200,000" and insert "\$155,000"

Page 9, after line 21, insert:

“Sec. 3. [APPROPRIATION; POST BOARD.]

\$35,000 is appropriated from the general fund to the peace officer standards and training board to develop a model policy for investigation of missing and endangered children cases under article 1, section 9.

Sec. 4. [APPROPRIATION; SUPREME COURT.]

\$10,000 is appropriated from the general fund to the supreme court for judicial training on child and adolescent sexual abuse under article 1, section 7.”

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

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

S.F. No. 2725: A bill for an act relating to metropolitan government; providing for the ownership, financing, and use of certain sports facilities; permitting the issuance of bonds and other obligations; appropriating money; amending Minnesota Statutes 1992, sections 473.551; 473.552; 473.556; 473.561; 473.564, subdivision 2; 473.572; 473.581; 473.592; 473.595; and 473.596; proposing coding for new law in Minnesota Statutes, chapters 240A; and 473; repealing Minnesota Statutes 1992, sections 473.564, subdivision 1; and 473.571.

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

Page 9, line 29, after the period, insert “*The commission shall establish standards to provide reasonable assurances to other public bodies owning or operating an entertainment or sports complex or indoor sports arena in the metropolitan area that the agreements between the commission and the Minnesota amateur sports commission with respect to the basketball and hockey arena shall not remove the conduct of amateur sports activities currently and traditionally held at such facilities.*”

Page 18, delete line 1 and insert “*facility is to be located city of Minneapolis.*”

Page 29, delete line 13

Page 29, line 14, delete “*of the*”

Page 30, line 2, after “(a),” insert “*exclusive of any original issue discount,*”

Page 30, line 3, delete “\$.....” and insert “*\$42,000,000, plus such amount as the council determines necessary to pay the costs of issuance, fund reserves*”

for operation and debt service, and pay for any bond insurance or other credit enhancement." and delete ", including any capital"

Page 30, delete line 4

Page 30, line 10, after "land" insert ", the related purposes referred to in this subdivision,"

Page 30, line 16, delete "has" and insert ", the city of Minneapolis, or the Minneapolis community development agency, or any or all of them, as the commission may deem appropriate, have"

Page 30, line 21, delete "between" and insert "with"

Page 30, line 22, delete "organizations and the commission" and insert "organization"

Page 30, line 23, after "termination" insert "of the use of the basketball and hockey arena"

Page 30, line 24, after the period, insert "The agreements shall afford to the commission, the city of Minneapolis, or the Minneapolis community development agency, or each or all of them, as the commission deems appropriate, the remedies that are deemed necessary and appropriate to provide reasonable assurances that the major league professional basketball organization or another major league professional basketball organization shall comply with the agreements. The remedies shall include the payment of liquidated damages equivalent to direct and consequential damages incurred by reason of the breach of the agreements and any additional remedies or security arrangements the commission reasonably determines to be effective in accomplishing the purposes of this paragraph."

Page 30, delete lines 25 to 36

Page 31, delete lines 1 to 8

Page 31, line 9, delete everything before "The"

Page 31, line 18, delete "include provisions to protect the" and insert "address contingencies that may arise"

Page 31, line 19, delete "commission and the council"

Page 31, line 20, delete "agreement" and insert "agreements"

Page 31, line 21, after "organization" insert "for the use of the basketball and hockey arena"

Page 31, delete lines 26 to 29 and insert:

"(b) The commission has exercised its reasonable efforts to obtain assurances from the professional basketball major league to the extent permitted under applicable federal and state law, that it will not approve the relocation of the major league professional basketball organization if the relocation is in violation of the terms of the agreements referred to in paragraph (a)."

Page 31, line 35, delete ", to acquire or remodel and to furnish the" and insert "for the purposes for which they are issued."

Page 31, delete line 36

Page 32, delete line 1

Page 34, line 10, delete "\$....." and insert "\$10,000,000"

Page 34, line 26, delete the second "or"

Page 34, delete line 27

Page 34, line 28, delete everything before "except"

Page 34, line 36, delete "the proceeds of the sale of the health club" and insert "the operations or sale of the health club (except as such claim may arise from the commission's acquisition of the basketball and hockey arena and the contemporaneous sale or transfer of the health club to those persons who own the basketball and hockey arena and the health club on the date of the commission's acquisition)"

Page 36, after line 12, insert:

"(q) The commission may execute an agreement with the state of Minnesota providing that the commission shall compensate the state for its contribution from the general fund under section 13 plus accrued interest, after payment of basketball and hockey arena debt service, the necessary and appropriate funding of debt reserve of the basketball and hockey arena and all expenses of operation, administration, and maintenance and the funding of a capital reserve for the repair, remodeling, and renovation of the basketball and hockey arena. Compensation paid to the state shall occur at the same time that compensation is paid to the city of Minneapolis as provided in clause (n) on a basis proportionate to the amount of forbearance of the entertainment tax or surcharge by the city as provided in clause (n) to that date and the amount of general fund appropriations paid by the state pursuant to section 13 to that date."

Page 36, line 20, after "the" insert "purposes specified in this act and for"

Page 38, line 27, delete "[240A.09]"

Page 38, line 28, after "from" insert "the"

Page 38, delete lines 29 and 30

Page 38, line 31, delete "pursuant to chapter 297A,"

Page 38, line 35, delete "and for" and insert "consistent with"

Amend the title as follows:

Page 1, line 9, delete "chapters 240A; and" and insert "chapter"

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

SECOND READING OF SENATE BILLS

S.F. No. 2392 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Morse, Frederickson and Bertram introduced—

S.F. No. 2919: A bill for an act relating to motor fuels; ethanol development and production; tax credits; trunk highway bonding authority; amending Minnesota Statutes 1992, sections 41A.09, subdivisions 2 and 5; and 296.02, subdivision 7; Minnesota Statutes 1993 Supplement, section 41A.09, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

Mr. Kelly introduced—

S.F. No. 2920: A bill for an act relating to legislation; providing for the engrossment, enrollment, and numbering of bills; amending Minnesota Statutes 1992, section 3C.04, subdivision 5.

Referred to the Committee on Rules and Administration.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2882: Messrs. Moe, R.D.; Stumpf and Dille.

H.F. No. 2710: Messrs. Riveness, Metzen and Terwilliger.

S.F. No. 2913: Messrs. Merriam, Cohen, Morse, Kroening and Frederickson.

H.F. No. 2189: Messrs. Pogemiller, Janezich, Mses. Pappas, Krentz and Robertson.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Mr. Beckman was excused from the Session of today. Ms. Pappas was excused from the Session of today from 10:00 to 10:30 a.m. Ms. Johnson, J.B. was excused from the Session of today from 10:20 to 10:30 a.m. Ms. Olson was excused from the Session of today from 10:20 a.m. to 1:45 p.m. Mr. Stevens was excused from the Session of today at 12:00 noon. Ms. Krentz was excused from the Session of today at 1:45 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Tuesday, April 19, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate