

NINETY-SIXTH DAY

St. Paul, Minnesota, Friday, April 22, 1994

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Walter Flesner.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 20, 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. Nos. 2066, 1741, 2422, 1806, 2551, 1794, 2255, 2579, 1774 and 2491.

Warmest regards,
Arne H. Carlson, Governor

CERTIFICATION

April 21, 1994

To the Governor
State of Minnesota

To the Senate
State of Minnesota

To the House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Thursday, April 21, 1994, have elected as a member of the Board of Regents of the University of Minnesota the following member to hold her respective office for the remainder of the term of Ann Wynia to expire in 1997:

Hyon T. Kim, Fourth Congressional District.

Allan H. Spear
President of the Senate

Irv Anderson
Speaker of the
House of Representatives

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2467.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 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. 1930: A bill for an act relating to human services; mental health grants; rules concerning psychopathic personalities; treatment for alcohol, drug abuse, and chemical dependency; stepparent income standards under aid to families with dependent children; child support incentives; medical assistance for needy persons; state and county social service plans; organ and tissue transplants; family preservation; commissioner's reports; group residential housing payments and agreements; and paternity proceedings; amending Minnesota Statutes 1992, sections 245.696, subdivision 2; 254A.02, subdivision 11; 254B.04, subdivision 1; 254B.05, subdivision 1; 256.74, subdivision 1a; 256B.69, subdivision 4; 256E.04; 256E.09, subdivision 3; 256H.24; and 257.60; Minnesota Statutes 1993 Supplement, sections

246B.04; 256.979, subdivision 8; 256B.0629, subdivisions 3 and 4; 256F.11, subdivision 3; and 256I.04, subdivisions 1a and 2a; repealing Minnesota Statutes 1992, section 254A.16, subdivisions 3 and 4; Laws 1993, chapter 337, section 16.

Senate File No. 1930 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1994

CONCURRENCE AND REPASSAGE

Mr. Betzold moved that the Senate concur in the amendments by the House to S.F. No. 1930 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1930: A bill for an act relating to human services; interstate contracts for mental health services; mental health grants; rules concerning psychopathic personalities; treatment for alcohol, drug abuse, and chemical dependency; stepparent income standards under aid to families with dependent children; child support incentives; medical assistance for needy persons; state and county social service plans; organ and tissue transplants; family preservation; commissioner's reports; group residential housing payments and agreements; and paternity proceedings; amending Minnesota Statutes 1992, sections 245.696, subdivision 2; 254A.02, subdivision 11; 254B.04, subdivision 1; 254B.05, subdivision 1; 256.74, subdivision 1a; 256B.69, subdivision 4; 256E.04; 256E.09, subdivision 3; 256H.24; and 257.60; Minnesota Statutes 1993 Supplement, sections 245.50, subdivision 5; 246B.04; 256.979, subdivision 8; 256B.0629, subdivisions 3 and 4; 256F.11, subdivision 3; and 256I.04, subdivisions 1a and 2a; repealing Minnesota Statutes 1992, section 254A.16, subdivisions 3 and 4; Laws 1993, chapter 337, section 16.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

House Files, herewith transmitted: H.F. Nos. 2227, 2158, 1918, 2918, 3179 and 2920.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 21, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 2227: A bill for an act relating to electric currents in earth; requiring the public utilities commission to appoint a team of science advisors; mandating scientific framing of research questions; providing for studies of stray voltage and the effects of earth as a conductor of electricity; requiring scientific peer review of findings and conclusions; providing for a report to the public utilities commission; appropriating money.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1609.

H.F. No. 2158: A bill for an act relating to pollution; requiring that certain towns, cities, and counties have ordinances complying with pollution control agency rules regarding individual sewage treatment systems; requiring the agency to license sewage treatment professionals; requiring rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1909, now on General Orders.

H.F. No. 1918: A bill for an act relating to licensing; requiring the bureau of business licenses to expand services of the bureau; requiring a report to the governor and the legislature.

Referred to the Committee on Finance.

H.F. No. 2918: A bill for an act relating to natural resources; motor vehicles; establishing special vehicle license plates for wetlands wildlife purposes; creating the wetlands wildlife legacy account; proposing coding for new law in Minnesota Statutes, chapters 84; and 168.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 3179: A bill for an act relating to waters; preservation of wetlands; drainage and filling for public roads; defining terms; board action on local government plans; action on approval of replacement plans; computation of value; amending Minnesota Statutes 1992, sections 103F.516, subdivision 1; 103G.2242, subdivisions 1, 5, 6, 7, and 8; and 103G.237, subdivision 4; Minnesota Statutes 1993 Supplement, sections 103G.222; and 103G.2241; proposing coding for new law in Minnesota Statutes, chapters 84; and 168.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2724, now on General Orders.

H.F. No. 2920: A bill for an act relating to the environment; reestablishing the office of waste management as the office of environmental assistance;

transferring environmental assistance programs from the pollution control agency to the office; transferring waste management and policy planning from the metropolitan council to the office; amending Minnesota Statutes 1992, sections 115A.03, by adding a subdivision; 115A.055; 115A.06, subdivision 2; 115A.072; 115A.12; 115A.14, subdivision 4; 115A.15, subdivision 5; 115A.411, subdivision 1; 115A.42; 115A.5501, subdivision 2; 115A.84, subdivision 3; 115A.86, subdivision 2; 115A.912, subdivision 1; 115A.96, subdivision 2; 116F.02, subdivision 2; 473.149, subdivisions 1, 3, 5, and by adding a subdivision; 473.8011; 473.803, subdivisions 2 and 4; and 473.823, subdivision 5; Minnesota Statutes 1993 Supplement, sections 115A.551, subdivision 4; 115A.96, subdivisions 3 and 4; 115A.981, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; and 473.846; repealing Minnesota Statutes 1992, sections 115A.81, subdivision 3; 115A.914, subdivision 1; 115A.952; 116F.06, subdivisions 2, 3, 4, and 5; 116F.08; 473.181, subdivision 4; and 473.803, subdivision 1b; Minnesota Statutes 1993 Supplement, section 473.149, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2523.

REPORTS OF COMMITTEES

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

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

H.F. No. 392 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.
392	374				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 392 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 392 and insert the language after the enacting clause of S.F. No. 374, the first engrossment; further, delete the title of H.F. No. 392 and insert the title of S.F. No. 374, the first engrossment.

And when so amended H.F. No. 392 will be identical to S.F. No. 374, and further recommends that H.F. No. 392 be given its second reading and substituted for S.F. No. 374, 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 HOUSE BILLS

H.F. No. 392 was read the second time.

MOTIONS AND RESOLUTIONS

Ms. Hanson moved that H.F. No. 2135 be taken from the table. The motion prevailed.

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

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

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

Page 1, line 16, after the period, insert "*The senior citizen or owner of the dog, cat, or bird, is liable for damages caused by the dog, cat, or bird as provided in chapter 346 or 347 and other applicable law.*"

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend the Mondale amendment to H.F. No. 2135, adopted by the Senate April 18, 1994, as follows:

Pages 1 to 7, delete sections 2 to 4 and insert:

"Sec. 2. [346.58] [DOGS AND CATS; BEST MANAGEMENT STANDARDS FOR CARE BY DEALERS, COMMERCIAL BREEDERS, AND BROKERS.]

The commissioner of agriculture shall consult with interested persons, including but not limited to persons representing dog and cat dealers, breeders, and brokers, the Minnesota federated humane society, the Minnesota council of dog clubs, the American Dog Owners Association, the board of animal health, Minnesota purebred dog breeders association, Minnesota citizens for animal care, animal rights coalition, United States Department of Agriculture, and the Minnesota veterinary medical association. The commissioner shall issue an order containing best management standards of care for dogs and cats by dealers, commercial breeders, and brokers. These standards are not subject to chapter 14. The commissioner shall urge dealers, commercial breeders, and brokers to follow the standards issued in the order.

Sec. 3. [DOGS AND CATS; CARE RECOMMENDATIONS.]

The commissioner shall make recommendations to the 1995 legislature on changes to statutory dog and cat care standards in relation to the commercial breeding and sale of dogs and cats. The commissioner shall recommend changes in law to improve the ease of enforcement of Minnesota Statutes, sections 325F.79 to 325F.792, and other laws related to animal cruelty."

Page 7, delete lines 24 to 34 and insert:

"Amend the title accordingly"

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

H.F. No. 2135 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 47 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Lessard	Olson	Samuelson
Beckman	Finn	Luther	Pappas	Soion
Benson, J.E.	Flynn	McGowan	Pariseau	Spear
Berg	Frederickson	Merriam	Piper	Stumpf
Berglin	Hanson	Metzen	Pogemiller	Terwilliger
Bertram	Hottinger	Moe, R.D.	Ranum	Vickerman
Berzold	Johnson, D.E.	Mondale	Reichgott Junge	Wiener
Chandler	Johnson, J.B.	Morse	Riveness	
Cohen	Krentz	Murphy	Runbeck	
Day	Langseth	Oliver	Sams	

Those who voted in the negative were:

Belanger	Johnston	Knutson	Lesewski	Robertson
Benson, D.D.	Kiscaden	Larson	Neuville	Stevens

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 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 recommendation and report of the Conference Committee on House File No. 2675, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2675 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1994

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2675

A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public waters in Aitkin county.

April 18, 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. 2675, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H.F. No. 2675, as

amended by the Senate, adopted March 30, 1994, be further amended as follows:

Page 1, line 23, delete "*one lot*" and insert "*two lots*"

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

House Conferees: (Signed) Becky Lourey, Roger Cooper, Dennis Ozment

Senate Conferees: (Signed) Bob Lessard, Florian Chmielewski, Gene Merriam

Mr. Lessard moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2675 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. 2675 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 S.F. No. 935 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 935: A bill for an act relating to gambling; restricting lottery advertising and promotion; amending Minnesota Statutes 1992, section 349A.06, by adding a subdivision.

Mr. Neuville moved to amend S.F. No. 935 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [325E.42] [DECEPTIVE TRADE PRACTICES; GAMBLING ADVERTISING AND MARKETING CLAIMS.]

Subdivision 1. [REGULATION.] All advertising or marketing materials

relating to the conduct of any form of legal gambling in Minnesota, including informational or promotional materials, must:

- (1) be sufficiently clear to prevent deception; and
- (2) not overstate expressly, or by implication, the attributes or benefits of participating in legal gambling.

Subd. 2. [ENFORCEMENT.] A person who violates this section is subject to the penalties and remedies in section 8.31. Nothing in this section limits the rights or remedies otherwise available under other law.

Subd. 3. [ADVERTISING MEDIA EXCLUDED.] This section applies to actions of the owner, publisher, agent, or employee of newspapers, magazines, other printed matter, or radio or television stations or other advertising media used for the publication or dissemination of an advertisement or marketing materials, only if the owner, publisher, agent, or employee has been personally served with a certified copy of a court order or consent judgement or agreement prohibiting the publication of particular gambling advertising or marketing materials and thereafter publishes such materials."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 38, as follows:

Those who voted in the affirmative were:

Beckman	Berglin	Knutson	Neuville	Stevens
Belanger	Bertram	Kroening	Oliver	Terwilliger
Benson, D.D.	Day	Laidig	Olson	
Benson, J.E.	Dille	Larson	Pariseau	
Berg	Kiscaden	Lesewski	Robertson	

Those who voted in the negative were:

Adkins	Hottinger	Luther	Pappas	Samuelson
Anderson	Janezich	McGowan	Piper	Solon
Betzold	Johnson, D.E.	Merriam	Price	Spear
Chandler	Johnson, J.B.	Metzen	Ranum	Stumpf
Cohen	Johnston	Moe, R.D.	Reichgott Junge	Vickerman
Finn	Kelly	Mondale	Riveness	Wiener
Flynn	Krentz	Morse	Runbeck	
Hanson	Lessard	Murphy	Sams	

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

Mr. Neuville moved that S.F. No. 935 be stricken from Special Orders and returned to its author. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2354 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2354: A bill for an act relating to transportation; regulating the transportation of hazardous material and hazardous waste; making technical changes; specifying that certain federal regulations do not apply to cargo tanks under 3,500 gallons used in the intrastate transportation of gasoline; estab-

lishing a uniform registration and permitting program for transporters of hazardous material and hazardous waste; defining terms; establishing requirements for applications; describing methods for calculating fees; specifying treatment of application data; establishing enforcement authority and administrative penalties; providing for suspension or revocation of registration and permits; providing for base state agreements; preempting and suspending conflicting programs; providing for the deposit and use of fees and grants; establishing exemptions; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; and 221.033, subdivisions 1 and 2b; Minnesota Statutes 1993 Supplement, section 221.036, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1992, section 221.033, subdivision 4.

Mr. Morse moved to amend S.F. No. 2354 as follows:

Page 1, after line 33, insert:

“Sec. 2. Minnesota Statutes 1993 Supplement, section 115E.045, subdivision 2, is amended to read:

Subd. 2. [RESPONSE PLAN FOR TANK FACILITIES WITH BETWEEN 10,000 AND 1,000,000 GALLONS OF STORAGE.] (a) By June 1, 1994, a person who owns or operates a facility that stores more than 10,000 gallons but less than 1,000,000 gallons of oil or hazardous substances *in aboveground tanks* shall prepare and maintain a prevention and response plan in accordance with this subdivision. The abbreviated plan must include:

(1) the name and business and nonbusiness telephone numbers of the individual or individuals having full authority to implement response action;

(2) the telephone number of the local emergency response organizations, as defined in section 299K.01, subdivision 3, if the organizations cannot be reached by calling 911;

(3) a description of the facility, tank capacities, spill prevention and secondary containment measures at the facility, and the maximum potential discharge that could occur at the facility;

(4) the telephone number of the single answering point system established under section 115E.09;

(5) documentation that adequate personnel and equipment will be available to respond to a discharge, along with evidence that prearrangements for such response have been made;

(6) a description of the training employees at the facility receive in handling hazardous materials and in emergency response information; and

(7) a description of the action that will be taken by the facility owner or operator in response to a discharge.

(b) The response plan must be retained on file at the person's principal place of business.”

Page 6, line 7, delete from “and” through page 6, line 11, to “172”

Page 11, line 4, delete from “and” through page 11, line 8, to “172”

Page 13, lines 5 and 6, delete "*the effective date of this act*" and insert "*October 1, 1994,*"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2354 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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. 2046 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2046: A bill for an act relating to wild animals; restricting the killing of dogs wounding, killing, or pursuing big game within the metropolitan area; amending Minnesota Statutes 1992, section 97B.011.

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 53 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson, J.E.	Day	Johnston	Pariseau	Stevens
Berg	Dille	Neuvillie	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. 2177 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2177: A bill for an act relating to children; modifying liability provisions for child abuse investigations; providing for attorney fees in certain actions; providing for the establishment of protocols for investigations; prohibiting certain conflicts of interest; providing for access to data regarding determinations of maltreatment; appropriating money; amending Minnesota Statutes 1992, section 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 626.556, subdivision 11.

Mr. Spear moved to amend S.F. No. 2177 as follows:

Page 2, line 28, before the period, insert "*or other law*".

The motion prevailed. So the amendment was adopted.

Ms. Ranum moved to amend S.F. No. 2177 as follows:

Page 6, after line 11, insert:

"Sec. 9. [EFFECTIVE DATE.]

Section 2 is effective August 1, 1996."

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend S.F. No. 2177 as follows:

Page 5, line 35, after "*in*" insert "*a direct*".

The motion prevailed. So the amendment was adopted.

S.F. No. 2177 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	Day	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuvillie	Sams
Benson, J.E.	Hanson	Lesewski	Oliver	Samuelson
Berg	Hottinger	Lessard	Olson	Spear
Berglin	Johnson, D.E.	Luther	Pappas	Stevens
Bertram	Johnson, J.B.	Marty	Pariseau	Stumpf
Betzold	Johnston	McGowan	Pogemiller	Terwilliger
Chandler	Kelly	Merriam	Price	Vickerman
Cohen	Kiscaden	Metzen	Ranum	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. 1999 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1999: A bill for an act relating to insurance; requiring disclosure of information relating to insurance fraud; granting immunity for reporting suspected insurance fraud; requiring insurers to develop antifraud plans; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 60A.

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	Mondale	Riveness
Beckman	Finn	Laidig	Morse	Robertson
Belanger	Flynn	Langseth	Murphy	Runbeck
Benson, D.D.	Frederickson	Larson	Neuville	Sams
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, J.B.	Marty	Piper	Terwilliger
Betzold	Johnston	McGowan	Pogemiller	Vickerman
Chandler	Kiscaden	Merriam	Price	Wiener
Cohen	Knutson	Metzen	Ranum	
Day	Krentz	Moe, R.D.	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. 2194 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2194: A bill for an act relating to legislative audit commission; appropriating money for the legislative auditor to perform best practices review audits; amending Minnesota Statutes 1992, sections 3.97, subdivision 11; and 3.971, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Betzold	Hottinger	Laidig	Metzen
Anderson	Chandler	Janezich	Langseth	Moe, R.D.
Beckman	Cohen	Johnson, D.E.	Larson	Mondale
Belanger	Day	Johnston	Lesewski	Morse
Benson, D.D.	Dille	Kelly	Lessard	Murphy
Benson, J.E.	Finn	Kiscaden	Luther	Neuville
Berg	Flynn	Knutson	Marty	Oliver
Berglin	Frederickson	Krentz	McGowan	Olson
Bertram	Hanson	Kroening	Merriam	Pappas

Pariseau
Piper
Price
Ranum

Reichgott Junge
Riveness
Robertson
Runbeck

Sams
Samuelson
Spear

Stevens
Stumpf
Terwilliger

Vickerman
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. 2392 a Special Order to be heard immediately.

SPECIAL ORDER

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

Mr. Terwilliger moved to amend S.F. No. 2392 as follows:

Page 6, after line 20, insert:

“Sec. 10. [629.71] [RELEASE IN CASES INVOLVING CRIMES AGAINST PERSONS.]

Subdivision 1. [JUDICIAL REVIEW; RELEASE; SURRENDER OF FIREARMS.] (a) When a person is arrested for a crime against the person, the judge before whom the arrested person is taken shall review the facts surrounding the arrest and detention. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged crime, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings.

(b) If the judge determines release under paragraph (a) is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged crime, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release. The judge may order as a condition of release that the person surrender to the local law enforcement agency all firearms owned or possessed by the person, and may not live in a residence where others possess firearms. Any firearm surrendered under this subdivision shall be inventoried and retained, with due care to preserve the quality and function of the firearm, by the local law enforcement agency, and must be returned to the person upon the person's acquittal, when charges are dismissed, or if no charges are filed. If the person is convicted, the

firearm must be returned when the court orders the return or when the person is discharged from probation and restored to civil rights. If the person is convicted of a designated offense as defined in section 609.531, the firearm is subject to forfeiture as provided under that section.

(c) If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

Subd. 2. [NO CONTACT ORDER.] If the judge imposes as a condition of release a requirement that the person have no contact with the victim of the alleged crime, the judge may also, on its own motion or that of the prosecutor or on request of the victim, issue an ex parte temporary restraining order under section 609.748, subdivision 4, or an ex parte temporary order for protection under section 518B.01, subdivision 7. Notwithstanding section 518B.01, subdivision 7, paragraph (b), or 609.748, subdivision 4, paragraph (c), the temporary order is effective until the defendant is convicted or acquitted, or the charge is dismissed, provided that upon request the defendant is entitled to a full hearing on the restraining order under section 609.748, subdivision 5, or on the order for protection under section 518B.01. The hearing must be held within seven days of the defendant's request."

Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge moved to amend S.F. No. 2392 as follows:

Page 5, line 35, delete "January" and insert "June"

Page 6, line 10, delete "and victims advocacy groups" and insert "a nonprofit foundation formed to combat child abuse, and two representatives of victims advocacy groups selected by the commissioner of corrections"

The motion prevailed. So the amendment was adopted.

S.F. No. 2392 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Berglin	Flynn	Johnson, J.B.	Laidig
Anderson	Bertram	Frederickson	Johnston	Langseth
Beckman	Betzold	Hanson	Kelly	Larson
Belanger	Chandler	Hottinger	Kiscaden	Lesewski
Benson, D.D.	Cohen	Janezich	Knutson	Lessard
Benson, J.E.	Day	Johnson, D.E.	Krentz	Luther
Berg	Dille	Johnson, D.J.	Kroening	Marty

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

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. 2028 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2028: A bill for an act relating to data practices; classifying data as private, confidential, or nonpublic; providing for access to certain law enforcement and court services data on juveniles; providing law enforcement access to certain welfare and patient directory information; providing for treatment of customer data by videotape sellers and service providers; providing for data access to conduct fetal, infant, and maternal death studies; extending a provision for conduct of medical research absent prior patient consent; amending Minnesota Statutes 1992, sections 13.03, subdivision 4; 13.38, by adding a subdivision; 13.39, by adding a subdivision; 13.41, subdivision 2, and by adding a subdivision; 13.57; 13.71, by adding subdivisions; 13.76, by adding a subdivision; 13.82, by adding a subdivision; 13.99, subdivisions 7, 39, 45, 53, 60, 71, 79, and by adding subdivisions; 144.581, subdivision 5; 171.12, subdivision 7; 260.161, by adding a subdivision; 471.705; Minnesota Statutes 1993 Supplement, sections 13.43, subdivision 2; 13.46, subdivision 2; 13.643, by adding a subdivision; 13.82, subdivision 4; 121.8355, by adding a subdivision; 144.335, subdivision 3a; 144.651, subdivisions 2, 21, and 26; 168.346; 245.493, by adding a subdivision; 253B.03, subdivisions 3 and 4; 260.161, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 144; 145; proposing coding for new law as Minnesota Statutes, chapter 325I.

Mr. Finn moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Page 28, line 11, after "worker" insert "*engaged in a psychological or social assessment or treatment of an individual at the individual's request*"

Page 28, lines 16 to 20, delete the new language

The motion prevailed. So the amendment was adopted.

Mr. Finn then moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Page 19, line 35, after the period, insert "*The disposition order must be destroyed when the juvenile graduates from the school or when the juvenile court records from which the order is derived may be destroyed, whichever date is earlier.*"

Page 20, line 2, delete everything after the period

Page 20, delete lines 3 to 5

Page 23, line 9, after the period, insert "*Data from a notice received from a law enforcement agency under this paragraph must be destroyed when the juvenile graduates from the school or when the juvenile reaches the age of 23 years, whichever date is earlier.*"

The motion prevailed. So the amendment was adopted.

Mr. Finn then moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Page 15, line 32, delete "*licensure power of*" and insert "*law enforcement or*"

Page 16, line 22, after "*to*" insert "*law enforcement or*"

Page 16, line 25, delete "*licensure power of*" and insert "*law enforcement or*"

The motion prevailed. So the amendment was adopted.

Mr. Finn then moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Page 1, after line 40, insert:

"Section 1. Minnesota Statutes 1992, section 13.03, is amended by adding a subdivision to read:

Subd. 11. [TREATMENT OF DATA CLASSIFIED AS NOT PUBLIC; PUBLIC MEETINGS.] Not public data may be discussed at a meeting open to the public to the extent provided in section 471.705, subdivision 1d.

Sec. 2. Minnesota Statutes 1992, section 13.05, subdivision 4, is amended to read:

Subd. 4. [LIMITATIONS ON COLLECTION AND USE OF DATA.] Private or confidential data on an individual shall not be collected, stored, used, or disseminated by political subdivisions, statewide systems, or state agencies for any purposes other than those stated to the individual at the time of collection in accordance with section 13.04, except as provided in this subdivision.

(a) Data collected prior to August 1, 1975, and which have not been treated as public data, may be used, stored, and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare.

(b) Private or confidential data may be used and disseminated to individuals or agencies specifically authorized access to that data by state, local, or federal law enacted or promulgated after the collection of the data.

(c) Private or confidential data may be used and disseminated to individuals or agencies subsequent to the collection of the data when the responsible authority maintaining the data has requested approval for a new or different

use or dissemination of the data and that request has been specifically approved by the commissioner as necessary to carry out a function assigned by law.

(d) Private data may be used by and disseminated to any person or agency if the individual subject or subjects of the data have given their informed consent. Whether a data subject has given informed consent shall be determined by rules of the commissioner. Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about the individual to an insurer or its authorized representative, unless the statement is:

(1) in plain language;

(2) dated;

(3) specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;

(4) specific as to the nature of the information the subject is authorizing to be disclosed;

(5) specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;

(6) specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (5), both at the time of the disclosure and at any time in the future;

(7) specific as to its expiration date which should be within a reasonable period of time, not to exceed one year except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

The responsible authority may require a person requesting copies of data under this paragraph to pay the actual costs of making, certifying, and compiling the copies.

(e) Private or confidential data on an individual may be discussed at a meeting open to the public to the extent provided in section 471.705, subdivision 1d."

Page 12, after line 13, insert:

"Sec. 19. Minnesota Statutes 1992, section 144.581, subdivision 5, is amended to read:

Subd. 5. [CLOSED MEETINGS; RECORDING.] (a) Notwithstanding subdivision 4 or section 471.705, a public hospital or an organization established under this section may hold a closed meeting to discuss specific marketing activity and contracts that might be entered into pursuant to the marketing activity in cases where the hospital or organization is in competition with health care providers that offer similar goods or services, and where disclosure of information pertaining to those matters would cause harm to the competitive position of the hospital or organization, provided that the goods or services do not require a tax levy. No contracts referred to in this paragraph may be entered into earlier than 15 days after the proposed contract has been

described at a public meeting and the description entered in the minutes, except for contracts for consulting services or with individuals for personal services.

(b) A meeting may not be closed under paragraph (a) except by a majority vote of the board of directors in a public meeting. The time and place of the closed meeting must be announced at the public meeting. A written roll of members present at the closed meeting must be available to the public after the closed meeting. The proceedings of a closed meeting must be tape-recorded and preserved by the board of directors for two years. The data on the tape are nonpublic data under section 13.02, subdivision 9. However, the data become public data under section 13.02, subdivision 14, two years after the meeting, or when the hospital or organization takes action on matters referred to in paragraph (a), except for contracts for consulting services. In the case of personal service contracts, the data become public when the contract is signed. For entities subject to section 471.345, a contract entered into by the board is subject to the requirements of section 471.345.

(c) The board of directors may not discuss a tax levy, *bond issuance, or other expenditure of money unless the expenditure is directly related to specific marketing activities and contracts described in paragraph (a) at a closed meeting.*

Page 26, after line 11, insert:

"Sec. 36. Minnesota Statutes 1992, section 471.705, is amended to read:

471.705 [MEETINGS OF GOVERNING BODIES; OPEN TO PUBLIC; EXCEPTIONS.]

Subdivision 1. [~~REQUIREMENT~~ PRESUMPTION OF OPENNESS.] Except as otherwise expressly provided by statute, all meetings, including executive sessions, of any state agency, board, commission or department when required or permitted by law to transact public business in a meeting, and the governing body of any school district however organized, unorganized territory, county, city, town, or other public body, and of any committee, subcommittee, board, department or commission thereof, shall be open to the public, ~~except meetings of the commissioner of corrections.~~ The votes of the members of such state agency, board, commission, or department or of such governing body, committee, subcommittee, board, department, or commission on any action taken in a meeting herein required to be open to the public shall be recorded in a journal kept for that purpose, ~~which~~ and the journal shall be open to the public during all normal business hours where such records are kept. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. This section shall not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary proceedings.

Subd. 1a. [~~LABOR NEGOTIATIONS; EXCEPTION.~~] Subdivision 1 does not apply to a meeting held pursuant to the procedure in this subdivision. The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25. The time of commencement and place of the closed meeting shall be announced at the public meeting. A written roll of members and all other persons present at the closed meeting shall be made available to

the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be ~~tape recorded~~ *tape-recorded* at the expense of the governing body ~~and. The recording shall be preserved by it for~~ two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.

If an action is brought claiming that public business other than discussions of labor negotiation strategies or developments or discussion and review of labor negotiation proposals was transacted at a closed meeting held pursuant to this subdivision during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera. If the court ~~determines that no violation of this section is found~~ *finds that this subdivision was not violated*, the action shall be dismissed and the recording shall be *sealed and* preserved in the records of the court until otherwise made available to the public pursuant to this ~~section subdivision~~. If the court ~~determines that a violation of this section is found~~ *finds that this subdivision was violated*, the recording may be introduced at trial in its entirety subject to any protective orders as requested by either party and deemed appropriate by the court.

~~The prevailing party in an action brought before or after the tape is made available to the public which establishes that a violation of this section has occurred shall recover costs and reasonable attorneys fees as determined by the court.~~

Subd. 1b. [AGENDA WRITTEN MATERIALS.] In any meeting which under subdivision 1 must be open to the public, at least one copy of any printed materials relating to the agenda items of the meeting ~~which are~~ prepared or distributed by or at the direction of the governing body or its employees and ~~which are~~:

- (1) distributed at the meeting to all members of the governing body;
- (2) distributed before the meeting to all members; or
- (3) available in the meeting room to all members;

shall be available in the meeting room for inspection by the public. ~~The materials shall be available to the public while the governing body considers their subject matter. This subdivision does not apply to materials classified by law as other than public as defined in chapter 13, or to materials relating to the agenda items of a closed meeting held in accordance with the procedures in subdivision 1a or other law permitting the closing of meetings. Only if a member intentionally violates the requirements of this subdivision, shall that member shall be subject to a civil penalty in an amount not to exceed \$100. An action to enforce this penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the member is located the penalties provided by subdivision 2.~~

Subd. 1c. [NOTICE OF MEETINGS.] (a) [REGULAR MEETINGS.] A schedule of the regular meetings of a public body shall be kept on file at its primary offices. If a public body decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided in this subdivision for a special meeting.

(b) [SPECIAL MEETINGS.] For a special meeting, except an emergency meeting or a special meeting for which a notice requirement is otherwise expressly established by statute, the public body shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the public body, or if the public body has no principal bulletin board, on the door of its usual meeting room. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the public body. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request for notice of special meetings, the public body may publish the notice once, at least three days before the meeting, in the official newspaper of the public body or, if there is none, in a qualified newspaper of general circulation within the area of the public body's authority. A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case the public body is required to send notice to that person only concerning special meetings involving those subjects. A public body may establish an expiration date for requests for notices of special meetings pursuant to this paragraph and require refiling of the request once each year. Not more than 60 days before the expiration date of a request for notice, the public body shall send notice of the refiling requirement to each person who filed during the preceding year.

(c) [EMERGENCY MEETINGS.] For an emergency meeting, the public body shall make good faith efforts to provide notice of the meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number. Notice of the emergency meeting shall be given by telephone or by any other method used to notify the members of the public body. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the members. Notice shall include the subject of the meeting. Posted or published notice of an emergency meeting shall not be required. An "emergency" meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body. If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the minutes of the meeting shall include a specific description of the matters. *The notice requirement of this paragraph supersedes any other statutory notice requirement for a special meeting that is an emergency meeting.*

(d) [RECESSED OR CONTINUED MEETINGS.] If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary. For purposes of this clause, the term "meeting" includes a public hearing conducted pursuant to chapter 429 or any other law or charter provision requiring a public hearing by a public body.

(e) [CLOSED MEETINGS.] The notice requirements of this subdivision apply to closed meetings.

(f) [STATE AGENCIES.] For a meeting of an agency, board, commission, or department of the state, (i) the notice requirements of this subdivision apply only if a statute governing meetings of the agency, board, or commission does not contain specific reference to the method of providing notice, and (ii) all

provisions of this subdivision relating to publication shall be satisfied by publication in the State Register.

(g) [ACTUAL NOTICE.] If a person receives actual notice of a meeting of a public body at least 24 hours before the meeting, all notice requirements of this subdivision are satisfied with respect to that person, regardless of the method of receipt of notice.

(h) [LIABILITY.] No fine or other penalty may be imposed on a member of a public body for a violation of this subdivision unless it is established that the violation was ~~willful and deliberate~~ *intentional* by the member.

Subd. 1d. [TREATMENT OF DATA CLASSIFIED AS NOT PUBLIC.] (a) Except as provided in this section, meetings may not be closed to discuss data that are not public data. Data that are not public data may be discussed at a meeting subject to this section without liability or penalty, if the disclosure relates to a matter within the scope of the public body's authority, *and is reasonably necessary to conduct the business or agenda item before the public body, and is without malice.* During an open meeting, a public body shall make reasonable efforts to protect from disclosure data that are not public data, including where practical acting by means of reference to a letter, number, or other designation that does not reveal the identity of the data subject. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

(b) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

(2) active investigative data as defined in section 13.82, subdivision 5, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision; or

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data under section 13.32, 13.38, 13.42, or 13.46, subdivision 2 or 7.

(c) A public body shall close ~~a meeting~~ *one or more meetings* for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted *as a result of those specific charges or allegations*, further meetings or hearings *relating to those specific charges or allegations held after that conclusion is reached* must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

(d) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(e) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

Subd. 1e. [REASONS FOR CLOSING A MEETING.] Before closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

Subd. 2. [~~VIOLATION; PENALTY~~ PENALTIES.] (a) Any person who intentionally violates ~~subdivision 1~~ this section shall be subject to personal liability in the form of a civil penalty in an amount not to exceed ~~\$100~~ \$300 for a single occurrence, *which may not be paid by the public body*. An action to enforce this penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located. ~~Upon a third violation by the same person connected with~~ *If a person has been found to have intentionally violated this section in three or more actions brought under this section involving the same governing body,* such person shall forfeit any further right to serve on such governing body or in any other capacity with such public body for a period of time equal to the term of office such person was then serving. The court determining the merits of any action in connection with any alleged third violation shall receive competent, relevant evidence in connection therewith and, upon finding as to the occurrence of a separate third violation, unrelated to the previous violations issue its order declaring the position vacant and notify the appointing authority or clerk of the governing body. As soon as practicable thereafter the appointing authority or the governing body shall fill the position as in the case of any other vacancy.

(b) *In addition to other remedies, the court may award reasonable costs, disbursements, and up to \$15,000 in attorney fees to any party in an action under this section. Any award under this paragraph may be paid by the public body.*

(c) *No monetary penalties or attorney fees may be awarded against a member of a public body unless the court finds that there was a specific intent to violate this section.*

Subd. 3. [~~POPULAR NAME CITATION.~~] This section may be cited as the "Minnesota open meeting law".

Page 35, line 20, after "DATE" insert ";; APPLICATION"

Page 35, after line 23, insert:

"Any increased civil penalties or awards of attorney fees provided under section 36 apply only to actions for violations occurring on or after August 1, 1994."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "clarifying treatment of not public data at an open meeting;"

Page 1, line 21, after the first semicolon, insert "changing exceptions and other conditions of the open meeting law;"

Page 1, line 22, after "sections" insert "13.03, by adding a subdivision; 13.05, subdivision 4;"

Page 1, line 28, after the first semicolon, insert "471.705;"

Page 1, line 33, after the first semicolon, insert "144.581, subdivision 5;"

Mr. Betzold moved to amend the fourth Finn amendment to H.F. No. 2028 as follows:

Page 10, line 28, delete "*up to \$15,000 in*" and insert "*reasonable*"

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

Mr. Betzold then moved to amend the fourth Finn amendment to H.F. No. 2028 as follows:

Page 9, line 25, after the period, insert "*A meeting closed to discuss preliminary consideration of allegations or charges must be tape-recorded by the public body and the tape must be preserved for one year. The tape is confidential data on individuals as defined in section 13.02, subdivision 3.*"

The question was taken on the adoption of the Betzold amendment to the fourth Finn amendment.

The roll was called, and there were yeas 13 and nays 47, as follows:

Those who voted in the affirmative were:

Anderson	Chandler	Knutson	Reichgott Junge	Wiener
Berglin	Flynn	Luther	Runbeck	
Betzold	Frederickson	Pappas	Spear	

Those who voted in the negative were:

Adkins	Finn	Laidig	Murphy	Robertson
Beckman	Hanson	Langseth	Neuville	Sams
Belanger	Hottinger	Larson	Novak	Samuelson
Benson, D.D.	Janezich	Lesewski	Oliver	Stevens
Benson, J.E.	Johnson, J.B.	Lessard	Olson	Stumpf
Berg	Johnston	Marty	Pariseau	Terwilliger
Bertram	Kelly	McGowan	Piper	Vickerman
Cohen	Kiscaden	Metzen	Pogemiller	
Day	Krentz	Mondale	Price	
Dille	Kroening	Morse	Ranum	

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

Mr. Knutson moved to amend the fourth Finn amendment to H.F. No. 2028 as follows:

Page 10, line 28, delete "*up to \$15,000 in*" and insert "*reasonable*"

Page 10, line 29, after "*fees*" insert "*of up to \$15,000*"

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

The question recurred on the fourth Finn amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

CALL OF THE SENATE

Mr. Kelly imposed a call of the Senate for the balance of the proceedings on H.F. No. 2028. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Kelly then moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Page 33, after line 10, insert:

"Sec. 39. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 12, is amended to read:

Subd. 12. [EXCLUSIONS.] This section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

(a) a transfer by a person other than a federally licensed firearms dealer to the transferor's parent, grandparent, spouse, child, or sibling, or to another person by bequest or intestate succession;

(b) a loan to a prospective transferee if the loan is intended for a period of no more than one day;

(c) the delivery of a pistol or semiautomatic military-style assault weapon to a person for the purpose of repair, reconditioning or remodeling;

(d) a loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;

(e) a loan between persons at a firearms collectors exhibition;

(f) a loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(g) a loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(h) a loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol or semiautomatic military-style assault weapon by reason of employment and is the holder of a valid permit to carry a pistol.

Sec. 40. Minnesota Statutes 1993 Supplement, section 624.7132, is amended by adding a subdivision to read:

Subd. 12a. [TRANSFER TO INELIGIBLE PERSON.] No person shall knowingly transfer a pistol or semiautomatic military-style assault weapon to another who:

(1) has been denied a permit to carry under section 624.714;

(2) has been found ineligible to possess a pistol or semiautomatic military-style assault weapon by a chief of police or sheriff as a result of an application for a transferee permit or a transfer report; or

(3) is known by the transferor to be disqualified under section 624.713 from possessing a pistol or semiautomatic military-style assault weapon."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Lessard questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Mr. Kelly withdrew his amendment.

Ms. Ranum moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Page 18, line 28, delete "*county attorney*" and insert "*juvenile's probation officer*"

Page 19, line 36, delete "*county attorney*" and insert "*juvenile's probation officer*"

Page 20, line 9, delete "*county attorneys*" and insert "*juvenile probation officers*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Page 34, after line 8, insert:

"Sec. 41. Laws 1990, chapter 566, section 9, as amended by Laws 1992, chapter 569, section 36, is amended to read:

Sec. 9. [REPEALER.]

Section 2 is repealed effective July 31, ~~1994~~ 1995."

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Page 5, after line 9, insert:

"Sec. 6. Minnesota Statutes 1993 Supplement, section 13.46, subdivision 2, is amended to read:

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

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;

(8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;

(9) to the Minnesota department of jobs and training for the purpose of monitoring the eligibility of the data subject for unemployment compensation, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

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

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

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

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

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

(16) the current address of a recipient of general assistance, work readiness, or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient, and to law enforcement officers who are investigating the recipient in connection with a felony-level offense; or

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

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

(c) Data provided to law enforcement agencies under paragraph (a), clause (15) or, (16), or (17), or paragraph (b) are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Finn moved to amend the McGowan amendment to H.F. No. 2028 as follows:

Page 2, line 31, reinstate the stricken " , medical assistance,"

Page 2, line 32, reinstate the stricken "or general assistance medical care"

Page 3, lines 4 to 9, delete the new language and insert "*the current address of a recipient of general assistance or work readiness who is not a recipient of assistance under the food stamp act or the medical assistance program may be disclosed to law enforcement officers who provide the name, social security number, and date of birth of the recipient and who are investigating the recipient in connection with a gross misdemeanor or felony-level offense; or*"

The question was taken on the adoption of the Finn amendment to the McGowan amendment.

The roll was called, and there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Johnson, J.B.	Morse	Reichgott Junge
Beckman	Finn	Kelly	Pappas	Riveness
Berglin	Flynn	Krentz	Piper	Spear
Bertram	Hottinger	Marty	Pogemiller	Wiener
Betzold	Janezich	Merriam	Price	
Chandler	Johnson, D.J.	Moe, R.D.	Ranum	

Those who voted in the negative were:

Adkins	Hanson	Larson	Murphy	Runbeck
Belanger	Johnson, D.E.	Lesewski	Neuville	Sams
Benson, D.D.	Johnston	Lessard	Novak	Samuelson
Benson, J.E.	Kiscaden	Luther	Oliver	Stevens
Berg	Knutson	McGowan	Olson	Stumpf
Day	Laidig	Metzen	Pariseau	Terwilliger
Frederickson	Langseth	Mondale	Robertson	Vickerman

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

The question recurred on the adoption of the McGowan amendment.

The roll was called, and there were yeas 45 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Kiscaden	McGowan	Pariseau
Beckman	Hanson	Knutson	Metzen	Robertson
Belanger	Hottinger	Kroening	Mondale	Runbeck
Benson, D.D.	Janezich	Laidig	Morse	Sams
Benson, J.E.	Johnson, D.E.	Langseth	Murphy	Samuelson
Berg	Johnson, D.J.	Larson	Neuville	Stevens
Bertram	Johnson, J.B.	Lesewski	Novak	Stumpf
Cohen	Johnston	Lessard	Oliver	Terwilliger
Day	Kelly	Luther	Olson	Vickerman

Those who voted in the negative were:

Anderson	Finn	Merriam	Pogemiller	Riveness
Berglin	Flynn	Moe, R.D.	Price	Spear
Betzold	Krentz	Pappas	Ranum	Wiener
Chandler	Marty	Piper	Reichgott Junge	

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Page 8, line 3, after the first "office" insert "*or the office of long-range and strategic planning*"

Page 8, line 8, delete everything after the period

Page 8, delete lines 9 and 10

Mr. Knutson requested division of the amendment as follows:

First portion:

Page 8, line 8, delete everything after the period

Page 8, delete lines 9 and 10

Second portion:

Page 8, line 3, after the first "office" insert "*or the office of long-range and strategic planning*"

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

The question was taken on the adoption of the second portion of the amendment.

The roll was called, and there were yeas 22 and nays 37, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adkins	Bertram	Finn	Kelly	Luther
Anderson	Betzold	Flynn	Krentz	Marty
Beckman	Chandler	Hanson	Kroening	Merriam
Berglin	Cohen	Hottinger	Lessard	Metzen

Moe, R.D.	Novak	Price	Samuelson	Wiener
Mondale	Pappas	Ranum	Spear	
Morse	Piper	Reichgott Junge	Stumpf	
Murphy	Pogemiller	Sams	Vickerman	

The motion did not prevail. So the second portion of the amendment was not adopted.

Mr. McGowan moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Page 1, after line 40, insert:

“Section 1. Minnesota Statutes 1992, section 13.02, subdivision 17, is amended to read:

Subd. 17. [STATE AGENCY.] “State agency” means the *legislature, the state, the University of Minnesota, and any office, officer, department, division, bureau, board, commission, authority, district or agency of the state.*”

Page 35, line 20, after “DATE” insert “; APPLICATION”

Page 35, line 21, before “Sections” insert “*Section 1 is effective July 1, 1994, and applies to government data of the legislature collected, created, or received before, on, or after that date.*”

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert “applying the government data practices act to the legislature;”

Page 1, line 22, after “sections” insert “13.02, subdivision 17;”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 39, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Neuville	Runbeck
Benson, D.D.	Frederickson	Laidig	Oliver	Stevens
Benson, J.E.	Johnson, D.E.	Larson	Olson	Terwilliger
Berg	Johnston	Lesewski	Pariseau	Vickerman
Cohen	Kiscaden	McGowan	Robertson	

Those who voted in the negative were:

Anderson	Finn	Krentz	Mondale	Ranum
Beckman	Flynn	Kroening	Morse	Reichgott Junge
Belanger	Hanson	Lessard	Murphy	Riveness
Berglin	Hottinger	Luther	Novak	Sams
Bertram	Janezich	Marty	Pappas	Solon
Betzold	Johnson, D.J.	Merriam	Piper	Spear
Chandler	Johnson, J.B.	Metzen	Pogemiller	Wiener
Dille	Kelly	Moe, R.D.	Price	

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

Mr. Kelly moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Page 33, after line 10, insert:

"Sec. 39. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 12, is amended to read:

Subd. 12. [EXCLUSIONS.] This section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

(a) a transfer by a person other than a federally licensed firearms dealer to the transferor's parent, grandparent, spouse, child, or sibling, or to another person by bequest or intestate succession;

(b) a loan to a prospective transferee if the loan is intended for a period of no more than one day;

(c) the delivery of a pistol or semiautomatic military-style assault weapon to a person for the purpose of repair, reconditioning or remodeling;

(d) a loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;

(e) a loan between persons at a firearms collectors exhibition;

(f) a loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(g) a loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(h) a loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol or semiautomatic military-style assault weapon by reason of employment and is the holder of a valid permit to carry a pistol.

Sec. 40. Minnesota Statutes 1993 Supplement, section 624.7132, is amended by adding a subdivision to read:

Subd. 12a. [TRANSFER TO INELIGIBLE PERSON.] No person shall knowingly transfer a pistol or semiautomatic military-style assault weapon to another who:

(1) has been denied a permit to carry under section 624.714 because the person is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon;

(2) has been found ineligible to possess a pistol or semiautomatic military-style assault weapon by a chief of police or sheriff as a result of an application for a transferee permit or a transfer report; or

(3) is known by the transferor to be disqualified under section 624.713 from possessing a pistol or semiautomatic military-style assault weapon."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Laidig questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Ms. Kiscaden moved to amend H.F. No. 2028, as amended pursuant to Rule 49, adopted by the Senate April 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2079.)

Pages 14 to 17, delete section 19

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2028 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 42 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kroening	Morse	Riveness
Beckman	Hottinger	Laidig	Murphy	Robertson
Berg	Janezich	Lessard	Novak	Sams
Bertram	Johnson, D.J.	Luther	Pappas	Samuelson
Betzold	Johnson, J.B.	Marty	Piper	Spear
Chandler	Kelly	McGowan	Pogemiller	Wiener
Cohen	Kiscaden	Merriam	Price	
Day	Knutson	Moe, R.D.	Ranum	
Finn	Krentz	Mondale	Reichgott Junge	

Those who voted in the negative were:

Adkins	Berglin	Johnson, D.E.	Oliver	Stevens
Belanger	Dille	Johnston	Olson	Terwilliger
Benson, D.D.	Frederickson	Lesewski	Pariseau	Vickerman
Benson, J.E.	Hanson	Neuville	Runbeck	

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. 2395 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2395: A bill for an act relating to elections; providing for a local government election for election of county, municipal, and school district officers, and officers of all other political subdivisions except towns; superseding inconsistent general and special laws and home rule charter provisions; amending Minnesota Statutes 1992, sections 103C.301, subdivision 1; 103C.305, subdivisions 1, 2, and 6; 103C.311; 103C.315, subdivision 2; 122.23, subdivision 11; 122.25, subdivision 2; 123.34, subdivision 1; 128.01, subdivision 3; 200.01; 200.02, subdivision 10, and by adding a subdivision; 203B.05, subdivision 2; 204B.09; 204B.135, subdivision 4; 204B.14, by adding a subdivision; 204B.18, by adding a subdivision; 204B.19, subdivision 6; 204B.27, subdivisions 3 and 5; 204B.28, subdivision 1; 204B.32; 204B.34, subdivisions 2 and 4; 204B.35, subdivision 5; 204C.03, subdivision 4; 204C.28, subdivision 3; 204D.02; 204D.05, subdivisions 2 and 3; 204D.08, subdivision 6; 204D.09; 204D.10, subdivision 3; 205.02; 205.065, subdivi-

sions 1, 2, 3, and 5; 205.07, subdivision 1; 205.13, subdivisions 1, 2, and 6; 205.175, subdivision 1; 205.185, subdivisions 2 and 3; 205A.03, subdivisions 2 and 4; 205A.04, subdivision 1; 205A.06, subdivisions 1, 2, and 5; 205A.09; 205A.10, subdivision 2; 205A.11; 375.101, by adding a subdivision; 382.01; 397.06; 397.07; 398.04; 412.02, subdivision 2; 412.021, subdivision 2; 412.571, subdivision 5; and 447.32, subdivisions 1 and 2; Minnesota Statutes 1993 Supplement, sections 122.23, subdivision 18; and 206.90, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 205; proposing coding for new law as Minnesota Statutes, chapter 204E; repealing Minnesota Statutes 1992, sections 205.07, subdivision 3; 205.18; 205.20; 205A.04, subdivision 2; 375.101, subdivisions 1 and 2; 410.21; and 447.32, subdivision 4.

Mr. Luther moved to amend S.F. No. 2395 as follows:

Page 2, delete lines 1 to 26 and insert:

"Subdivision 1. [LOCAL GOVERNMENT GENERAL ELECTION.] The general election for all elective officers in every county, city, school district, or other political subdivision of the state, except towns, must be conducted on the first Tuesday after the first Monday in November each odd-numbered year. The election conducted on that date may be referred to as the local government general election and that date may be referred to as the local government general election date.

Subd. 2. [LOCAL GOVERNMENT PRIMARY ELECTION.] If a political subdivision is required by law to conduct a primary election or has under applicable law decided to choose nominees by a primary for an elective office to be filled at the local government general election, the primary election must be held on the first Tuesday after the second Monday in September of the odd-numbered year. The election conducted on that date may be referred to as the local government primary election and that date may be referred to as the local government primary election date. The primary election must be held and the returns made in the manner provided for the state primary election, so far as practicable.

Subd. 3. [TERMS OF OFFICE.] The terms of office of all persons elected at the local government general election to fill expired terms begin on the first Monday in January after the election."

Page 2, line 29, before "election" insert "primary or general"

Page 2, line 33, before "election" insert "primary or general"

Page 2, lines 35 and 36, delete "election or primary preceding the local government" and insert "primary or general"

Page 3, lines 6, 9, 12, 16, 23, and 33, before "election" insert "general"

Page 3, line 10, before "primary" insert "local government"

Page 3, line 13, after the period, insert "No affidavit or petition may be accepted by the filing officer after 5:00 p.m. on the last day for filing."

Page 3, line 15, delete "15" and insert "28"

Page 3, line 19, delete from "post" through page 3, line 22, to "are" and insert "a notice specifying the offices"

Page 3, line 29, after the period, insert *"At least 14 days before the first day to file affidavits of candidacy,"* and after *"shall"* insert *"publish a single notice of filing and"*

Page 3, line 30, delete *"single"* and insert *"copy of this"* and after *"municipality"* insert *"in the county"*

Page 3, line 31, after the period, insert *"The secretary of state shall provide the county auditors with a sample format for the notice of filing."*

Page 4, lines 5 and 13, delete *"2"* and insert *"1"*

Page 4, lines 20 and 21, delete *"on the uniform local government election date"* and insert *"as part of the local government primary or general election"*

Page 4, lines 28 and 29, delete *"on the uniform local government election date"* and insert *"as part of the local government primary or general election"*

Page 4, lines 34 and 35, delete *"by county auditors and municipal clerks"*

Page 5, lines 14 and 15, delete *"on the uniform local government election date"* and insert *"as part of the local government primary or general election"*

Pages 5 and 6, delete section 3 and insert:

"Sec. 3. [TRANSITION SCHEDULE.]

Subdivision 1. [COUNTY OFFICES.] The terms of county commissioners elected at the 1994 state general election expire on the first Monday in January of 2000. The terms of county commissioners elected at the 1996 state general election expire on the first Monday in January of 2002.

The terms of any county auditor, county treasurer, or county attorney elected at the 1994 state general election expire on the first Monday in January of 2000. The terms of any county recorder, county sheriff, or other county officer elected at the 1994 state general election expire on the first Monday in January of 1998.

Subd. 2. [CITY OFFICES.] For city officials elected in 1994, the governing body of the city shall select by lot the officials whose terms of office will expire on the first Monday in January of 1998 or on the first Monday in January of 2000. To the extent practicable, the terms of one-half of the members of the governing body to be elected in 1994 must expire in January of 1998. The governing body of the city must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1994.

The terms of all city officials elected at a general election in 1995 expire on the first Monday in January of 2000. The terms of all city officials elected at a general election in 1997 expire on the first Monday in January of 2002.

For city officials elected in 1996, the governing body of the city shall select by lot the officials whose terms of office will expire on the first Monday in January of 2000 or on the first Monday in January of 2002. To the extent practicable, the terms of one-half of the members of the governing body to be elected in 1996 must expire in January 2000. The governing body of the city

must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1996.

Subd. 3. [SCHOOL BOARD MEMBERS.] The terms of all school board members elected in 1995 expire on the first Monday in January of 2000. The terms of all school board members elected in 1997 expire on the first Monday in January of 2002.

The terms of office of school board members elected in 1996 expire on the first Monday in January of 2000 or 2002, as provided in this paragraph. The governing body of the school district shall select by lot the board members whose terms will expire in January of 2000 or January of 2002. To the extent practicable, one-half of the members elected in 1996 must expire in January of 2000. The governing body of the school district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1996.

Subd. 4. [SPECIAL DISTRICT OFFICES.] The terms of office of special district officials elected in 1994 expire on the first Monday in January of 1998 or 2000, as provided in this paragraph. The governing body of the district shall select by lot the officials whose terms will expire in January of 1998 or January of 2000. To the extent practicable, the terms of one-half of the officials to be elected in 1994 must expire in January of 1998. The governing body of the district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1994.

The terms of all special district officials elected in 1995 expire on the first Monday in January of 2000. The terms of all special district officials elected in 1997 expire on the first Monday in January of 2002.

The terms of office of special district officials elected in 1996 expire on the first Monday in January of 2000 or 2002, as provided in this paragraph. The governing body of the district shall select by lot the officials whose terms will expire in January of 2000 or January of 2002. To the extent practicable, the terms of one-half of the officials to be elected in 1996 must expire in January of 2000. The governing body of the district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1996."

Pages 6 and 7, delete section 5 and insert:

"Sec. 5. [EFFECTIVE DATE.]

This article is effective the day following final enactment. Section 3 applies to elections held in 1994 and thereafter. Sections 1 and 2 apply to the local government primary and general election held in 1997 and thereafter. After January 1, 1997, no general election of a county, city, school district, or other political subdivision may be held on a date other than the local government general election date."

Page 7, delete lines 14 to 19 and insert:

"Subd. 2a. [LOCAL GOVERNMENT ELECTION.] "Local government election" means the local government primary or general election established by section 204E.01."

Page 8, line 5, delete "the" and insert "a"

Page 13, lines 5 and 6, delete "*election or any primary preceding the local government*" and insert "*primary or general*"

Page 14, lines 1 and 2, delete "*election or any primary preceding the local government*" and insert "*primary or general*"

Page 14, delete line 8 and insert "*on the day of the local government general election.*"

Page 14, line 13, delete "*the*" and insert "*a*"

Page 16, lines 35 and 36, delete "*primary preceding the state general*" and insert "*state primary*"

Page 17, delete lines 10 and 11 and insert "*the second or third Tuesday in March of any year in which a*"

Page 17, line 13, before "*if*" insert "*local government primary election date*"

Page 18, lines 15 and 16, delete the new language and insert "*on the local government primary election date*"

Page 18, after line 18, insert:

"Sec. 29. Minnesota Statutes 1992, section 205.065, subdivision 4, is amended to read:

Subd. 4. [CANDIDATES, FILING.] The clerk shall place upon the primary ballot without partisan designation the names of individuals whose candidacies have been filed and for whom the proper filing fee has been paid. When not more than twice the number of individuals to be elected to a municipal office file for nomination for the office, their names shall not be placed upon the primary ballot and shall be placed on the municipal general election ballot as the nominees for that office. *This subdivision does not apply to a city of the first class whose charter provides the manner of holding its primary, general, or special elections.*"

Page 18, line 23, strike "*two*" and insert "*seven*"

Page 18, line 34, strike "*without partisan designation and*"

Page 19, lines 9 and 10, strike "*first Tuesday after the first Monday in November in each odd-numbered year*" and insert "*local government general election date*"

Page 20, after line 1, insert:

"Sec. 32. [205.075] [TOWN GENERAL ELECTION.]

Subdivision 1. [DATE OF ELECTION.] The general election in a town must be held on the second Tuesday in March, except as provided in subdivision 2.

Subd. 2. [ALTERNATE DATE; METROPOLITAN TOWNS.] The governing body of a town located in the metropolitan area as defined by section 473.121 may, by resolution or ordinance, designate the first Tuesday after the first Monday in November of the odd-numbered year as the date of the town general election. Town officers elected at a November town general election serve four-year terms.

The ordinance or resolution changing the date of the town general election must include a plan to shorten or lengthen the terms of office to provide an orderly transition to the November election schedule.

The ordinance or resolution changing the date of the town general election is effective upon an affirmative vote of the voters of the town at the next town general election."

Page 20, line 22, strike "without partisan designation"

Page 20, line 29, strike "municipal" and insert "town"

Page 21, after line 11, insert:

"Sec. 36. Minnesota Statutes 1992, section 205.17, subdivision 1, is amended to read:

Subdivision 1. ~~[SECOND, THIRD, AND FOURTH CLASS CITIES; TOWNS GENERAL ELECTION BALLOTS.]~~ In all statutory and home rule charter cities of the second, third and fourth class, and in all towns, for the municipal general election, the municipal clerk shall have printed on light green paper ~~the official ballot containing~~ without partisan designation the names of all candidates for municipal offices. The ballot shall be printed in blocks of 50, shall be headed "City or Town Election Ballot," shall state the name of the city or town and the date of the election, and shall conform in other respects to the white ballot used at the state general election. The names shall be arranged on city ballots in the manner provided for the state elections. On town ballots names of the candidates for each office shall be arranged alphabetically according to the candidates' surnames. *This subdivision does not apply to a city of the first class whose charter provides the manner in which candidates' names are listed on the ballot."*

Page 21, line 21, before the second "election" insert "primary"

Page 21, line 22, delete "primary preceding the" and before "election" insert "general"

Page 21, line 33, before "primary" insert "state" and delete "preceding the"

Page 21, line 34, delete "state general election"

Page 22, line 2, strike "two" and insert "seven"

Page 24, lines 10 and 11, delete the new language and insert "on the local government primary election date"

Page 24, line 18, strike "two" and insert "seven"

Page 25, line 2, strike "first Tuesday after the first Monday in November"

Page 25, line 3, delete the new language and insert "local government general election date"

Pages 25 and 26, delete section 43

Page 26, lines 29 and 30, delete "election, or the primary preceding the local government" and insert "primary, or the local government general"

Page 27, lines 6 and 7, delete "election, or the primary preceding the local government" and insert "primary, or the local government general"

Page 27, line 29, delete "*the*" and insert "*a*"

Page 28, line 2, delete "*the*" and insert "*a*"

Page 28, lines 10 and 22, delete the second "*the*" and insert "*a*"

Page 29, after line 7, insert:

"Sec. 51. Minnesota Statutes 1992, section 365.51, subdivision 1, is amended to read:

Subdivision 1. [WHEN; BAD WEATHER.] A town's annual town meeting must be held on the second Tuesday of March at the place named by the last annual town meeting. If no place was named then, the meeting must be held at the place named by the town board. The place may be outside the town if the place is within five miles of a town boundary. If there is bad weather on the day of the meeting and election *in March*, the town board shall set the meeting and election for the third Tuesday in March. If there is bad weather on the third Tuesday in March, the town board shall set another date for the meeting and election within 30 days of the third Tuesday in March. If the meeting and election are postponed, the notice requirements in subdivision 2 shall apply to the postponed meeting and election.

The balloting of the town election must be concluded on the same day the election is commenced.

Sec. 52. Minnesota Statutes 1992, section 365.51, subdivision 3, is amended to read:

Subd. 3. [OFFICERS; OTHER BUSINESS.] An annual town election shall be held on the same day as the annual town meeting to elect all town officers required by law to be elected, *except as provided in section 205.075, subdivision 2*. Other town business shall be conducted at the town meeting as provided by law.

Sec. 53. Minnesota Statutes 1992, section 367.03, as amended by Laws 1993, chapter 24, section 1, is amended to read:

367.03 [OFFICERS ELECTED AT ANNUAL ELECTION; VACANCIES.]

Subdivision 1. [~~OFFICERS~~ SUPERVISORS, TERMS.] Except in towns operating under option A *or in towns operating as provided in subdivision 4*, three supervisors shall be elected in each town *at the town general election* as provided in this section. *Each supervisor shall be elected for a term of three years.*

Subd. 2. [NEW TOWNS.] When a new town is organized and supervisors are elected at a town meeting prior to the annual town election, they shall serve only until the next annual town election. At that election three supervisors shall be elected, one for three years, one for two years, and one for one year, so that the term of one shall expire each year. The number of years for which each is elected shall be indicated on the ballot.

Subd. 3. [SUPERVISORS; TOWNS UNDER OPTION A.] When two supervisors are to be elected for three-year terms under option A, a candidate shall indicate on the affidavit of candidacy which of the two offices the candidate is filing for. At following annual town elections one supervisor shall

be elected for three years to succeed the one whose term expires at that time and shall serve until a successor is elected and qualified.

Subd. 4. [OFFICERS; METROPOLITAN TOWNS.] Supervisors and other town officers in towns located in the metropolitan area as defined in section 473.121 that hold the town general election in November shall be elected for terms of four years, expiring the first Monday in January, and until their successors are elected and qualified. The clerk and treasurer shall be elected in alternate years.

Subd. 5. [ELECTION OF CLERK, TREASURER.] Except in towns operating under option B or option D, or both, or in towns operating as provided in subdivision 4, at the annual town election in even-numbered years one town clerk and at the annual town election in odd-numbered years one town treasurer shall be elected. Except as provided in subdivision 4, the clerk and treasurer each shall serve for two years and until their successors are elected and qualified.

Subd. 2 6. [VACANCIES.] When a vacancy occurs in a town office, the town board shall fill the vacancy by appointment. The person appointed shall hold office until the next annual town election, when a successor shall be elected for the unexpired term. A vacancy in the office of supervisor shall be filled by the remaining supervisors and the town clerk until the next annual town election, when a successor shall be elected for the unexpired term. When, because of a vacancy, more than one supervisor is to be chosen at the same election, candidates for the offices of supervisor shall file for one of the specific terms being filled. Law enforcement vacancies shall be filled by appointment by the town board."

Page 29, line 9, after the semicolon, insert "205.17, subdivision 2;"

Page 29, line 10, before "and" insert "205A.06, subdivision 2;"

Page 29, line 12, delete "the day following final enactment" and insert "January 1, 1995,"

Page 29, line 13, delete "1995" and insert "1997"

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

Page 32, line 30, delete "election" and insert "consolidation" and delete "odd-numbered" and insert "even-numbered"

Page 36, delete section 12

Page 41, line 6, delete "day"

Page 41, line 34, delete from "sections" through page 41, line 35, to "are" and insert "section 447.32, subdivision 4, is"

Page 42, line 1, before the period, insert " , except that sections 2 and 9 to 11 are effective January 1, 1997"

Renumber the sections of article 3 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Luther moved that S.F. No. 2395 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 S.F. No. 2885 a Special Order to be heard immediately.

SPECIAL ORDER

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Flynn	Laidig	Murphy	Robertson
Beckman	Frederickson	Langseth	Neville	Runbeck
Belanger	Hanson	Larson	Novak	Sams
Benson, D.D.	Hottinger	Lesewski	Oliver	Samuelson
Benson, J.E.	Johnson, D.E.	Lessard	Olson	Solon
Berg	Johnson, D.J.	Luther	Pappas	Spear
Bertram	Johnson, J.B.	Marty	Pariseau	Stevens
Betzold	Johnston	McGowan	Piper	Stumpf
Chandler	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Meitzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener
Dille	Krentz	Mondale	Reichgott Junge	
Finn	Kroening	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. 2485 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2485: A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; regulating acceptance of empty pesticide containers; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; and 103I.331, subdivision 6; Minnesota Statutes 1993 Supplement, sections 18B.135, subdivision 1; 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

Mr. Morse moved to amend H.F. No. 2485, 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. 2220.)

Page 5, after line 29, insert:

"Sec. 9. Minnesota Statutes 1993 Supplement, section 18B.135, subdivision 1, is amended to read:

Subdivision 1. [ACCEPTANCE OF PESTICIDE CONTAINERS.] (a) A person distributing, offering for sale, or selling a pesticide must accept empty pesticide containers from a pesticide end user if:

(1) ~~the pesticide was purchased~~ *person does not participate in a designated collection program for pesticide containers after July 1, 1994;*

(2) the empty container is prepared for disposal in accordance with label instructions and is returned to the place of purchase within the state; and

(3) a collection site that is seasonably accessible on multiple days has not been designated either by the county board or by agreement with other counties, *the agricultural chemical dealers in their respective counties, or the commissioner* for the public to return empty pesticide containers for the purpose of reuse or recycling or following other approved management practices for pesticide containers in the order of preference established in section 115A.02, paragraph (b), and the county or counties have notified the commissioner of their intentions annually by February 1, in writing, to manage the empty pesticide containers.

(b) This subdivision does not prohibit the use of refillable and reusable pesticide containers.

(c) ~~If a county or counties designate a collection site as provided in paragraph (a); clause (3);~~ A person who has been notified by the county or counties of the designated collection site and who sells pesticides to a pesticide end user must notify purchasers of pesticides at the time of sale of the date and location designated for disposal of empty containers.

(d) For purposes of this section, pesticide containers do not include containers that have held sanitizers and disinfectants, *containers made of metal or paper, plastic bags, bags-in-a-box, water soluble bags, and aerosol packaging*, pesticides labeled primarily for use on humans or pets, or pesticides not requiring dilution or mixing."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2485 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Benson, J.E.	Cohen	Frederickson	Johnson, J.B.
Anderson	Berg	Day	Hanson	Johnston
Beckman	Bertram	Dille	Hottinger	Kelly
Belanger	Betzold	Finn	Johnson, D.E.	Kiscaden
Benson, D.D.	Chandler	Flynn	Johnson, D.J.	Knutson

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

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. 2072 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2072: A bill for an act relating to commerce; agriculture; adding labeling requirements for salvaged food; adding licensing and permit requirements for salvaged food distributors; adding record keeping requirements; requiring salvaged food served for compensation to be identified; providing for labeling of Canadian wild rice; appropriating money; amending Minnesota Statutes 1992, sections 30.49, subdivision 2; and 31.495, subdivisions 1, 2, and 5, and by adding subdivisions.

Mr. Mondale moved to amend S.F. No. 2072 as follows:

Page 4, line 24, delete "may" and insert "shall"

Page 5, after line 3, insert:

"(f) The commissioner, in consultation with the commissioner of health, may adopt rules providing for the identification and labeling of food products pursuant to this subdivision."

Page 5, line 12, delete "purchase" and insert "purchaser"

The motion prevailed. So the amendment was adopted.

S.F. No. 2072 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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. 2054 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2054: A bill for an act relating to natural resources; authorizing the commissioner of administration to sell lands in the Gordy Yaeger wildlife management area in Olmsted county; 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Langseth	Murphy	Robertson
Beckman	Hottinger	Larson	Neuville	Runbeck
Belanger	Janezich	Lesewski	Novak	Sams
Benson, D.D.	Johnson, D.E.	Lessard	Oliver	Solon
Berg	Johnson, J.B.	Luther	Olson	Spear
Bertram	Johnston	Marty	Pappas	Stevens
Betzold	Kelly	McGowan	Pariseau	Stumpf
Chandler	Kiscaden	Merriam	Piper	Terwilliger
Cohen	Knutson	Metzen	Pogemiller	Vickerman
Day	Krentz	Moe, R.D.	Price	Wiener
Dille	Kroening	Mondale	Reichgott Junge	
Finn	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 S.F. No. 2289 a Special Order to be heard immediately.

SPECIAL ORDER

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.

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 46 and nays 15, as follows:

Those who voted in the affirmative were:

Belanger	Janezich	Lessard	Olson	Samuelson
Benson, D.D.	Johnson, D.E.	Luther	Pariseau	Solon
Benson, J.E.	Johnston	McGowan	Piper	Stevens
Berg	Kelly	Merriam	Pogemiller	Stumpf
Bertram	Knutson	Metzen	Price	Vickerman
Betzold	Kroening	Moe, R.D.	Ranum	Wiener
Cohen	Laidig	Mondale	Reichgott Junge	
Dille	Langseth	Murphy	Riveness	
Frederickson	Larson	Neuville	Robertson	
Hanson	Lesewski	Novak	Runbeck	

Those who voted in the negative were:

Anderson	Day	Hottinger	Krentz	Pappas
Beckman	Finn	Johnson, J.B.	Marty	Sams
Chandler	Flynn	Kiscaden	Morse	Spear

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. 2630 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2630: A bill for an act relating to state government; restructuring functions and groups related to ombudspersons for families; amending Minnesota Statutes 1992, sections 257.0761, subdivision 1; 257.0762, subdivision 2; and 257.0768; Minnesota Statutes 1993 Supplement, section 257.0755.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 28, 1994

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

I have vetoed and I am returning Chapter 381, Senate File 844/House File

2228. The bill as passed represents an unwarranted widening of the generally accepted understanding regarding leave status for employees who are designated by the exclusive representative of their bargaining unit as having responsibilities with that unit which qualify for leave.

The bill further imposes an undue burden on public employers of all types and levels in Minnesota, without any known analysis of economic or other operational impact. Granting leaves for purposes other than provided by current law is deliberately and wisely left to the discretion of the governing boards of these jurisdictions.

If there is a general problem with the definitions in current law, it is not widely known. There has been no discernible public discussion or debate about such a problem, nor have any proponents of this amendment sought the counsel of my office over this matter. If, on the other hand, this bill seeks redress of the frustration of a limited number of persons, perhaps even a single individual, that is an example of legislative micromanagement that disappoints the general public.

On the other hand, if the language of an amendment were carefully restricted to a specific structural circumstance and limited as to the number of eligible persons in a given bargaining unit, I would be open to reconsideration.

Warmest regards,
Arne H. Carlson, Governor

Mr. Luther moved that S.F. No. 844 and the veto message thereon be laid on the table. The motion prevailed.

April 21, 1994

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

I have vetoed and I am returning Chapter 481, Senate File 1694/House File 2088.

The bill as originally presented and heard received substantial support as a measure to clarify and improve procedures for the administration of neuroleptic medications to mentally ill persons. However, an author's amendment passed on the floor of the House on a voice vote, significantly changes the impact of the bill and makes it unacceptable policy.

The intent of the bill was to grant to guardians and conservators the authority to consent to the administration of these medications. The last-minute amendment imposes the requirement of a court hearing for this consent to be valid. This change was not subjected to any hearings, testimony, or fiscal analysis.

It seems clear that its effect at least would create enormous legal costs for the state and for counties, as well as for private wards and conservatees. There are at least 11,000 persons on Medical Assistance residing in nursing homes or

intermediate care facilities for whom this sort of medication is typically prescribed.

If it is feasible to approve a bill with the basic provisions and avoid the last-minute language requiring the court hearing, I will certainly sign the bill into law.

Warmest regards,
Arne H. Carlson, Governor

Mr. Betzold moved that S.F. No. 1694 and the veto message thereon be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

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. 2709: A bill for an act relating to agriculture; amending provisions regarding the pricing of certain dairy products; amending Minnesota Statutes 1993 Supplement, section 32.72.

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

Hugoson, Wenzel and Nelson.

Senate File No. 2709 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 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. 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.

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

Wejcman, Murphy and Luther.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 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. 2009: A bill for an act relating to public safety; increasing membership of emergency response commission by one representative of emergency managers; amending Minnesota Statutes 1992, section 299K.03, subdivision 3.

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

Olson, M.; Klinzing and Molnau.

Senate File No. 2009 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 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. 2710: A bill for an act relating to health; modifying provisions relating to lead abatement; amending Minnesota Statutes 1992, sections 144.871, subdivision 3; and 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivision 2; 144.874, subdivisions 1, 3, 9, and 11a; 144.878, subdivisions 2 and 5; and 326.71, subdivision 4; repealing Minnesota Statutes 1993 Supplement, section 144.877.

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

Clark, Mariani and Tompkins.

Senate File No. 2710 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 1994

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

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

S.F. No. 1795: A bill for an act relating to traffic regulations; establishing Minnesota child passenger restraint and education account to assist families in financial need to obtain child passenger restraint systems; amending Minne-

sota Statutes 1992, section 169.685, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 169.685, subdivision 5.

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

Page 2, line 13, delete from "*The*" through page 2, line 14, to "*appropriated*" and insert:

"Sec. 3. [APPROPRIATION.]

\$37,000 is appropriated from the child passenger restraint and education account in the special revenue fund"

Page 2, line 19, delete "3" and insert "4"

Amend the title as follows:

Page 1, line 5, 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. 2866: A bill for an act relating to state and local revenues; providing for state financial management reform; modifying proposed property tax notices; appropriating money; amending Minnesota Statutes 1992, sections 16A.11, by adding a subdivision; and 124.196; Minnesota Statutes 1993 Supplement, sections 16A.04, subdivision 1; 16A.11, subdivision 1; and 275.065, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 16A; and 275.

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

Page 1, after line 11, insert:

"Section 1. [3.245] [REVENUE AND EXPENDITURE GOALS; IMPLEMENTATION.]

Subdivision 1. [GOALS.] By March 15 of each odd-numbered year, the legislature shall by concurrent resolution adopt revenue and expenditure goals for the next two bienniums. The revenue goals must specify the percent of personal income that should be devoted each to state and local needs during each of the two bienniums and must specify the appropriate mix and rates of income, sales, and property taxes and other revenue sources. The revenue goals must reference measures of projected economic growth contained in the most recent forecast as provided under section 3 and the revenue goals proposed by the governor under section 5. The expenditure goals must include state expenditure ranges by broad program areas, open appropriations and entitlements for each biennium, and local expenditure ranges by major categories of political subdivisions. The expenditure goals must not exceed the revenue goals for the same biennium. The goals must reference the expenditure goals proposed by the governor under section 5.

Subd. 2. [EVEN-NUMBERED YEAR AND SPECIAL SESSIONS.] The governor or the legislature may elect to modify their goals in a subsequent special or even-numbered year regular session. The requirements of subdivision 1 apply, except that within ten days of the start of the session the dates

provided in those subdivisions must be modified to be consistent with the planned date of adjournment."

Pages 1 and 2, delete section 2

Page 3, line 33, after the first *"the"* insert *"November"*

Page 3, lines 34 and 35, delete *"nontax governmental revenues"* and insert *"departmental earnings, as defined in section 16A.1285"*

Page 4, line 1, delete *"Nontax"*

Page 4, delete lines 2 to 26

Page 4, line 36, reinstate the stricken language and delete the new language

Page 5, lines 17 and 18, delete *"and be consistent with the governor's recommendations under section 2"*

Page 5, delete line 32 and insert *"plan must include provisions for returning to structural balance in the"*

Page 10, line 24, delete *"\$....."* and insert *"\$46,000"*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, before *"16A"* insert *"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

S.F. No. 1609: A bill for an act relating to utilities; mandating studies of effects of earth as conductor of electricity, stray voltage, and electromagnetic fields; providing complaint procedure and remedies; appropriating money.

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

Page 1, line 7, delete *"SCIENTIFIC ADVISORY TASK FORCE"* and insert *"TEAM OF SCIENCE ADVISORS"*

Page 1, line 9, delete *"appoint a scientific advisory task force"* and insert *"based on its judgment of persons suitable for the positions, appoint a team of science advisors"*

Page 1, lines 14, 20, and 21, delete *"task force"* and insert *"science advisors"*

Page 1, lines 16 and 17, delete *"task force"* and insert *"science advisors"*

Page 2, line 3, delete *"task force finds"* and insert *"science advisors find"*

Page 2, line 7, delete *"task force"* and insert *"science advisors"*

Page 2, lines 9 and 27, delete *"task force"* and insert *"science advisors"*

Page 3, lines 3, 10, and 16, delete *"task force"* and insert *"science advisors"*

Page 3, line 5, delete *"task force"* and insert *"team of science advisors"*

Page 3, line 25, delete "*make grants to*" and insert "*contract with*"

Page 3, line 27, delete everything after "*for*" and insert "*the preparation, analysis, and presentation of data related to ground currents and dairy herd health and production to the science advisors. Contractees*"

Page 3, line 28, delete everything before "*must*"

Page 3, line 29, delete "*task force*" and insert "*science advisors*" and delete "*data*" and insert "*analysis*"

Page 3, line 30, delete "*task force*" and insert "*science advisors*" and delete "*receiving a*" and insert "*contract execution*"

Page 3, line 31, delete "*grant*" and delete "*Grantees*" and insert "*Contractees*"

Page 3, line 32, delete "*grant*" and insert "*contract*" and delete "*Grantees*" and insert "*Contractees*"

Page 4, delete section 4

Page 4, line 26, delete "\$1,160,000" and insert "\$603,000"

Page 5, line 3, delete "\$750,000" and insert "\$500,000"

Page 5, line 5, delete "*expense of the task force*" and insert "*compensation for services of the science advisors and commission liaison*"

Page 5, lines 6 and 20, delete "1995" and insert "1996"

Page 5, delete lines 7 to 9 and insert:

"(b) \$3,000 is appropriated from the general fund to the department of public service for costs of administrative oversight of activities under section 3."

Page 5, line 11, delete "*assistance to*" and insert "*the purpose of contracting with*"

Page 5, line 12, delete "*assist in the preparation and analysis*" and insert "*prepare and analyze*"

Page 5, line 13, delete "*of*" and delete "*scientific advisory task force*" and insert "*science advisors*"

Page 5, line 15, delete "\$25,000" and insert "\$15,000"

Page 5, line 17, delete "*making grants to*" and insert "*contracting with*"

Page 5, delete line 18 and insert "*to participate in the activities of the science advisors*"

Page 5, line 19, delete everything before the period

Renumber the sections in sequence

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. 1842: A bill for an act relating to human services; protection of vulnerable adults; requiring a report to the legislature; appropriating money; amending Minnesota Statutes 1992, section 626.557, subdivisions 2, 10a, and 12.

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

Page 1, delete section 1

Pages 7 and 8, delete section 5

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 3 and 4, delete "requiring a report to the legislature; 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. 2357: A bill for an act relating to retirement; waiving the annuity reduction for certain faculty in the state university system who return to teaching part-time after retirement; mandating employer-paid health insurance for these faculty; proposing coding for new law in Minnesota Statutes, chapters 136 and 354.

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

Page 1, line 12, after "system" insert "*, or from a successor system employing state university or community college faculty,*"

Page 1, line 15, before the semicolon, insert "*as a state university or community college faculty member*"

Page 2, line 23, after "system" insert "*, or from a successor system employing state university or community college faculty,*"

Page 2, line 26, before the semicolon, insert "*as a state university or community college faculty member*"

Amend the title as follows:

Page 1, line 3, delete "system" and insert "and community college systems"

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. 2150: A bill for an act relating to agriculture; establishing a feedlot and manure management advisory committee; providing for development of manure management research and monitoring priorities; amending eligibility requirements for beginning farmer loans; establishing livestock expansion loan program; providing for development of feedlot rules; changing definitions in the corporate farming law; amending Minnesota Statutes 1992,

sections 41B.02, by adding a subdivision; and 116.07, subdivision 7; Minnesota Statutes 1993 Supplement, section 41B.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; and 41B.

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

Page 8, after line 2, insert:

“Sec. 9. [APPROPRIATION.]

(a) \$5,000 is appropriated from the general fund to the commissioner of agriculture for payment of expenses for the feedlot and manure management advisory committee created in section 1.

(b) \$50,000 is appropriated from the general fund to the commissioner of agriculture for a grant to the dairy leaders round table. This appropriation must be matched with non-state funds.”

Amend the title as follows:

Page 1, line 9, 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. 2757: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to make subgrants of certain money; appropriating money; amending Minnesota Statutes 1992, section 84.085, subdivision 1; repealing Minnesota Statutes 1992, section 88.063.

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

Page 2, line 5, delete “and the state”

Page 2, line 6, delete “treasurer” and delete “the provisions of”

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

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

H.F. No. 2226: A bill for an act relating to state government; permitting employees of Minnesota Project Innovation, Inc. to participate in certain state employee benefit programs; amending Minnesota Statutes 1992, section 116O.04, subdivision 2.

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

Page 1, line 18, after “the” insert “health care insurance”

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. 2523: A bill for an act relating to the environment; reestablishing the office of waste management as the office of environmental assistance; transferring environmental assistance programs from the pollution control agency to the office; transferring waste management and policy planning from the metropolitan council to the office; amending Minnesota Statutes 1992, sections 115A.03, by adding a subdivision; 115A.055; 115A.06, subdivision 2; 115A.072; 115A.12; 115A.14, subdivision 4; 115A.15, subdivision 5; 115A.411, subdivision 1; 115A.42; 115A.5501, subdivision 2; 115A.84, subdivision 3; 115A.86, subdivision 2; 115A.912, subdivision 1; 115A.96, subdivision 2; 116.96, subdivision 4; 116F.02, subdivision 2; 473.149, subdivisions 1, 3, 5, and by adding a subdivision; 473.8011; 473.803, subdivisions 2 and 4; and 473.823, subdivision 5; Minnesota Statutes 1993 Supplement, sections 115A.551, subdivision 4; 115A.96, subdivisions 3 and 4; 115A.981, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; and 473.846; repealing Minnesota Statutes 1992, sections 115A.81, subdivision 3; 115A.914, subdivision 1; 115A.952; 116.96, subdivision 2; 116F.06, subdivisions 2, 3, 4, and 5; 116F.08.

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

Page 4, line 32, reinstate the stricken language and after the reinstated "council" insert a comma

Page 7, lines 13 and 14, reinstate the stricken language

Page 7, line 36, reinstate the stricken comma and delete "and" and reinstate the stricken ", and"

Page 8, line 1, reinstate the stricken language

Page 8, line 3, reinstate the stricken comma and delete "and" and reinstate the stricken ", and"

Page 8, line 4, reinstate the stricken language

Page 9, lines 7 and 8, reinstate the stricken language

Page 9, line 12, delete the new language and insert ", and 115A.981"

Page 9, delete lines 21 to 24 and insert "pursuant to rules promulgated under chapter 14, except in the metropolitan area where the program is administered by the metropolitan council pursuant to chapter 473. The ~~office~~ *director* and the metropolitan council shall ensure conformance with"

Page 9, delete lines 32 to 35 and insert "~~commissioner~~ *director* and the chair of the metropolitan council; ~~in consultation with the director~~, shall each conduct an annual ~~four-season~~ solid waste composition study in the nonmetropolitan and metropolitan areas respectively or shall"

Page 10, delete lines 3 to 5 and insert:

"Beginning in 1993, the chair of the council shall submit the results from the metropolitan area to the commissioner by March 1 of each year. The ~~commissioner~~ *director* shall average"

Page 10, delete lines 13 to 33 and insert:

"Subd. 4. [INTERIM MONITORING.] The ~~office~~ *director*, for counties outside of the metropolitan area, and the metropolitan council, for counties

within the metropolitan area, shall monitor the progress of each county toward meeting the recycling goals in subdivisions 2 and 2a. The ~~office~~ director shall report to the legislative commission on waste management on the progress of the counties by ~~July~~ August 1 of each year. The metropolitan council shall report to the legislative commission on waste management on the progress of the counties by July 1 of each year. If the ~~office~~ director or the council finds that a county is not progressing toward the goals in subdivisions 2 and 2a, it shall negotiate with the county to develop and implement solid waste management techniques designed to assist the county in meeting the goals, such as organized collection, curbside collection of source-separated materials, and volume-based pricing.

In even-numbered years the ~~office's~~ director's progress report may be included in the solid waste management policy report required under section 115A.411. The metropolitan council's progress report shall be included in the report required by section 473.149."

Page 11, lines 1 to 4, reinstate the stricken language

Page 11, delete lines 7 to 20 and insert:

"(b) The reviewing authority shall complete its review and make its decision within 120 days following submission of the plan for review. The reviewing authority shall approve the designation plan if the plan satisfies the requirements of subdivision 2 and, in the case of designation to disposal facilities, if the reviewing authority finds that the plan has demonstrated that the designation is necessary and is consistent with section 115A.02. The reviewing authority may attach conditions to its approval that relate to matters required in a designation ordinance under section 115A.86, subdivision 1, paragraph (a), clauses (1) to (4), and paragraph (b). Amendments to plans must be submitted for review in accordance with this subdivision."

Page 11, delete lines 23 to 36 and insert:

"Subd. 2. [APPROVAL.] A district or county whose designation applies wholly within the metropolitan area defined in section 473.121 shall submit the designation ordinance, together with any negotiated contracts assuring the delivery of solid waste, to the metropolitan council for review and approval or disapproval. Other districts or counties shall submit the designation ordinance, together with any negotiated contracts assuring the delivery of solid waste, to the ~~office of waste management~~ director for review and approval or disapproval. The reviewing authority shall complete its review and make its decision within 90 days following submission of the designation for review. The reviewing authority shall approve the designation if it determines that the designation procedure specified in section 115A.85 was followed"

Page 12, lines 2 and 3, reinstate the stricken language and delete the new language

Page 13, lines 32 and 33, reinstate the stricken "the metropolitan council;"

Pages 14 to 17, delete sections 20 to 22

Page 17, delete lines 16 to 34 and insert:

"Subd. 6. [REPORT TO LEGISLATURE.] The council shall report on abatement to the legislative commission on waste management by ~~July~~ August 1 of each year. The report must include an assessment of whether the objectives of the metropolitan abatement plan have been met and whether

each county and each class of city within each county have achieved the objectives set for it in the council's plan. The report must recommend any legislation that may be required to implement the plan. The report ~~shall~~ *must* include the reports required by sections 115A.551, subdivision 5; 473.846; and 473.848, subdivision 4. If in any year the council reports that the objectives of the council's abatement plan have not been met, the council shall evaluate and report on the need to reassign governmental responsibilities among cities, counties, and metropolitan agencies to assure implementation and achievement of the metropolitan and local abatement plans and objectives."

Pages 18 to 22, delete sections 24 to 30 and insert:

"Sec. 21. Minnesota Statutes 1993 Supplement, section 473.846, is amended to read:

473.846 [REPORT TO LEGISLATURE.]

The ~~agency~~ *commissioner* and metropolitan council shall submit to the senate finance committee, the house ways and means committee, and the legislative commission on waste management separate reports describing the activities for which money from the landfill abatement account and contingency action trust fund, *respectively*, has been spent during the previous fiscal year. The ~~agency~~ *commissioner* shall report by November 1 of each year. The council shall incorporate its report in the report required by section 473.149, due ~~July~~ *August* 1 of each year. The council shall make recommendations to the legislative commission on waste management on the future management and use of the metropolitan landfill abatement account."

Page 23, delete lines 17 to 36 and insert:

"(3) delete the words "the office or" and delete "acting on behalf of the office" in Minnesota Statutes, section 115A.06, subdivisions 8 to 10;

(4) change the word "board" to "director" in Minnesota Statutes, section 115A.97, subdivision 5;

(5) delete the word "office" in Minnesota Statutes, section 115A.551, subdivision 7;

(6) change the word "office" to "agency" in Minnesota Statutes, sections 115A.902; 115A.906; 115A.912, subdivisions 2 and 3; and 115A.914;

(7) change the words "agency," "commissioner," and "pollution control agency" to "director" in Minnesota Statutes, sections 115A.909; 115A.981; 116F.05, subdivision 3; and 116F.06, subdivision 1; and

(8) change the words "agency" and "Minnesota pollution control agency" to "director" and "director of the office of environmental assistance" respectively in Minnesota Statutes, section 116F.02, subdivision 2."

Page 24, delete lines 1 to 36

Page 25, delete lines 1 to 12

Page 25, line 14, delete "to 30" and insert "and 21"

Renumber the sections of article 2 in sequence

Amend the title as follows:

Page 1, line 6, delete everything after the semicolon

Page 1, delete line 7

Page 1, line 15, delete everything after the semicolon

Page 1, delete lines 16 and 17

Page 1, line 21, delete "473.803, subdivision 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

S.F. No. 2316: A bill for an act relating to the state board of investment; management of funds under the board's control; limiting the investment authority of various local pension plans to the pre-1994 investment authority of the state board of investment; amending Minnesota Statutes 1992, sections 11A.17, subdivisions 1, 4, 9, 10a, and 14; 11A.18, subdivision 9; 11A.24, subdivisions 3, 5, and 6; 353D.05, subdivision 2; 354B.07, subdivision 2; 356A.06, subdivision 7; and 422A.05, subdivision 2c; Minnesota Statutes 1993 Supplement, sections 11A.24, subdivisions 1 and 4; 69.77, subdivision 2g; 69.775; 352D.04, subdivision 1; 352D.09, subdivision 8; and 354B.05, subdivision 3.

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

Page 16, line 24, delete the new language

Page 16, line 25, delete "*Minnesota Statutes 1992,*" and strike "section 11A.24, subdivisions 2" and delete ", 3,"

Page 16, line 26, delete the new language and strike the old language

Page 16, line 27, delete the new language and insert "*under section 356A.06, subdivision 7*"

Page 17, line 19, delete the new language

Page 17, line 20, strike "section 11A.24, subdivisions 2" and delete ", 3, and" and strike "5" and delete "*and Minnesota*"

Page 17, line 21, delete the new language and insert "*under section 356A.06, subdivision 7*"

Page 18, line 5, before "Except" insert "(a) [AUTHORITY.]"

Page 18, line 8, delete the new language and strike the old language

Page 18, lines 9 and 10, delete the new language and insert "*this subdivision*"

Page 18, after line 10, insert:

"(b) [SECURITIES GENERALLY.] *The covered pension plan has the authority to purchase, sell, lend, or exchange the securities specified in paragraphs (c) to (g), including puts and call options and future contracts traded on a contract market regulated by a governmental agency or by a financial institution regulated by a governmental agency. These securities may*

be owned as units in commingled trusts that own the securities described in paragraphs (c) to (g).

(c) [GOVERNMENT OBLIGATIONS.] *The covered pension plan may invest funds in governmental bonds, notes, bills, mortgages, and other evidences of indebtedness provided the issue is backed by the full faith and credit of the issuer or the issue is rated among the top four quality rating categories by a nationally recognized rating agency. The obligations in which funds may be invested under this paragraph include guaranteed or insured issues of (1) the United States, its agencies, its instrumentalities, or organizations created and regulated by an act of Congress; (2) Canada and its provinces, provided the principal and interest is payable in United States dollars; (3) the states and their municipalities, political subdivisions, agencies or instrumentalities; (4) the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, or any other United States Government sponsored organization of which the United States is a member, provided the principal and interest is payable in United States dollars.*

(d) [CORPORATE OBLIGATIONS.] *The covered pension plan may invest funds in bonds, notes, debentures, transportation equipment obligations, or any other longer term evidences of indebtedness issued or guaranteed by a corporation organized under the laws of the United States or any state thereof, or the Dominion of Canada or any province thereof if they conform to the following provisions:*

(1) the principal and interest of obligations of corporations incorporated or organized under the laws of the Dominion of Canada or any province thereof must be payable in United States dollars; and

(2) obligations must be rated among the top four quality categories by a nationally recognized rating agency.

(e) [OTHER OBLIGATIONS.] *(1) The covered pension plan may invest funds in bankers acceptances, certificates of deposit, deposit notes, commercial paper, mortgage participation certificates and pools, repurchase agreements and reverse repurchase agreements, guaranteed investment contracts, savings accounts, and guaranty fund certificates, surplus notes, or debentures of domestic mutual insurance companies if they conform to the following provisions:*

(i) bankers acceptances and deposit notes of United States banks are limited to those issued by banks rated in the highest four quality categories by a nationally recognized rating agency;

(ii) certificates of deposit are limited to those issued by (A) United States banks and savings institutions that are rated in the highest four quality categories by a nationally recognized rating agency or whose certificates of deposit are fully insured by federal agencies; or (B) credit unions in amounts up to the limit of insurance coverage provided by the National Credit Union Administration;

(iii) commercial paper is limited to those issued by United States corporations or their Canadian subsidiaries and rated in the highest two quality categories by a nationally recognized rating agency;

(iv) mortgage participation or pass through certificates evidencing interests in pools of first mortgages or trust deeds on improved real estate located in

the United States where the loan to value ratio for each loan as calculated in accordance with section 61A.28, subdivision 3, does not exceed 80 percent for fully amortizable residential properties and in all other respects meets the requirements of section 61A.28, subdivision 3;

(v) collateral for repurchase agreements and reverse repurchase agreements is limited to letters of credit and securities authorized in this section;

(vi) guaranteed investment contracts are limited to those issued by insurance companies or banks rated in the top four quality categories by a nationally recognized rating agency or to alternative guaranteed investment contracts where the underlying assets comply with the requirements of this subdivision; and

(vii) savings accounts are limited to those fully insured by federal agencies.

(2) Sections 16A.58 and 16B.06 do not apply to certificates of deposit and collateralization agreements executed by the covered pension plan under clause (1), item (ii).

(3) In addition to investments authorized by clause (1), item (iv), the covered pension plan may purchase from the Minnesota housing finance agency all or any part of a pool of residential mortgages, not in default, that has previously been financed by the issuance of bonds or notes of the agency. The covered pension plan may also enter into a commitment with the agency, at the time of any issue of bonds or notes, to purchase at a specified future date, not exceeding 12 years from the date of the issue, the amount of mortgage loans then outstanding and not in default that have been made or purchased from the proceeds of the bonds or notes. The covered pension plan may charge reasonable fees for any such commitment and may agree to purchase the mortgage loans at a price sufficient to produce a yield to the covered pension plan comparable, in its judgment, to the yield available on similar mortgage loans at the date of the bonds or notes. The covered pension plan may also enter into agreements with the agency for the investment of any portion of the funds of the agency. The agreement must cover the period of the investment, withdrawal privileges, and any guaranteed rate of return.

(f) [CORPORATE STOCKS.] The covered pension plan may invest funds in stocks or convertible issues of any corporation organized under the laws of the United States or the states thereof, the Dominion of Canada or its provinces, or any corporation listed on the New York Stock Exchange or the American Stock Exchange, if they conform to the following provisions:

(1) The aggregate value of corporate stock investments, as adjusted for realized profits and losses, must not exceed 85 percent of the market or book value, whichever is less, of a fund, less the aggregate value of investments according to subdivision 6;

(2) Investments must not exceed five percent of the total outstanding shares of any one corporation.

(g) [OTHER INVESTMENTS.] (1) In addition to the investments authorized in paragraphs (b) to (f), and subject to the provisions in clause (2), the covered pension plan may invest funds in:

(i) venture capital investment businesses through participation in limited partnerships and corporations;

(ii) real estate ownership interests or loans secured by mortgages or deeds of trust through investment in limited partnerships, bank sponsored collective funds, trusts, and insurance company commingled accounts, including separate accounts;

(iii) regional and mutual funds through bank sponsored collective funds and open-end investment companies registered under the Federal Investment Company Act of 1940;

(iv) resource investments through limited partnerships, private placements and corporations; and

(v) international securities.

(2) The investments authorized in clause (1) must conform to the following provisions:

(i) the aggregate value of all investments made according to clause (1) may not exceed 35 percent of the market value of the fund for which the covered pension plan is investing;

(ii) there must be at least four unrelated owners of the investment other than the state board for investments made under clause (1), item (i), (ii), (iii), or (iv);

(iii) covered pension plan participation in an investment vehicle is limited to 20 percent thereof for investments made under clause (1), item (i), (ii), (iii), or (iv); and

(iv) covered pension plan participation in a limited partnership does not include a general partnership interest or other interest involving general liability. The covered pension plan may not engage in any activity as a limited partner which creates general liability."

Page 18, line 16, delete "Minnesota Statutes 1992," and strike "11A.24" and insert "356A.06"

Page 18, lines 17 and 18, delete the new language and insert "subdivision 7"

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. 2894 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.
2894	2520				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2894 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2894 and insert the language after the enacting clause of S.F. No. 2520, the second engross-

ment; further, delete the title of H.F. No. 2894 and insert the title of S.F. No. 2520, the second engrossment.

And when so amended H.F. No. 2894 will be identical to S.F. No. 2520, and further recommends that H.F. No. 2894 be given its second reading and substituted for S.F. No. 2520, 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. 3211 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.
3211	2910				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3211 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3211 and insert the language after the enacting clause of S.F. No. 2910, the first engrossment; further, delete the title of H.F. No. 3211 and insert the title of S.F. No. 2910, the first engrossment.

And when so amended H.F. No. 3211 will be identical to S.F. No. 2910, and further recommends that H.F. No. 3211 be given its second reading and substituted for S.F. No. 2910, 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. Novak from the Committee on Jobs, Energy and Community Development, to which was referred the following appointment as reported in the Journal for April 15, 1994:

MINNESOTA HOUSING FINANCE AGENCY

Bruce Bakken

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

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which were referred the following appointments as reported in the Journal for February 22, 1994:

MINNESOTA HOUSING FINANCE AGENCY

Jo Van Hovel

MINNESOTA PUBLIC FACILITIES AUTHORITY

Duncan Baird

PUBLIC UTILITIES COMMISSION

R. Marshall Johnson

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

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred the following appointment as reported in the Journal for February 28, 1994:

MINNESOTA HOUSING FINANCE AGENCY

Michael Finch

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

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1795, 2866, 1609, 1842, 2357, 2150, 2757, 2523 and 2316 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2226, 2894 and 3211 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Sams moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 2169. The motion prevailed.

Ms. Reichgott Junge moved that the name of Mrs. Benson, J.E. be added as a co-author to S.F. No. 2392. The motion prevailed.

Ms. Johnson, J.B. introduced—

Senate Resolution No. 87: A Senate resolution expressing support for the Household Eco Team Program on Earth Day, 1994.

Referred to the Committee on Rules and Administration.

Mr. Morse moved that H.F. No. 2658 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration for

comparison with S.F. No. 2357, now on General Orders. The motion prevailed.

MEMBERS EXCUSED

Mr. Chmielewski was excused from the Session of today. Mr. Marty was excused from the Session of today from 9:00 to 10:00 a.m. Messrs. Kroening and Riveness were excused from the Session of today from 8:00 to 9:00 a.m. Mr. Janezich was excused from the Session of today from 8:30 to 9:15 a.m. Ms. Johnson, J.B. was excused from the Session of today from 11:20 to 11:45 a.m. Mrs. Pariseau was excused from the Session of today from 11:15 to 11:35 a.m. Mr. Price was excused from the Session of today from 8:00 to 9:30 a.m. Ms. Berglin was excused from the Session of today at 1:30 p.m. Mr. Oliver was excused from the Session of today at 2:10 p.m. Ms. Olson was excused from the Session of today at 2:30 p.m. Mr. Johnson, D.E. was excused from the Session of today from 11:15 a.m. to 12:00 noon. Mr. Novak was excused from the Session of today from 9:15 to 10:45 a.m. The following members were excused from today's Session for brief periods of time: Messrs. Johnson, D.J. and Moe, R.D.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:30 a.m., Monday, April 25, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate