

NINETY-FIFTH DAY

St. Paul, Minnesota, Thursday, April 21, 1994

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

CALL OF THE SENATE

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

Prayer was offered by Senator Pat Piper.

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	Moë, 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.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 18, 1994

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 2262.

Warmest regards,
Arne H. Carlson, Governor

2553	456	3:08 p.m. April 18	April 18
1844	457	3:09 p.m. April 18	April 18
2657	458	3:10 p.m. April 18	April 18
1927	459	3:12 p.m. April 18	April 18
1936	460	3:14 p.m. April 18	April 18
2139	461	3:14 p.m. April 18	April 18
2856	462	3:16 p.m. April 18	April 18
985	463	3:17 p.m. April 18	April 18
2321	464	3:20 p.m. April 18	April 18

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 Files, herewith returned: S.F. Nos. 1903 and 2329.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 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. 2104: A bill for an act relating to children; establishing an abused child program under the commissioner of corrections; creating an advisory committee; specifying powers and duties of the commissioner and the advisory committee; proposing coding for new law in Minnesota Statutes, chapter 241.

Senate File No. 2104 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1994

Ms. Runbeck moved that the Senate do not concur in the amendments by the House to S.F. No. 2104, 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 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. 2210: A bill for an act relating to health; Ramsey Health Care, Inc.;

authorizing the public corporation to incorporate as a nonprofit corporation; terminating its status as a public corporation; providing for the care of the indigent of Ramsey county and other counties; providing for certain of its powers and duties; repealing Minnesota Statutes 1992, sections 246A.01; 246A.02; 246A.03; 246A.04; 246A.05; 246A.06; 246A.07; 246A.08; 246A.09; 246A.10; 246A.11; 246A.12; 246A.13; 246A.14; 246A.15; 246A.16; 246A.17; 246A.18; 246A.19; 246A.20; 246A.21; 246A.22; 246A.23; 246A.24; 246A.25; 246A.26; and 246A.27.

Senate File No. 2210 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1994

Mr. Moe, R.D. moved that S.F. No. 2210 be laid on the table. 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. 3079, 1316, 2436, 3211 and 392.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 3079: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to make subgrants of certain money; amending Minnesota Statutes 1992, section 84.085, subdivision 1; repealing Minnesota Statutes 1992, section 88.063.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2757.

H.F. No. 1316: A bill for an act relating to occupations and professions; establishing a board of nutrition and dietetics practice; requiring nutritionists and dietitians to be licensed; establishing licensing requirements and exemptions; authorizing rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148.

Referred to the Committee on Finance.

H.F. No. 2436: A bill for an act relating to youth and young adult corps; authorizing insurance and education awards to members; amending Minnesota Statutes 1992, section 84.0887, by adding subdivisions.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 3211: A bill for an act relating to claims against the state;

providing for payment of various claims; imposing a fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2910.

H.F. No. 392: A bill for an act relating to public safety; requiring installation of automatic sprinkler systems in certain existing high-rise buildings; proposing coding for new law in Minnesota Statutes, chapter 299F.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 374, now on General Orders.

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 referred

H.F. No. 1985: A bill for an act relating to partnerships; providing for the registration and operation of limited liability partnerships; appropriating money; amending Minnesota Statutes 1992, sections 319A.02, subdivision 5; 319A.05; 319A.06, subdivision 2; 319A.07; 319A.12, subdivisions 1, 1a, and 2; 323.02, subdivision 8, and by adding a subdivision; 323.06; 323.14; 323.17; 323.35; and 323.39; Minnesota Statutes 1993 Supplement, section 319A.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 323.

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

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

H.F. No. 2028 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.
2028	2079				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2028 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2028 and insert the language after the enacting clause of S.F. No. 2079, the second engrossment; further, delete the title of H.F. No. 2028 and insert the title of S.F. No. 2079, the second engrossment.

And when so amended H.F. No. 2028 will be identical to S.F. No. 2079, and further recommends that H.F. No. 2028 be given its second reading and substituted for S.F. No. 2079, 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. 2054 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2054	1858				

and that the above Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 1985, 2028 and 2054 were read the second time.

MOTIONS AND RESOLUTIONS

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1867 a Special Order to be heard immediately.

SPECIAL ORDER

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

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 49 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kelly	Metzen	Rivenness
Anderson	Dille	Kiscaden	Moe, R.D.	Runbeck
Belanger	Finn	Krentz	Morse	Sams
Benson, D.D.	Flynn	Kroening	Murphy	Samuelson
Berg	Frederickson	Laidig	Neuville	Spear
Berglin	Hanson	Larson	Oliver	Stevens
Bertram	Hottinger	Lessard	Pappas	Stumpf
Betzold	Janezich	Luther	Piper	Vickerman
Chandler	Johnson, D.E.	Marty	Price	Wiener
Chmielewski	Johnson, J.B.	McGowan	Ranum	

Those who voted in the negative were:

Benson, J.E.	Knutson	Lesewski	Robertson	Terwilliger
Johnston				

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2042 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2042: A bill for an act relating to lawful gambling; authorizing class D licensees to transmit and receive telecasts of horse races; amending Minnesota Statutes 1992, section 240.13, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 38 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Flynn	Krentz	Moe, R.D.	Samuelson
Belanger	Frederickson	Kroening	Morse	Spear
Benson, D.D.	Hanson	Laidig	Murphy	Stevens
Berg	Hottinger	Langseth	Oliver	Stumpf
Bertram	Janezich	Lesewski	Piper	Terwilliger
Cohen	Johnson, D.E.	Lessard	Price	Wiener
Day	Johnson, D.J.	McGowan	Riveness	
Dille	Kelly	Metzen	Robertson	

Those who voted in the negative were:

Anderson	Chandler	Johnston	Luther	Reichgott Junge
Benson, J.E.	Chmielewski	Kiscaden	Marty	Runbeck
Berglin	Finn	Knutson	Neuville	Sams
Betzold	Johnson, J.B.	Larson	Pappas	Vickerman

So the bill passed and its title was agreed to.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until immediately after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appropriate time.

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.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommen-

dation and report of the Conference Committee on House File No. 2882, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2882 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1994

CONFERENCE COMMITTEE REPORT ON 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.

April 19, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 2882, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from the Krentz amendment and that the House concur in the Moe amendment.

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Edgar Olson, Bernard L. "Bernie" Lieder, Jim Tunheim

Senate Conferees: (Signed) Roger D. Moe, LeRoy A. Stumpf, Steve Dille

Mr. Moe, R.D. moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2882 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2882 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS – CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 3136 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 3136: A bill for an act relating to attorneys-at-law; prohibiting fees for public bond counsel from being based primarily on the amount of bonds sold; proposing coding for new law in Minnesota Statutes, chapter 481.

Ms. Kiscaden moved to amend H.F. No. 3136, as amended pursuant to Rule 49, adopted by the Senate April 20, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2291.)

Page 1, after line 20, insert:

“Sec. 2. [STUDY; REPORT.]

The state auditor shall conduct a two-year study of the effect of section 1, including an evaluation of the costs and quality of services provided. The study shall include calendar years 1995 and 1996 and compare the results to calendar years 1992 and 1993. The state auditor shall report the results of the study to the legislature by November 1, 1997.”

The motion prevailed. So the amendment was adopted.

H.F. No. 3136 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2013 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2013: A bill for an act relating to public employment; correcting

unintended omissions from previous early retirement legislation; ratifying certain prior payments.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2143 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2143: A bill for an act relating to telecommunications; regulating competitive telephone services and incentive plans; extending expiration dates and making technical changes for certain regulatory provisions; amending Minnesota Statutes 1992, sections 237.161, by adding a subdivision; 237.57, subdivision 4; 237.58, subdivision 1; 237.59, subdivisions 1, 2, 3, 5, and by adding a subdivision; 237.60, subdivision 2; 237.62, subdivision 1; and 237.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Rules, parts 7815.0700; 7815.0800; 7815.0900; 7815.1000; 7815.1100; 7815.1200; 7815.1300; 7815.1400; and 7815.1500; Laws 1987, chapter 340, section 26; Laws 1989, chapter 74, sections 25 and 27; Laws 1990, chapter 513, section 3; and Laws 1993, chapter 41, section 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1996 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1996: A bill for an act relating to employment; modifying the definition of employer for personnel records review purposes; amending Minnesota Statutes 1992, sections 181.960, subdivision 1; and 181.961, by adding a subdivision.

Mr. Janezich moved to amend S.F. No. 1996 as follows:

Page 1, after line 16, insert:

"Sec. 3. Minnesota Statutes 1992, section 383C.035, is amended to read:
383C.035 [UNCLASSIFIED CIVIL SERVICE.]

The officers and employees of such county and of any agency, board, or commission, supported in whole or in part by taxation upon the taxable property of such county or appointed by the judges of the district or probate court for such county, are hereby divided into the unclassified and classified service. The unclassified service shall comprise:

(a) All officers elected by popular vote or persons appointed to fill vacancies in such offices.

(b) Judges and receivers, referees, arbiters, court reporters, jurors, notaries public, and persons appointed by a court to make or conduct any special inquiry of a judicial and temporary character.

(c) Superintendent or principal administrative officer or comptroller of any separate department of county government which is now or hereafter created pursuant to law, who is directly responsible to the board of county commissioners or any other board or commission, as well as the county agricultural agents and the home demonstration agents under the control of the county extension committee.

(d) Members of nonpaid board, or commissioners appointed by the board of county commissioners or acting in an advisory capacity.

(e) Assistant county attorneys or special investigators in the employ of the county attorney. *For purposes of this section, special investigators are defined as all nonclerical positions in the employ of the county attorney.*

(f) All common labor temporarily employed on an hourly basis.

(g) All inmate or patient help in county institutions.

(h) All physicians, dentists, registered nurses and medical laboratory technicians working under the direction of a licensed physician or dentist in any hospital or sanitarium operated by a commission or board of such county.

(i) Not more than a total of nine clerks serving the county board and administrator.

(j) A legislative lobbyist/grant coordinator appointed by the county board to act as legislative liaison with the St. Louis county legislative delegation and

pursue legislative concerns and grant opportunities for the county, and the clerk for that position.

(k) The county recorder.

(l) Any department head designated by the county board.

(m) Two administrative assistants in the county administrator's office.

The classified service shall include all other positions now existing and hereinafter created in the service of the county or any board or commission, agency, or offices of such county."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1996 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 309 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 309: A bill for an act relating to St. Paul; authorizing the city to require employees to reside in the city.

CALL OF THE SENATE

Mr. Kelly imposed a call of the Senate for the balance of the proceedings on S.F. No. 309. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 309 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 39 and nays 25, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Murphy	Samuelson
Anderson	Finn	Langseth	Oliver	Solon
Belanger	Flynn	Larson	Pappas	Spear
Berg	Hanson	Lessard	Piper	Stumpf
Bertram	Janezich	Merriam	Pogemiller	Terwilliger
Betzold	Johnson, D.E.	Metzen	Ranum	Vickerman
Chmielewski	Johnson, D.J.	Moe, R.D.	Runbeck	Wiener
Cohen	Kelly	Morse	Sams	

Those who voted in the negative were:

Benson, D.D.	Frederickson	Knutson	Marty	Price
Benson, J.E.	Hottinger	Krentz	McGowan	Reichgott Junge
Berglin	Johnson, J.B.	Laidig	Neuville	Riveness
Chandler	Johnston	Lesewski	Novak	Robertson
Day	Kiscaden	Luther	Olson	Stevens

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1986 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1986: A bill for an act relating to wetlands; changing provisions relating to compensation required when a wetland replacement plan is not approved; amending Minnesota Statutes 1992, section 103G.237, subdivision 4.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2680 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2680: A bill for an act relating to charitable organizations; changing definitions; modifying registration requirements; amending Minnesota Statutes 1993 Supplement, section 309.501, subdivisions 1 and 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2129 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2129: A bill for an act relating to adoption; regulating certain advertising and payments in connection with adoption; regulating agencies; providing for direct adoptive placement; providing for the enforceability of postadoption contact agreements; providing penalties; amending Minnesota Statutes 1992, sections 144.227, subdivision 1, and by adding a subdivision; 245A.03, subdivision 1; 245A.04, by adding a subdivision; 245A.07, by adding a subdivision; 259.21, by adding subdivisions; 259.22, subdivisions 1, 2, and by adding a subdivision; 259.27, by adding a subdivision; 259.31; and 317A.907, subdivision 6; Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 259.

Ms. Piper moved to amend S.F. No. 2129 as follows:

Page 8, line 7, delete "a" and insert "*the motion and*"

Page 10, line 17, delete "5" and insert "6"

Page 12, line 28, delete "PREPLACEMENT" and insert "ADOPTION"

Page 12, line 29, delete "*a preplacement*" and insert "*an adoption*"

Page 18, line 34, delete "*postadoption*" and insert "*post-adoption*"

Page 19, line 19, delete the second "*in*" and insert "*on*."

The motion prevailed. So the amendment was adopted.

Ms. Piper then moved to amend S.F. No. 2129 as follows:

Page 7, line 22, strike "or"

Page 7, line 23, reinstate the stricken "the court waives the requirement of" and after the stricken "placement" insert "*this subdivision*" and reinstate the stricken "in the"

Page 7, line 24, reinstate the stricken language and before "the" insert "*provided that the adoption does not involve a placement as defined in section 259.21, subdivision 8; or*

(f)"

Page 8, line 36, delete "probability" and insert "likelihood"

Page 9, line 12, after "child" insert "*The estimates must include a statement that the agency cannot guarantee placement of a child or a time by which a child will be placed*"

Page 9, line 31, delete "A civil" and insert "An"

Page 9, line 36, after "2" insert "*, clause (4)*"

Page 11, line 28, before the period, insert "*, if known after reasonable inquiry*"

Page 14, line 16, delete "that would"

Page 14, line 17, delete everything before the period

The motion prevailed. So the amendment was adopted.

S.F. No. 2129 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 56 and nays 3, as follows:

Those who voted in the affirmative were:

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

Mr. Chmielewski, Ms. Johnston and Olson voted in the negative.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1919 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1919: A bill for an act relating to manufactured homes; clarifying certain language governing application fees with in park sales; requiring a study; amending Minnesota Statutes 1992, section 327C.07, subdivisions 1, 2, 3, and 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2640 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2640: A bill for an act relating to health care; amending Minnesota Statutes 1992, sections 252.275, subdivisions 3 and 4; 256.015, subdivisions 2 and 7; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.15, subdivision 1a; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; and 256D.425, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 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; 256.9685, subdivision 1; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 20 and 37; 256B.15, subdivision 2; and 256D.03, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapter 245; repealing Minnesota Statutes 1992, section 252.275, subdivisions 4a and 10.

Mr. Benson, D.D. moved to amend S.F. No. 2640 as follows:

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

"Section 1. Minnesota Statutes 1993 Supplement, section 245.492, subdivision 2, is amended to read:

Subd. 2. [BASE LEVEL FUNDING.] "Base level funding" means funding received from state, federal, or local sources and expended across the local system of care in fiscal year 1993 for children's mental health services ~~or~~, for special education services, *and other services* for children with emotional or behavioral disturbances *and their families*.

In subsequent years, base level funding may be adjusted to reflect decreases in the numbers of children in the target population.

Sec. 2. Minnesota Statutes 1993 Supplement, section 245.492, subdivision 6, is amended to read:

Subd. 6. [~~INITIAL~~ OPERATIONAL TARGET POPULATION.] "~~Initial~~ Operational target population" means a population of children that the local

children's mental health collaborative agrees to serve in the start-up phase and who ~~meet~~ fall within the criteria for the target population. The ~~initial~~ operational target population may be less than the target population."

Page 36, line 33, after the comma, insert "subdivision 5,"

The motion prevailed. So the amendment was adopted.

Ms. Berglin moved to amend S.F. No. 2640 as follows:

Page 50, after line 18, insert:

"Sec. 43. [WAIVER REQUEST FOR EMPLOYED DISABLED PERSONS.]

The commissioner shall seek a federal waiver in order to implement a work incentive for disabled persons eligible for medical assistance who are not residents of long-term care facilities. The waiver shall request authorization to establish a medical assistance earned income disregard for employed disabled persons equivalent to the threshold amount applied to persons who qualify under section 1619(b) of the Social Security Act, except that when a disabled person's earned income reaches the maximum income permitted at the threshold under section 1619(b), the person shall retain medical assistance eligibility and must contribute to the costs of medical care on a sliding fee basis. This waiver will not be implemented without further approval from the legislature."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend S.F. No. 2640 as follows:

Page 50, after line 18, insert:

"Sec. 43. [STUDY OF WAYS TO NURTURE THE TWO-PARENT FAMILY.]

The commissioner of human services, in cooperation with other relevant departments and interested persons, shall study ways to promote, protect, and nurture the two-parent family. They shall recommend changes in government and nongovernment programs and Minnesota Statutes that will encourage the preservation of the two-parent family. In addition, they shall make recommendations about repealing existing laws and rules that may encourage the dissolution of the two-parent family. The commissioner shall report their findings to the legislature by January 1, 1996."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Finn questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Ms. Kiscaden moved to amend S.F. No. 2640 as follows:

Page 1, after line 21, insert:

“Section 1. Minnesota Statutes 1992, section 144.0721, is amended by adding a subdivision to read:

Subd. 3. [LEVEL OF CARE CRITERIA; MODIFICATIONS.] The commissioner shall seek approval of appropriate federal waivers to implement this subdivision. The modifications to the level of care criteria in this subdivision shall not be implemented until after the necessary federal waivers have been received and after the commissioner of human services has received approval from the legislature to proceed with implementation of the proposed modifications. Minnesota's level of care criteria for admission of any person to a nursing home licensed under chapter 144A, or a boarding care home licensed under sections 144.50 to 144.56, is modified as follows:

(1) the resident reimbursement classifications and terminology established by rule under sections 256B.41 to 256B.48 are the basis for applying the level of care criteria changes;

(2) an applicant to a nursing home or boarding care home who is dependent in two or fewer case mix activities of daily living, and who is independent in orientation and self-preservation, is classified as a high function class A person and is not eligible for admission to Minnesota nursing facilities;

(3) applicants in clause (2) are eligible for a service allowance under section 256B.0913, subdivision 15, and are not eligible for services under sections 256B.0913, subdivisions 1 to 14, and 256B.0915;

(4) residents of a nursing home or boarding care home who were admitted before July 1, 1995, are not subject to the new level of care criteria unless the resident is discharged home or to another service setting other than a nursing home or boarding care home and applies for admission to a nursing home or boarding care home after June 30, 1995;

(5) the commissioner of health, in cooperation with the commissioner of human services, shall adopt emergency rules for admission exceptions criteria and an appeals process which takes into account extraordinary circumstances, including but not limited to the absence or inaccessibility of suitable alternatives, contravening family circumstances, and protective service issues;

(6) the local screening teams under section 256B.0911 shall make preliminary determinations concerning the existence of extraordinary circumstances and may authorize an admission for a short-term stay at a nursing home or boarding care home in accordance with a treatment and discharge plan for up to 90 days; and

(7) an individual deemed ineligible for admission to Minnesota nursing facilities or for services under sections 256B.0913, subdivisions 1 to 14, and 256B.0915 is entitled to an appeal under section 256.045.”

Page 37, after line 11, insert:

“Sec. 35. Minnesota Statutes 1992, section 256B.0913, is amended by adding a subdivision to read:

Subd. 15. [ALTERNATIVE CARE FUND AVAILABILITY.] Effective after the legislative approval required in section 144.0721, subdivision 3, has been obtained, the commissioner may make alternative care funds available to high

function class A persons as defined in section 144.0721, subdivision 3, clause (2). Clients choosing the service allowance option are not eligible for other alternative care services or options and are exempt from the requirements listed in subdivision 12. Funding available under the service allowance option is exempt from the standards defined in subdivision 5, paragraphs (c) and (f). While individual monthly grants under the service allowance option are permitted to be either greater or less than the amount of \$225 per month based on individual need, the average monthly cost per individual expended by the state must not exceed \$225."

Page 50, after line 18, insert:

"Sec. 45. [ESTABLISHMENT OF TASK FORCES.]

The commissioner of human services shall establish two task forces reporting to the commissioner of human services in collaboration with the commissioner of health. The task forces shall consider the effects of any revisions, amendments, or other changes to the rules, procedures, and financing of the long-term care system on the nonelderly disabled population that is currently served in long-term care facilities and through home- and community-based alternatives to institutional care. The task forces established under this section must complete their work by June 30, 1997.

(a) The long-term care reform task force will:

(1) review the rules, procedures, and financing systems for nursing facilities, long-term care service agencies, and health professionals; and

(2) recommend revisions to any process standards which do not affect desired outcome standards and suggest improved outcome measurements for quality of care.

The task force will include representatives of affected state agencies, long-term care consumers, advocates, and providers and will be jointly staffed by the departments of health and human services. Current statutes which specifically focus on consumer rights and on abuse and neglect prevention and intervention, such as the patient and resident bill of rights and the vulnerable adults act, are excluded from this review.

The task force will collect specific regulatory and reimbursement system change ideas from consumers, providers, and affected state agency staff. It will study and propose immediate legislative changes for fiscal years 1995 and 1996. This task force will also prepare a longer range plan for reform of long-term care services through revisions to rules and laws. The task force will include in its review:

(1) monitor studies of the federal survey process and proposed changes. The task force will propose alternative cost-effective approaches and the appropriate federal waivers that will be sought;

(2) the results to date of the department of health's regulatory reform effort, which has as a goal the repeal of nonessential parts of the nonreimbursement-related state rules for nursing home operation; and

(3) comparisons of the results of reimbursement and care-related rules with their intended effects in order to determine those areas where more cost-effective methods should be pursued.

Suggested strategies to be evaluated by the task force are included in the recommendations proposed by the long-term care commission report to the governor dated March 1994.

This task force shall also design a demonstration project to develop new models of nursing facility care. Researchers and ombudsmen will help design and develop the implementation process for the demonstration project. Evaluation of the demonstration project will be accomplished in collaboration with educational institutions. If necessary, a federal demonstration project waiver under United States Code, title 42, section 1315(a), will be sought to waive certain rules and regulations.

This demonstration will allow facilities to develop new models of care that will serve the residents of Minnesota's nursing homes in an improved and more cost-effective manner and will reexamine and restructure reimbursement rules and health department rules to fit successful new models. Most of the present system of rules and regulations will be open to reevaluation, including the present reimbursement and case mix rules, federal certification regulations, and state licensing rules, but excluding current statutes which specifically focus on consumer rights and on abuse and neglect prevention and intervention, such as the patient and resident bill of rights and the vulnerable adults act.

The demonstration design will ensure that residents of these facilities will continue to receive appropriate care in a dignified manner and that their rights will be fully protected. Residents and their advocates will help create other mechanisms to protect and provide for the safety of the residents.

(b) An administrative reform task force will be formed to develop a consolidation strategy for state and local agencies involved in the delivery of long-term care services. The task force will develop strategies to improve coordination of services for consumers, offer more consistent and effective direction to providers, and significantly reduce government expenditure in the administration of long-term care programs. This task force must consult with the regulatory reform task force to maximize coordination. The task force will be composed of consumers, affected state agencies, providers, counties, and area agencies on aging."

Renumber the sections 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. 2640. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

Ms. Berglin moved that those not voting be excused from voting. The motion prevailed.

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

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Neuville	Robertson
Belanger	Frederickson	Laidig	Oliver	Runbeck
Benson, D.D.	Johnson, D.E.	Larson	Olson	Stevens
Berg	Johnston	Lessard	Pappas	Terwilliger
Day	Kiscaden	McGowan	Pariseau	

Those who voted in the negative were:

Anderson	Flynn	Kroening	Morse	Riveness
Berglin	Hanson	Langseth	Murphy	Sams
Bertram	Hottinger	Lesewski	Novak	Samuelson
Betzold	Janezich	Luther	Piper	Solon
Chandler	Johnson, D.J.	Merriam	Pogemiller	Spear
Chmielewski	Johnson, J.B.	Metzen	Price	Stumpf
Cohen	Kelly	Moe, R.D.	Ranum	Vickerman
Finn	Krentz	Mondale	Reichgott Junge	Wiener

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

Mr. Benson, D.D. moved that S.F. No. 2640 be laid on the table. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2624 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2624: 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; modifying duties of the commissioner of employee relations; 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.10, subdivision 3; 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.

Mr. Luther moved to amend H.F. No. 2624, as amended pursuant to Rule 49, adopted by the Senate April 19, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2358.)

Page 9, line 1, before the period, insert "*included in section 15A.081*"

Page 9, line 23, delete "*salaries*" and insert "*salary ranges*"

Page 9, line 25, before the period, insert "*if enacted into law*"

Page 9, line 28, delete "*salary*" and insert "*range of the salaries*"

Page 21, line 19, before the period, insert "*, if enacted into law*" and before "*The*" insert "*If approved under Minnesota Statutes, section 15A.082, subdivision 3,*"

The motion prevailed. So the amendment was adopted.

Mr. Price moved to amend H.F. No. 2624, as amended pursuant to Rule 49, adopted by the Senate April 19, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2358.)

Page 18, after line 22, insert:

“Sec. 17. Minnesota Statutes 1993 Supplement, section 179A.04, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES.] The commissioner shall:

(a) provide mediation services as requested by the parties until the parties reach agreement. The commissioner may continue to assist parties after they have submitted their final positions for interest arbitration;

(b) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(c) maintain a list of arbitrators for referral to employers and exclusive representatives for the resolution of grievance or interest disputes;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner;

(e) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(f) adopt rules relating to the administration of this chapter; and the conduct of hearings and elections;

(g) receive, catalogue, and file all decisions of arbitrators and panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the commissioner's orders and decisions. All decisions catalogued and filed shall be readily available to the public;

(h) adopt, subject to chapter 14, a grievance procedure to fulfill the purposes of section 179A.20, subdivision 4. The grievance procedure shall not provide for the services of the bureau of mediation services. The grievance procedure shall be available to any employee in a unit not covered by a contractual grievance procedure;

(i) conduct elections;

(j) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2;

(k) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges;

(l) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers, at the discretion of the commissioner;

(m) provide to the parties a list of arbitrators as required by section 179A.16, subdivision 4;

(n) adopt, subject to chapter 14, uniform baseline determination documents and uniform collective bargaining agreement settlement documents applicable to all negotiations between exclusive representatives of appropriate units of public employees and public employers other than townships and prescribe procedures and instructions for completion of the documents. The commissioner must, at a minimum, include these individual elements in the uniform baseline determination document: the costs of any increases to the wage

schedule; the costs of employees moving through the wage schedule; costs of medical insurance; costs of dental insurance; costs of life insurance; lump sum payments; shift differentials; extracurricular activities; longevity; *employer contributions to social security; employer contributions to state or local retirement plans*; and contributions to a deferred compensation account. The calculation of the base year must be based on an annualization of the costs provided in the base year contract. A completed uniform collective bargaining agreement settlement document must be presented to the public employer at the time it ratifies a collective bargaining agreement and must be available afterward for inspection during normal business hours at the principal administrative offices of the public employer; and

(o) from the names provided by representative organizations, maintain a list of arbitrators to conduct teacher discharge or termination hearings according to section 125.12 or 125.17. The persons on the list shall meet at least one of the following requirements:

- (1) be a former or retired judge;
- (2) be a qualified arbitrator on the list maintained by the bureau;
- (3) be a present, former, or retired administrative law judge; or
- (4) be a neutral individual who is learned in the law and admitted to practice in Minnesota, who is qualified by experience to conduct these hearings, and who is without bias to either party.

Each year, the Minnesota education association shall provide a list of seven names, the Minnesota federation of teachers a list of seven names, and the Minnesota school boards association a list of 14 names of persons to be on the list. The commissioner may adopt rules about maintaining and updating the list."

Page 21, line 31, after the period, insert "*The commissioner must add two elements to the form: employer contributions to social security, and employer contributions to state or local employee retirement plans.*"

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Kelly moved to amend H.F. No. 2624, as amended pursuant to Rule 49, adopted by the Senate April 19, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2358.)

Page 22, delete lines 13 to 18 and insert:

"The legislative commission on employee relations shall study the use of arbitration to resolve impasses in contract negotiations between public employers and exclusive representatives of public employees. The report must be submitted to the legislature by January 15, 1995. The report must examine, at a minimum: differences in costs between arbitrated awards and negotiated settlements; the process by which arbitrators are selected; other forms of interest arbitration; and alternatives to the use of arbitration."

The motion prevailed. So the amendment was adopted.

H.F. No. 2624 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1921 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1921: A bill for an act relating to retirement; increasing employee contribution rates and benefit computation formulas for the teachers retirement fund; amending Minnesota Statutes 1992, sections 354.42, subdivision 2; and 354.44, subdivision 6.

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 48 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kelly	McGowan	Ranum
Anderson	Finn	Knutson	Metzen	Reichgott Junge
Belanger	Flynn	Krentz	Mondale	Riveness
Benson, D.D.	Frederickson	Kroening	Morse	Sams
Berglin	Hanson	Laidig	Murphy	Solon
Bertram	Hottinger	Langseth	Novak	Spear
Betzold	Janezich	Lesewski	Olson	Stumpf
Chandler	Johnson, D.E.	Lessard	Pappas	Terwilliger
Cohen	Johnson, J.B.	Luther	Piper	
Day	Johnston	Marty	Price	

Those who voted in the negative were:

Benson, J.E.	Larson	Oliver	Runbeck	Vickerman
Berg	Merriam	Pariseau	Samuelson	Wiener
Kiscaden	Neuville	Robertson	Stevens	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Benson, D.D. moved that S.F. No. 2640 be taken from the table. The motion prevailed.

S.F. No. 2640: A bill for an act relating to health care; amending Minnesota Statutes 1992, sections 252.275, subdivisions 3 and 4; 256.015, subdivisions 2 and 7; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.15, subdivision 1a; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; and 256D.425, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 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; 256.9685, subdivision 1; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 20 and 37; 256B.15, subdivision 2; and 256D.03, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapter 245; repealing Minnesota Statutes 1992, section 252.275, subdivisions 4a and 10.

Mr. Sams moved to amend S.F. No. 2640 as follows:

Delete everything after the enacting clause and insert:

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

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

Sec. 2. [461.17] [TRAINING.]

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

Sec. 3. [EFFECT ON LOCAL ORDINANCE.]

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

Delete the title and insert:

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

Ms. Wiener moved to amend the Sams amendment to S.F. No. 2640 as follows:

Page 1, delete section 2

Renumber the sections in sequence and correct the internal references

Amend the title amendment accordingly

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

Ms. Anderson moved to amend the Sams amendment to S.F. No. 2640 as follows:

Page 1, line 9, delete from "A" through page 1, line 12, to "parent."

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

The question recurred on the Sams amendment. The motion prevailed. So the amendment was adopted.

Mr. Sams moved to amend S.F. No. 2640 as follows:

Page 39, after line 7, insert:

"Sec. 36. Minnesota Statutes 1993 Supplement, section 256B.431, subdivision 15, is amended to read:

Subd. 15. [CAPITAL REPAIR AND REPLACEMENT COST REPORTING AND RATE CALCULATION.] For rate years beginning after June 30, 1993, a nursing facility's capital repair and replacement payment rate shall be established annually as provided in paragraphs (a) to ~~(d)~~ (e).

(a) Notwithstanding Minnesota Rules, part 9549.0060, subpart 12, the costs of ~~acquiring~~ any of the following items *not included in the equity incentive computations under subdivision 16 or reported as a capital asset addition under subdivision 18, paragraph (b)*, including cash payment for equity investment and principal and interest expense for debt financing, ~~shall must~~ be reported in the capital repair and replacement cost category ~~when the cost of the item exceeds \$500:~~

- (1) wall coverings;
- (2) paint;
- (3) floor coverings;
- (4) window coverings;
- (5) roof repair; *and*
- (6) ~~heating or cooling system repair or replacement;~~
- ~~(7) window repair or replacement;~~

(8) ~~initiatives designed to reduce energy usage by the facility if accompanied by an energy audit prepared by a professional engineer or architect registered in Minnesota, or by an auditor certified under Minnesota Rules, part 7635.0130, to do energy audits and the energy audit identifies the initiative as a conservation measure; and~~

~~(9) repair or replacement of capital assets not included in the equity incentive computations under subdivision 16.~~

(b) Notwithstanding Minnesota Rules, part 9549.0060, subpart 12, the repair or replacement of a capital asset not included in the equity incentive computations under subdivision 16 or reported as a capital asset addition under subdivision 18, paragraph (b), must be reported in the capital repair and replacement cost category under this subdivision when the cost of the item exceeds \$500, and in the plant operations and maintenance cost category under subdivision 3c when the cost of the item is equal to or less than \$500.

(c) To compute the capital repair and replacement payment rate, the allowable annual repair and replacement costs for the reporting year must be divided by actual resident days for the reporting year. The annual allowable capital repair and replacement costs shall not exceed \$150 per licensed bed. The excess of the allowed capital repair and replacement costs over the capital repair and replacement limit shall be a cost carryover to succeeding cost reporting periods, except that sale of a facility, under subdivision 14, shall terminate the carryover of all costs except those incurred in the most recent cost reporting year. The termination of the carryover shall have effect on the capital repair and replacement rate on the same date as provided in subdivision 14, paragraph (f), for the sale. For rate years beginning after June 30, 1994, the capital repair and replacement limit shall be subject to the index provided in subdivision 3f, paragraph (a). For purposes of this subdivision, the number of licensed beds shall be the number used to calculate the nursing facility's capacity days. The capital repair and replacement rate must be added to the nursing facility's total payment rate.

~~(e)~~ (d) Capital repair and replacement costs under this subdivision shall not be counted as either care-related or other operating costs, nor subject to care-related or other operating limits.

~~(d)~~ (e) If costs otherwise allowable under this subdivision are incurred as the result of a project approved under the moratorium exception process in section 144A.073, or in connection with an addition to or replacement of buildings, attached fixtures, or land improvements for which the total historical cost of these assets exceeds the lesser of \$150,000 or ten percent of the nursing facility's appraised value, these costs must be claimed under subdivision 16 or 17, as appropriate."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 17, after the first semicolon, insert "256B.431, subdivision 15;"

The motion prevailed. So the amendment was adopted.

S.F. No. 2640 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2669 a Special Order to be heard immediately.

SPECIAL ORDER

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

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 54 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson, D.D.	Kiscaden	Larson	Olson	Robertson
Benson, J.E.				

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2707 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2707: A bill for an act relating to the attorney general; changing procedures for charging fees; appropriating money; amending Minnesota Statutes 1992, section 8.06; Minnesota Statutes 1993 Supplement, section 8.15.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 3120 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 3120: A bill for an act relating to military affairs; expediting payment to forces ordered to active duty; amending Minnesota Statutes 1992, section 192.52.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2519 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2519: A bill for an act relating to prostitution; creating a civil cause of action for persons who are coerced into prostitution; proposing coding for new law in Minnesota Statutes, chapter 611A.

Ms. Kiscaden moved to amend H.F. No. 2519, as amended pursuant to Rule 49, adopted by the Senate April 18, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2112.)

Page 2, line 36, after "*individual*" insert "*or an individual's surviving spouse or next of kin, if the individual is deceased,*"

Page 3, after line 11, insert:

"Subd. 2. [WRONGFUL DEATH.] Section 573.02 applies to an action brought on behalf of the surviving spouse or next of kin of an individual who was coerced for use in prostitution. The surviving spouse or next of kin are entitled to the damages under subdivision 3."

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

Page 3, line 27, delete "3" and insert "4"

The motion prevailed. So the amendment was adopted.

Mr. Spear moved to amend H.F. No. 2519, as amended pursuant to Rule 49, adopted by the Senate April 18, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2112.)

Page 1, line 11, delete "*inducement*" and insert "*control*"

Page 1, line 12, delete "*or with the reasonably foreseeable effect*"

Page 1, line 14, delete "*Coercion*" and insert "*Coercion exists if the totality of the circumstances establish the existence of domination, restraint, or control that would have the reasonably foreseeable effect of causing an individual to engage in or remain in prostitution or to relinquish earnings from prostitution. Evidence of coercion*"

Page 2, after line 31, insert:

"Subd. 3. [PROMOTES THE PROSTITUTION OF AN INDIVIDUAL.] 'Promotes the prostitution of an individual' has the meaning given in section 609.321, subdivision 7."

Page 2, line 32, delete "3" and insert "4"

Page 2, line 35, before the period, insert "**OR USE OF A MINOR IN PROSTITUTION**"

Page 2, line 36, before "*An*" insert "*(a)*"

Page 3, after line 11, insert:

"(b) An individual has a cause of action against a person who did the following while the individual was a minor:

(1) solicited or induced the individual to practice prostitution;

(2) promoted the prostitution of the individual;

(3) collected or received the individual's earnings derived from prostitution;
or

(4) hired, offered to hire, or agreed to hire the individual to engage in prostitution.

Mistake as to age is not a defense to an action under this paragraph."

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge moved to amend H.F. No. 2519, as amended pursuant to Rule 49, adopted by the Senate April 18, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2112.)

Page 3, line 6, after "*offered*" insert "*to hire*"

Page 3, line 10, delete "*of the*"

Page 3, line 11, delete "*individual*" and insert "*who may have benefited from or been supported by an individual's earnings derived from prostitution*"

Page 3, line 20, delete "*legal or illegal*" and delete the comma

Page 3, delete line 21

Page 3, line 22, delete everything before the semicolon

Page 4, line 29, delete "*Rule*" and insert "*Rules*"

Page 4, line 30, after "*Evidence*" insert "*, rule*"

Page 6, delete lines 18 to 20

The motion prevailed. So the amendment was adopted.

H.F. No. 2519 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2013 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2013: A bill for an act relating to taxation; motor fuels; providing for the disposition of unrefunded gasoline tax attributable to off-highway motorcycle use; amending Minnesota Statutes 1992, section 296.16, subdivision 1; Minnesota Statutes 1993 Supplement, section 84.794, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Laidig	Neuville	Solon
Anderson	Flynn	Larson	Oliver	Spear
Belanger	Frederickson	Lesewski	Olson	Stevens
Benson, J.E.	Hanson	Lessard	Pappas	Stumpf
Berg	Janezich	Luther	Piper	Terwilliger
Berglin	Johnson, D.E.	Marty	Pogemiller	Vickerman
Bertram	Johnson, J.B.	McGowan	Price	Wiener
Betzold	Kelly	Merriam	Ranum	
Chandler	Kiscaden	Metzen	Reichgott Junge	
Cohen	Krentz	Mondale	Riveness	
Day	Kroening	Morse	Samuelson	

Those who voted in the negative were:

Benson, D.D.	Johnston	Pariseau	Robertson	Runbeck
Finn				

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2839 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2839: A bill for an act relating to retirement; South St. Paul police relief association; clarifying probationary employment for purposes of relief association service credit for certain members.

Mr. Riveness moved to amend H.F. No. 2839 as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1992, section 69.773, subdivision 4, is amended to read:

Subd. 4. [FINANCIAL REQUIREMENTS OF THE SPECIAL FUND.] Prior to August 1 of each year, the officers of the relief association shall determine the financial requirements of the special fund of the relief association in accordance with the requirements of this subdivision. The financial requirements of the relief association shall be based on the most recent actuarial valuation of the special fund prepared in accordance with subdivision 2. If the relief association has an unfunded actuarial accrued liability as reported in the most recent actuarial valuation, the financial requirements shall be determined by adding the figures calculated pursuant to clauses (a), (b), and (c). If the relief association does not have an unfunded actuarial accrued liability as reported in the most recent actuarial valuation, the financial requirements shall be an amount equal to the figure calculated pursuant to clauses (a) and (b), *reduced by an amount equal to one-tenth of the amount of any assets in excess of the actuarial accrued liability of the relief association.* The determination of whether or not the relief association has an unfunded actuarial accrued liability shall be based on the current market value of assets for which a market value is readily ascertainable and the cost or book value, whichever is applicable, for assets for which no market value is readily ascertainable.

(a) The normal level cost requirement for the following year, expressed as a dollar amount, shall be the figure for the normal level cost of the relief association as reported in the actuarial valuation.

(b) The amount of anticipated future administrative expenses of the special fund shall be calculated by multiplying the dollar amount of the administrative expenses of the special fund for the most recent year by the factor of 1.035.

(c) The amortization contribution requirement to retire the current unfunded actuarial accrued liability by the established date for full funding shall be the figure for the amortization contribution as reported in the actuarial valuation. If there has not been a change in the actuarial assumptions used for calculating the actuarial accrued liability of the special fund, a change in the bylaws of the relief association governing the service pensions, retirement benefits, or both payable from the special fund or a change in the actuarial cost method used to value all or a portion of the special fund which change or changes, which by themselves without inclusion of any other items of increase or decrease, produce a net increase in the unfunded actuarial accrued liability of the special fund since December 31, 1970, the established date for full funding shall be December 31, 1990. If there has been a change in the actuarial assumptions used for calculating the actuarial accrued liability of the special fund, a change in the bylaws of the relief association governing the service pensions, retirement benefits, or both payable from the special fund or a change in the actuarial cost method used to value all or a portion of the special fund and the change or changes, by themselves and without inclusion of any other items of increase or decrease, produce a net increase in the unfunded actuarial accrued liability of the special fund since December 31, 1970, but prior to January 1, 1979, the established date for full funding shall be December 31, 1998, and if there has been a change since December 31, 1978, the established date for full funding shall be determined using the following procedure:

(i) the unfunded actuarial accrued liability of the special fund shall be determined in accordance with the provisions governing service pensions, retirement benefits, and actuarial assumptions in effect before an applicable change;

(ii) the level annual dollar contribution needed to amortize this unfunded actuarial accrued liability amount by the date for full funding in effect prior to the change shall be calculated using the interest assumption specified in section 356.215, subdivision 4d, in effect before any applicable change;

(iii) the unfunded actuarial accrued liability of the special fund shall be determined in accordance with any new provisions governing service pensions, retirement benefits, and actuarial assumptions and the remaining provisions governing service pensions, retirement benefits, and actuarial assumptions in effect before an applicable change;

(iv) the level annual dollar contribution needed to amortize the difference between the unfunded actuarial accrued liability amount calculated pursuant to subclause (i) and the unfunded actuarial accrued liability amount calculated pursuant to subclause (iii) over a period of 20 years starting December 31 of the year in which the change is effective shall be calculated using the interest assumption specified in section 356.215, subdivision 4d, in effect after any applicable change;

(v) the annual amortization contribution calculated pursuant to subclause

(iv) shall be added to the annual amortization contribution calculated pursuant to subclause (ii);

(vi) the period in which the unfunded actuarial accrued liability amount determined in subclause (iii) will be amortized by the total annual amortization contribution computed pursuant to subclause (v) shall be calculated using the interest assumption specified in section 356.215, subdivision 4d, in effect after any applicable change, rounded to the nearest integral number of years, but which shall not exceed a period of 20 years from the end of the year in which the determination of the date for full funding using this procedure is made and which shall not be less than the period of years beginning in the year in which the determination of the date for full funding using this procedure is made and ending by the date for full funding in effect before the change.

(vii) the period determined pursuant to subclause (vi) shall be added to the date as of which the actuarial valuation was prepared and the resulting date shall be the new date for full funding.

Sec. 2. [BLOOMINGTON FIRE RELIEF ASSOCIATION.]

Notwithstanding requirements of Minnesota Statutes, section 69.77, subdivision 2b, to the contrary, for a volunteer fire relief association described by Minnesota Statutes, section 69.77, subdivision 1a, clause (4), if the actuarial value of the assets of the relief association exceed the actuarial accrued liability as reported in the most recent actuarial valuation or survey, the financial requirements of the relief association for the following calendar year is the total of the amounts calculated under Minnesota Statutes, section 69.77, subdivision 2b, clauses (a) and (b), reduced by one-tenth of the amount by which the actuarial value of assets exceeds the actuarial accrued liability."

Page 2, delete section 2 and insert:

"Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment. Section 2 is effective upon approval of the Bloomington city council and upon compliance with Minnesota Statutes, section 645.021. Section 3 is effective upon approval by the South St. Paul city council and compliance with Minnesota Statutes, section 645.021."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to retirement; changing employer contribution rates for the volunteer fire relief associations paying monthly pensions; changing employer contribution rates for the Bloomington fire relief association; clarifying probationary employment for South St. Paul police relief association; amending Minnesota Statutes 1992, section 69.773, subdivision 4."

The motion prevailed. So the amendment was adopted.

H.F. No. 2839 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 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Runbeck voted in the negative.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2551 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2551: A bill for an act relating to retirement; enabling certain retired members of the public employees retirement association to rescind a selection of a joint and survivor annuity and to receive a normal retirement annuity.

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 47 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Morse	Samuelson
Anderson	Finn	Laidig	Oliver	Solon
Belanger	Flynn	Langseth	Pappas	Spear
Berg	Hanson	Larson	Pariseau	Stumpf
Berglin	Hottinger	Lessard	Piper	Terwilliger
Bertram	Janezich	Luther	Pogemiller	Vickerman
Betzold	Johnson, D.E.	Marty	Price	Wiener
Chandler	Johnson, D.J.	McGowan	Ranum	
Cohen	Johnston	Metzen	Riveness	
Day	Krentz	Mondale	Sams	

Those who voted in the negative were:

Benson, D.D.	Kiscaden	Merriam	Olson	Runbeck
Johnston	Lesewski	Neuville	Robertson	Stevens

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2478 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2478: A bill for an act relating to retirement; first class city teachers; defining salary; authorizing purchase of service credit for parental or maternity leave; resumption of teaching by basic program retirees; authorizing

certain bylaw amendments by the Minneapolis and St. Paul teachers retirement fund associations; amending Minnesota Statutes 1992, sections 354A.011, subdivision 24; 354A.095; and 354A.31, subdivision 3.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

RECONSIDERATION

Mr. Benson, D.D. moved that the vote whereby S.F. No. 2640 was passed by the Senate on April 21, 1994, be now reconsidered. The motion prevailed. So the vote was reconsidered.

S.F. No. 2640: A bill for an act relating to health care; amending Minnesota Statutes 1992, sections 252.275, subdivisions 3 and 4; 256.015, subdivisions 2 and 7; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.15, subdivision 1a; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; and 256D.425, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 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; 256.9685, subdivision 1; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 20 and 37; 256B.15, subdivision 2; and 256D.03, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapter 245; repealing Minnesota Statutes 1992, section 252.275, subdivisions 4a and 10.

RECONSIDERATION

Having voted on the prevailing side, Mr. Benson, D.D. moved that the vote whereby the second Sams amendment to S.F. No. 2640 was adopted on April 21, 1994, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Mr. Sams withdrew his amendment.

RECONSIDERATION

Having voted on the prevailing side, Mr. Benson, D.D. moved that the vote

whereby the first Sams amendment to S.F. No. 2640 was adopted on April 21, 1994, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Mr. Sams withdrew his amendment.

Mr. Sams then moved to amend S.F. No. 2640 as follows:

Page 50, after line 18, insert:

“Sec. 43. [461.16] [INSPECTIONS; REPORTS.]

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

Sec. 44. [461.17] [TRAINING.]

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

Sec. 45. [EFFECT ON LOCAL ORDINANCE.]

Sections 43 and 44 do not preempt a local ordinance which provides for more restrictive regulation of retail tobacco sales.”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Sams then moved to amend S.F. No. 2640 as follows:

Page 39, after line 7, insert:

“Sec. 36. Minnesota Statutes 1993 Supplement, section 256B.431, subdivision 15, is amended to read:

Subd. 15. [CAPITAL REPAIR AND REPLACEMENT COST REPORTING AND RATE CALCULATION.] For rate years beginning after June 30, 1993, a nursing facility's capital repair and replacement payment rate shall be established annually as provided in paragraphs (a) to ~~(d)~~ (e).

(a) Notwithstanding Minnesota Rules, part 9549.0060, subpart 12, the costs of ~~acquiring~~ any of the following items *not included in the equity incentive computations under subdivision 16 or reported as a capital asset addition under subdivision 18, paragraph (b)*, including cash payment for equity investment and principal and interest expense for debt financing, ~~shall must~~ be reported in the capital repair and replacement cost category ~~when the cost of the item exceeds \$500~~:

- (1) wall coverings;
- (2) paint;
- (3) floor coverings;
- (4) window coverings;
- (5) roof repair; and
- (6) heating or cooling system repair or replacement;
- (7) window repair or replacement;

(8) initiatives designed to reduce energy usage by the facility if accompanied by an energy audit prepared by a professional engineer or architect registered in Minnesota, or by an auditor certified under Minnesota Rules, part 7635.0130, to do energy audits and the energy audit identifies the initiative as a conservation measure; and

(9) repair or replacement of capital assets not included in the equity incentive computations under subdivision 16.

(b) Notwithstanding Minnesota Rules, part 9549.0060, subpart 12, the repair or replacement of a capital asset not included in the equity incentive computations under subdivision 16 or reported as a capital asset addition under subdivision 18, paragraph (b), must be reported in the capital repair and replacement cost category under this subdivision when the cost of the item exceeds \$500, and in the plant operations and maintenance cost category under subdivision 3c when the cost of the item is equal to or less than \$500.

(c) To compute the capital repair and replacement payment rate, the allowable annual repair and replacement costs for the reporting year must be divided by actual resident days for the reporting year. The annual allowable capital repair and replacement costs shall not exceed \$150 per licensed bed. The excess of the allowed capital repair and replacement costs over the capital repair and replacement limit shall be a cost carryover to succeeding cost reporting periods, except that sale of a facility, under subdivision 14, shall terminate the carryover of all costs except those incurred in the most recent cost reporting year. The termination of the carryover shall have effect on the capital repair and replacement rate on the same date as provided in subdivision 14, paragraph (f), for the sale. For rate years beginning after June 30, 1994, the capital repair and replacement limit shall be subject to the index provided in subdivision 3f, paragraph (a). For purposes of this subdivision, the number of licensed beds shall be the number used to calculate the nursing facility's capacity days. The capital repair and replacement rate must be added to the nursing facility's total payment rate.

(e) (d) Capital repair and replacement costs under this subdivision shall not be counted as either care-related or other operating costs, nor subject to care-related or other operating limits.

(d) (e) If costs otherwise allowable under this subdivision are incurred as the result of a project approved under the moratorium exception process in section 144A.073, or in connection with an addition to or replacement of buildings, attached fixtures, or land improvements for which the total historical cost of these assets exceeds the lesser of \$150,000 or ten percent of the nursing facility's appraised value, these costs must be claimed under subdivision 16 or 17, as appropriate."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 17, after the first semicolon, insert "256B.431, subdivision 15;"

The motion prevailed. So the amendment was adopted.

S.F. No. 2640 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 55 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Day	Krentz	Mondale	Reichgott Junge
Anderson	Dille	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Neuville	Runbeck
Benson, D.D.	Frederickson	Langseth	Oliver	Sams
Benson, J.E.	Hottinger	Larson	Olson	Solon
Berg	Johnson, D.E.	Lesewski	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

Those who voted in the negative were:

Finn	Janezich	Knutson	Lessard	Samuelson
------	----------	---------	---------	-----------

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 3122 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 3122: 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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2685 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2685: A bill for an act relating to lawful gambling; regulating the conduct of lawful gambling; adjusting the base of the tax on pull-tabs and tipboards; creating an advisory council on gambling; appropriating money; amending Minnesota Statutes 1992, sections 299L.02, subdivision 5, and by adding a subdivision; 349.12, subdivision 18; 349.13; 349.151, subdivision 4; 349.16, by adding a subdivision; 349.18, subdivision 1; 349.19, subdivision 10; 349.211, subdivision 2a; 349.212, by adding a subdivision; and 541.21; Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 349.

Mr. Berg moved to amend S.F. No. 2685 as follows:

Page 13, line 4, after the period, insert "*Section 7 is effective the day following final enactment and applies to all applications submitted to the board on or after December 1, 1993.*"

The motion prevailed. So the amendment was adopted.

Mr. Berg then moved to amend S.F. No. 2685 as follows:

Page 7, line 34, delete the new language

Page 7, delete lines 35 and 36

Page 8, delete line 1

Page 8, line 2, delete the new language and insert "*At a site where the leased premises consists of an area on or behind a bar at which alcoholic beverages are sold and employees of the lessor are employed by the organization as pull-tab sellers at the site, pull-tabs may be sold and redeemed by those employees at any place on or behind the bar, but the receptacles for pull-tabs and cash drawers for lawful gambling receipts must be maintained only within the leased premises.*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 2685 as follows:

Page 12, delete line 23 and insert "*beginning July 1, 1994, the state*"

Page 12, line 24, delete "on advertising, the board" and delete "25 cents" and insert "\$1,900,000"

Page 12, line 26, after the period, insert "*The amount deposited by the board shall be deducted from the lottery prize fund established under Minnesota Statutes, section 349A.10, subdivision 2.*"

The motion prevailed. So the amendment was adopted.

Mr. Benson, D.D. moved to amend S.F. No. 2685 as follows:

Page 7, line 2, delete "by rule"

Page 7, line 3, after "devices" insert "*The board shall develop and submit to the legislature by January 15, 1995, a detailed implementation plan, including proposed rules and legislation, to provide for sales of pull-tabs from dispensing devices*"

The motion prevailed. So the amendment was adopted.

S.F. No. 2685 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 1, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Laidig	Neuville	Runbeck
Anderson	Flynn	Langseth	Novak	Sams
Belanger	Frederickson	Larson	Oliver	Samuelson
Benson, D.D.	Hanson	Lesewski	Olson	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	Knutson	Mondale	Reichgott Junge	
Day	Krentz	Morse	Riveness	
Dille	Kroening	Murphy	Robertson	

Ms. Kiscaden voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the following change in the membership of the Conference Committee on Senate File No. 1662:

The name of Rukavina has been deleted and the name of Bishop has been added.

Edward A. Burdick, Chief Clerk, House of Representatives

April 21, 1994

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. 584: A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their rights of public participation in government; proposing coding for new law as Minnesota Statutes, chapter 554.

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

Pugh, Sekhon and Rhodes.

Senate File No. 584 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1994

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 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1788: A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; requiring public education on reuse; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; listing preferences for use of packaging; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste antifreeze and motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; clarifying the prohibition on toxics in products and providing for exemptions; requiring and authorizing training and certification of appliance recyclers and servicers respectively; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; authorizing private ownership of solid waste facilities; permitting counties and local governments to impose certain conditions on disposal of unprocessed solid waste; authorizing counties to require record keeping; adding requirements for liners and leachate systems; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring a report on management of waste electronic appliances; requiring a report on products that contain mercury; requiring a report on recycling facilities; requiring a report on recycled antifreeze; providing penalties and remedies; amending Minnesota Statutes 1992, sections 8.31, subdivision 1; 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.072, subdivision 4; 115A.5501, subdivisions 1, 2, and by adding subdivisions; 115A.554; 115A.557, subdivisions 3 and 4; 115A.87; 115A.882, by adding a subdivision; 115A.9157, subdivisions 4 and 5; 115A.918, subdivision 1, and by adding a subdivision;

115A.95; 115A.9561, subdivision 2; 115A.965, subdivision 6, and by adding a subdivision; 116.07, subdivision 4h; 116.76, subdivision 4; 116.92, subdivision 8; 473.803, subdivisions 1 and 1c; 473.811, subdivisions 5 and 5a; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivisions 1 and 5; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.5501, subdivision 3; 115A.916; 115A.929; 115A.9651; 115A.981, subdivision 3; 116.79, subdivision 1; 473.149, subdivision 6; 473.846; and 473.848, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A; 116; 325E; and 473; repealing Minnesota Statutes 1993 Supplement, section 115A.542.

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

Wagenius, McCollum, Sekhon, Pauly and Ozment.

Senate File No. 1788 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1994

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. 2303: A bill for an act relating to highway safety; requiring persons age 55 or over to complete a refresher course in accident prevention in order to remain eligible for a reduction in private passenger vehicle insurance rates; amending Minnesota Statutes 1992, section 65B.28.

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

Ostrom; Johnson, V. and Olson, K.

Senate File No. 2303 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1994

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 5 members of the House, on the amendments adopted by the House to the following Senate File:

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

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

Jefferson; Evans; Greiling; Brown, K. and Knickerbocker.

Senate File No. 2393 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 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 referred

H.F. No. 2234: A bill for an act relating to natural resources; personnel working on certain projects; terms and conditions of certain 1993 appropriations; appropriating money; amending Minnesota Statutes 1992, sections 116P.05, subdivision 2; 116P.08, subdivisions 6 and 7; and 116P.09, subdivision 4; Minnesota Statutes 1993 Supplement, section 116P.11; Laws 1993, chapter 172, section 14, subdivisions 4 and 11.

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

Page 5, lines 56 and 57, delete the new language

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 re-referred

S.F. No. 180: A bill for an act relating to horse racing; proposing an amendment to the Minnesota Constitution, article X, section 8; permitting the legislature to authorize pari-mutuel betting on horse racing without limitation; directing the Minnesota racing commission to prepare and submit legislation to implement televised off-site betting.

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

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

S.F. No. 1871: A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to article XIII; providing for the admission of certain DNA evidence in judicial proceedings.

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

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

Reports the same back with the recommendation that the report from the Committee on Metropolitan and Local Government, shown in the Journal for April 15, 1994, be adopted; that committee recommendation being:

"the bill be amended 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. 2520: A bill for an act relating to the environment; providing for evaluation of motor vehicle salvage facilities by the pollution control agency; providing for a report to the legislature; reallocating money; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 3, line 4, after the period, insert "*The budget base for the groundwater and solid waste pollution control program for the 1996-1997 biennium is reduced by this amount.*"

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

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

S.F. No. 2795: A bill for an act relating to state finance; requiring fees to cover costs; requiring commissioner of finance to approve fees not set by rule; amending Minnesota Statutes 1992, sections 16A.127, subdivision 1; 116.07, subdivision 4d; 144.98, subdivision 3; 221.0335; 326.2421, subdivision 3; and 341.10; Minnesota Statutes 1993 Supplement, sections 4A.05, subdivision 2; 16A.1285, subdivisions 2, 4, and 5; and 18E.03, subdivision 3; repealing Minnesota Statutes 1992, sections 14.1311; 14.235; and 14.305.

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

Page 3, lines 5 and 6, delete the new language

Page 3, line 21, after "adjustments" insert "*to charges*"

Page 3, delete lines 25 to 36 and insert:

"~~(c)~~ *Any (b) Departmental earnings changes or adjustments authorized by the commissioner of finance or listed in paragraph (a), clause (1), (5), or (6), must be reported by the commissioner of finance to the chairs of the senate committee on finance and the house ways and means committee before August 4 November 30 of each year.*"

Amend the title as follows:

Page 1, line 3, delete from "requiring" through page 1, line 4, to "rule;"

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. 1945: A bill for an act relating to water; creating programs to provide financial assistance to address nonpoint source water pollution in the departments of agriculture and trade and economic development and the pollution control agency; establishing the drinking water revolving fund administered by the public facilities authority and the department of health; changing the membership of the public facilities authority; increasing the authority's bonding authority; requiring rulemaking; providing for certain exemptions from rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 103F.725, by adding a subdivision; 103F.761, subdivision 2; 116.182, subdivisions 2, 3, 4, and 5; 446A.02, subdivision 1, and by adding a subdivision; 446A.03, subdivision 3; 446A.07, subdivisions 4, 6, 8, 9, and 11; 446A.071, subdivision 1; 446A.11, subdivision 1; 446A.12, subdivision 1; and 446A.15, subdivision 6; Minnesota Statutes 1993 Supplement, section 446A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 17; and 446A; repealing Minnesota Statutes 1992, section 446A.08.

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

Page 2, line 15, delete "*Funds from*" and insert "*Up to \$20,000,000 of the balance in*"

Page 2, line 16, delete "*provided*" and insert "*, as determined*"

Page 2, line 17, delete "*are*" and insert "*, is*"

Page 2, line 22, delete "*shall mean*" and insert "*means*" and delete everything after "*or*" and insert "*a local government unit designated by a county under subdivision 8, paragraph (a).*"

Page 2, delete lines 23 to 25

Page 2, line 30, delete "*Chairman*" and insert "*Chair*"

Page 3, line 34, before the period, insert "*, if a local lender other than the applicant is to be used*"

Page 4, line 36, delete "*chairman*" and insert "*chair*"

Page 5, line 5, delete "*chairman*" and insert "*chair*"

Page 5, after line 11, insert:

"(2) whether the applicant intends to establish a revolving loan program under subdivision 10, paragraph (b);"

Page 5, line 12, delete "(2)" and insert "(3)"

Page 5, line 14, delete "(3)" and insert "(4)"

Page 5, line 17, delete "(4)" and insert "(5)"

Page 5, line 19, delete "(5)" and insert "(6)"

Page 5, line 22, delete "(6)" and insert "(7)"

Page 5, line 24, delete "(7)" and insert "(8)"

Page 5, after line 25, insert:

"Subd. 10. [AUTHORITY OF APPLICANTS.] (a) Applicants may enter into agreements with borrowers to finance projects under this section.

(b) Applicants may establish revolving loan programs to finance projects under this section.

(c) In approving county allocation requests, the commissioner shall allow applicants to provide loans under revolving loan programs established under paragraph (b), until 50 percent of the amount appropriated and available under subdivision 3 has been allocated to applicants establishing these programs. In approving any additional county allocation requests, the commissioner may allow applicants to provide loans under these programs."

Page 5, line 26, delete "10" and insert "11"

Page 6, line 13, after the period, insert *"For revolving loan programs established under subdivision 10, paragraph (b), the lender agreement must provide that:*

(1) repayment of principal to the commissioner must begin ten years after the date the applicant receives the allocation; and

(2) the applicant shall report to the commissioner annually regarding the intended uses of the money in the revolving loan program."

Page 6, line 14, delete "11" and insert "12"

Page 6, line 22, delete "12" and insert "13"

Page 6, line 27, delete "13" and insert "14"

Page 6, after line 35, insert:

"Subd. 15. [ASSESSMENT AGAINST REAL PROPERTY.] A county may assess and charge against real property amounts loaned and servicing fees for projects funded under this section. The auditor of the county where the project is located shall extend the amounts assessed and charged on the tax roll of the county against the real property on which the project is located."

Page 6, line 36, delete "14" and insert "16" and delete "chairman" and insert "chair"

Page 7, line 13, delete "Funds from" and insert "Up to \$10,000,000 of the balance in"

Page 7, line 15, delete "provided" and insert ", as determined"

Page 9, line 30, delete "the department of"

Page 9, line 32, delete the second "the"

Page 9, line 33, delete "department of"

Pages 9 and 10, delete section 12 and insert:

"Sec. 12. Minnesota Statutes 1992, section 446A.03, is amended by adding a subdivision to read:

Subd. 3a. [DELEGATION.] In addition to any powers to delegate that members of the authority have as commissioners, they may delegate to the commissioner of trade and economic development their responsibilities as members of the authority for reviewing and approving financing of eligible projects that have been certified to the authority."

Page 10, line 19, after the first "the" insert "pollution control"

Page 10, line 20, after "the" insert "pollution control"

Page 10, line 21, after "The" insert "pollution control"

Page 10, line 29, after "the" insert "pollution control"

Page 10, line 31, after the first "the" insert "pollution control"

Page 10, line 34, after "the" insert "pollution control" and strike the comma and after "and" insert "the"

Page 11, line 19, before the semicolon, insert "; provided that no more than \$2,000,000 of the balance in the fund may be used for the small cities block grant program under section 116J.403 and the tourism loan program under section 116J.617, taken together, and no more than \$2,000,000 of the balance in the fund may be used for home improvement loan programs under section 462A.05"

Page 11, line 33, reinstate the stricken language and delete the new language

Page 11, line 34, delete the new language and insert "for projects other than those funded under section 2, 3, 116J.403, 116J.617, or 462A.05,"

Page 12, line 15, after "THE" insert "POLLUTION CONTROL" and after "The" insert "pollution control"

Page 12, line 19, after "the" insert "pollution control"

Page 18, line 13, delete "section 446A.08, is" and insert "sections 446A.03, subdivision 3, and 446A.08, are"

Amend the title as follows:

Page 1, line 17, delete "subdivision 3" and insert "by adding a subdivision"

Page 1, line 23, delete "section" and insert "sections 446A.03, subdivision 3; 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. 2289: A bill for an act relating to the environment; authorizing a person who wishes to construct or expand an air emission facility to reimburse certain costs of the pollution control agency; appropriating money; amending Minnesota Statutes 1992, section 116.07, subdivision 4d.

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

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

S.F. No. 2724: A bill for an act relating to wetlands; allowing alternative wetland regulation under county plans; expanding types of wetlands that may be used in the state wetland bank; modifying exemptions; clarifying the applicability of the wetland conservation act to the state; streamlining notice requirements for smaller wetland projects; adding an alternative compensation formula; expanding eligibility for the permanent wetlands preserve; appropriating money; authorizing the sale of state bonds; amending Minnesota Statutes 1992, sections 103G.2242, subdivisions 1, 5, 6, 7, and 8; and 103G.237, subdivision 4; Minnesota Statutes 1993 Supplement, sections 103G.222; and 103G.2241.

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

Page 1, after line 15, insert:

"Section 1. Minnesota Statutes 1992, section 103F.161, subdivision 1, is amended to read:

Subdivision 1. [GRANTS AUTHORIZED.] (a) The commissioner may make grants to local governments to:

(1) conduct floodplain damage reduction studies to determine the most feasible, practical, and effective methods and programs for mitigating the damages due to flooding within flood prone rural and urban areas and their watersheds; and

(2) plan and implement flood mitigation measures.

(b) The commissioner may cooperate with the North Dakota state water commission, local governmental units, and local water management organizations in this state and in North Dakota, and the United States Army Corps of Engineers to develop hydrologic models and conduct studies to evaluate the practicality and feasibility of flood control measures along the Red river from East Grand Forks to the Canadian border. The commissioner may make grants to local governmental units for these purposes. Flood control measures that may be investigated include agricultural and urban levee systems, wetland restoration, floodwater impoundments, farmstead ring-dikes, and stream maintenance activities."

Page 12, delete sections 11 and 12

Page 12, line 32, delete "8" and insert "9"

Page 12, line 34, delete "Sections 10 to 12 are" and insert "Section 11 is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "authorizing grants for flood control measures along a portion of the Red river;"

Page 1, line 10, delete from "appropriating" through page 1, line 11, to "bonds;"

Page 1, line 12, after "sections" insert "103F.161, subdivision 1;"

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

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

S.F. No. 2910: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

Page 1, after line 4, insert:

“Section 1. [3.749] [LEGISLATIVE CLAIMS; FILING FEE.]

A person filing a claim with the joint senate-house of representatives subcommittee on claims must pay a filing fee of \$5. The money must be deposited by the clerk of the subcommittee in the state treasury and credited to the general fund. A claimant who is successful in obtaining an award from the subcommittee shall be reimbursed for the fee paid.”

Page 2, after line 20, insert:

“(f) For medical services provided to Karl A. Kolbe, who required medical treatment after being bitten by a cat while performing community service work in Stearns county.....\$1,363.23.”

Page 2, line 21, delete “(f)” and insert “(g)”

Page 8, after line 32, insert:

“Sec. 6. [REIMBURSEMENT REQUIRED.]

(a) \$71,000 of the money appropriated from the general fund to the attorney general for fiscal year 1994 must be used to reimburse businesses for legal costs described in paragraph (b).

(b) Legal costs that must be reimbursed are attorney fees and court costs incurred by a business as a result of offers made by an agent of the attorney general in 1993 to remove hazardous waste in an illegal manner. A business may not seek or receive reimbursement under this section if the business incurred an administrative, civil, or criminal penalty related to the hazardous waste removal offered by the agent of the attorney general. A business seeking reimbursement under this section must file a claim containing information requested by the commissioner of finance.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “imposing a fee;” and before the period, insert “; proposing coding for new law in Minnesota Statutes, chapter 3”

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

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

H.F. No. 2567: A bill for an act relating to state government; permitting

state employees to donate vacation leave for the benefit of a certain state employee.

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

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

S.F. No. 2006: A bill for an act relating to taxation; motor fuels; establishing permit system for alternate fuel vehicles; setting permit fees based on vehicle weight; amending Minnesota Statutes 1993 Supplement, sections 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

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

Page 2, line 13, delete "\$141" and insert "\$175"

Page 2, line 14, delete "\$295" and insert "\$350"

Page 2, line 15, delete "\$290" and insert "\$385"

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. 2169: A bill for an act relating to state government; requiring certain funds to be transferred to the ambulance service personnel longevity award and incentive trust; amending Minnesota Statutes 1992, sections 43A.316, subdivision 9; 69.031, subdivision 5; and 353.65, subdivision 7; Minnesota Statutes 1993 Supplement, sections 144C.03, subdivision 2; and 144C.07, subdivision 2.

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

Page 6, line 26, before "to" insert "*\$1,000,000 must be transferred annually to the ambulance service personnel longevity award and incentive suspense account established by section 144C.03, subdivision 2; and*

(2) any remaining balance must be regularly transferred"

Page 6, lines 27 to 36, delete the new language

Page 7, lines 1 to 3, delete the new language

Page 7, after line 20, insert:

"(c) \$50,000 is appropriated from the excess contributions holding account established in Minnesota Statutes, section 353.65, subdivision 7, to the commissioner of employee relations for fiscal year 1995 to conduct the study specified in this section."

Amend the title as follows:

Page 1, line 4, after the semicolon, 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. 2630: A bill for an act relating to state government; restructuring functions and groups related to ombudspersons for families; appropriating money; amending Minnesota Statutes 1992, sections 257.0761, subdivision 1; 257.0762, subdivision 2; and 257.0768; Minnesota Statutes 1993 Supplement, section 257.0755.

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

Page 5, delete section 6 and insert:

“Sec. 6. [TRANSFER.]

The responsibility for providing ombudsperson services is transferred from the Indian Affairs Council, the Spanish-Speaking Affairs Council, the Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans to the office of ombudsperson for families under Minnesota Statutes, section 15.039.”

Amend the title as follows:

Page 1, line 4, delete “appropriating money;”

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. 3193 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.
3193	2884				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3193 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3193 and insert the language after the enacting clause of S.F. No. 2884, the first engrossment; further, delete the title of H.F. No. 3193 and insert the title of S.F. No. 2884, the first engrossment.

And when so amended H.F. No. 3193 will be identical to S.F. No. 2884, and further recommends that H.F. No. 3193 be given its second reading and substituted for S.F. No. 2884, 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. 180, 1871, 1991, 2520, 2795, 1945, 2289, 2724, 2910, 2006, 2169 and 2630 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2234, 2567 and 3193 were read the second time.

MOTIONS AND RESOLUTIONS – CONTINUED

Ms. Anderson moved that the name of Ms. Pappas be added as a co-author to S.F. No. 2371. The motion prevailed.

Without objection, 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 bill was read the first time and referred to the committee indicated.

Mr. Price introduced—

S.F. No. 2924: A bill for an act relating to drainage; changing the law governing watershed and drainage districts; amending Minnesota Statutes 1992, sections 103D.201, subdivision 2; 103D.335, subdivision 9; 103D.715, subdivision 4; 103D.721, subdivision 3; 103E.005, subdivision 11; 103E.011, subdivision 4, and by adding a subdivision; 103E.015, subdivision 2, and by adding a subdivision; 103E.021, subdivisions 1 and 4; 103E.025; 103E.091, subdivisions 1 and 4; 103E.202, subdivisions 3, 4, and by adding a subdivision; 103E.212, subdivision 3; 103E.215, subdivision 4; 103E.221, subdivisions 2 and 6; 103E.225, subdivision 1; 103E.245, subdivisions 1, 2, and 4; 103E.255; 103E.261, subdivisions 4 and 5; 103E.285, subdivision 10; 103E.305, subdivision 1; 103E.315, subdivisions 1, 5, and 6; 103E.321, subdivision 1; 103E.323, subdivision 1; 103E.341; 103E.351, subdivisions 1 and 2; 103E.411, subdivision 1; 103E.701, subdivisions 2 and 6; 103E.805, subdivisions 1 and 3; and 103E.811, subdivisions 3 and 5; repealing Minnesota Statutes 1992, sections 103E.097; 103E.105; 103E.115; 103E.121; and 103E.315, subdivision 7.

Referred to the Committee on Environment and Natural Resources.

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:

S.F. No. 2104: Ms. Runbeck, Wiener and Kiscaden.

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. Mr. Mondale was excused from the Session of today from 8:00 to 11:20 a.m. Mrs. Pariseau was excused from the Session of today from 8:00 to 11:15 a.m. Mr. Johnson, D.J. was excused from the Session of today from 8:00 to 8:45 a.m. and 11:45 a.m. to 1:15 p.m. Mr. Novak was excused from the Session of today from 8:00 to 8:45 a.m. and 12:30 to 2:00 p.m. Mr. Pogemiller was excused from the Session of today from 8:00 to 9:30 a.m. Ms. Johnson, J.B. was excused from the Session of today from 9:45 to 10:40 a.m. Ms. Ranum was excused from the Session of today from 10:45 to 11:15 a.m. Mr. Murphy was excused from the Session of today from 10:30 to 11:00 a.m. and 1:15 to 1:45 p.m. Mr. Chmielewski was excused from the Session of today at 11:45 a.m. Ms. Johnston was excused from the Session of today from 12:45 to 1:00 p.m. Mr. Hottinger was excused from the Session of today from 12:45 to 1:00 p.m. Mr. Kelly was excused from the Session of today at 2:00 p.m. Mr. Belanger was excused from the Session of today from 1:25 to 2:20 p.m. Ms. Olson was excused from the Session of today from 8:20 to 9:00 a.m. Mr. Moe, R.D. was excused from the Session of today from 11:15 a.m. to 2:15 p.m. Mrs. Benson, J.E. was excused from the Session of today from 11:30 a.m. to 12:00 noon. Ms. Reichgott Junge was excused from the Session of today from 8:00 to 8:45 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Friday, April 22, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate