

ONE HUNDRED FIRST DAY

St. Paul, Minnesota, Friday, April 29, 1994

The Senate met at 9:00 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, Monsignor James D. Habiger.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 28, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

Brian Steeves, P.O. Box 51, Princeton, Mille Lacs County, has been appointed by me, effective April 18, 1994, for a term expiring on the first Monday in January, 1996.

(Referred to the Committee on Education.)

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2072 and 2690.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 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. 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.

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

Weaver, Kahn and Abrams.

Senate File No. 2289 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1994

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2192: A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the regulated all-payer option; requiring administrative rulemaking; setting time-lines and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution

process; requiring proposed legislation; establishing task forces; providing for demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.02, subdivision 3; 60A.15, subdivision 1; 62A.303; 62D.02, subdivision 4; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.06; 62L.07, subdivision 2; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; 144.335, by adding a subdivision; 144.581, subdivision 2; 256.9355, by adding a subdivision; 256.9358, subdivision 4; 295.50, by adding subdivisions; and 318.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.65, subdivisions 2, 3, 4, 5, and by adding subdivisions; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivisions 1a and 2; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 16, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9353, subdivisions 3 and 7; 256.9354, subdivisions 1, 4, 5, and 6; 256.9356, subdivision 3; 256.9362, subdivision 6; 256.9363, subdivisions 6, 7, and 9; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, and 12b; 295.52, subdivision 5; 295.53, subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; Laws 1992, chapter 549, article 9, section 22; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; 62P; 144; and 317A; proposing coding for new law as Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16.

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

Greenfield; Cooper, Neary, Klinzing and Smith.

Senate File No. 2192 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1994

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3086:

H.F. No. 3086: A bill for an act relating to the environment; expanding the authority of the commissioner of the pollution control agency to release persons from liability for contamination from petroleum tanks; establishing an environmental cleanup program for landfills; increasing the solid waste generator fee; providing penalties; appropriating money; abolishing the metropolitan landfill contingency action trust fund; transferring trust fund assets; transferring certain personnel, powers, and duties back to the office of waste management; transferring solid and hazardous waste management personnel, powers, and duties of the metropolitan council to the office of waste management; amending Minnesota Statutes 1992, sections 115.073; 115A.055; 115B.42, subdivision 1, and by adding subdivisions; 115C.03, subdivision 9; 116G.15; 383D.71, subdivision 1; 473.801, subdivisions 1 and 4; 473.841; 473.842, subdivision 1; and 473.843, subdivision 2; amending Minnesota Statutes 1993 Supplement, sections 115B.42, subdivision 2; and 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1992, sections 473.842, subdivisions 1a, 4a, and 5; 473.845; and 473.847.

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

Wagenius; Kahn; Orenstein; Brown, C., and Lynch have been appointed as such committee on the part of the House.

House File No. 3086 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 28, 1994

Mr. Morse moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3086, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1899:

H.F. No. 1899: A bill for an act relating to state government; revising procedures used for adoption and review of administrative rules; correcting erroneous, ambiguous, obsolete, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions in Minnesota Rules; making various technical changes; amending Minnesota Statutes 1992, sections 10A.02, by adding a subdivision; 14.05, subdivision 1; 14.12; 14.38, subdivisions 1, 7, 8, and 9; 14.46, subdivisions 1 and 3; 14.47, subdivisions 1, 2, and 6; 14.50; 14.51; 17.84; 84.027, by adding a subdivision; and 128C.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 3.841; and 3.984, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; correcting Minnesota Rules, parts 1200.0300; 1400.0500; 3530.0200; 3530.1500; 3530.2614; 3530.2642; 4685.0100; 4685.3000; 4685.3200; 4692.0020; 5000.0400; 7045.0075; 7411.7100; 7411.7400; 7411.7700; 7883.0100; 8130.3500; 8130.6500; 8800.1200; 8800.1400;

8800.3100; 8820.0600; 8820.2300; 9050.1070; and 9505.2175; repealing Minnesota Statutes 1992, sections 3.842; 3.843; 3.844; 3.845; 3.846; 14.03, subdivision 3; 14.05, subdivisions 2 and 3; 14.06; 14.08; 14.09; 14.11; 14.115; 14.131; 14.1311; 14.14; 14.15; 14.16; 14.18, subdivision 1; 14.19; 14.20; 14.22; 14.225; 14.23; 14.235; 14.24; 14.25; 14.26; 14.27; 14.28; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; 14.365; 14.38, subdivisions 4, 5, and 6; and 17.83; Minnesota Statutes 1993 Supplement, sections 3.984; and 14.10; Minnesota Rules, parts 1300.0100; 1300.0200; 1300.0300; 1300.0400; 1300.0500; 1300.0600; 1300.0700; 1300.0800; 1300.0900; 1300.0940; 1300.0942; 1300.0944; 1300.0946; 1300.0948; 1300.1000; 1300.1100; 1300.1200; 1300.1300; 1300.1400; 1300.1500; 1300.1600; 1300.1700; 1300.1800; 1300.1900; 1300.2000; 4685.2600; 4692.0020, subpart 2; 4692.0045; 7856.1000; subpart 5; 8017.5000; 8130.9500, subpart 6; 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; and 8130.9996.

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

Greiling, Kahn and Leppik have been appointed as such committee on the part of the House.

House File No. 1899 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 28, 1994

Mr. Hottinger moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1899, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2158:

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.

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

Bishop, Sekhon and Kalis have been appointed as such committee on the part of the House.

House File No. 2158 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 28, 1994

Mr. Price moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2158, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1919:

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

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

Evans, Clark and Ozment have been appointed as such committee on the part of the House.

House File No. 1919 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 28, 1994

Ms. Krentz moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1919, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 2498: A bill for an act relating to retirement; offering options of coverage for employees of the higher education board upon merger of the state university system, community college board, and technical college board; amending Minnesota Statutes 1992, sections 136E.04, by adding a subdivision; 354.66, subdivision 2; 354B.07, subdivision 1; and 354B.08; Minnesota Statutes 1993 Supplement, sections 352.01, subdivision 2b; 353.01, subdivision 2a; 354B.02, subdivision 3c; and 354B.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 136C; and 136E.

Senate File No. 2498 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1994

CONCURRENCE AND REPASSAGE

Mr. Stumpf moved that the Senate concur in the amendments by the House

to S.F. No. 2498 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2498 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Senate File No. 2540 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1994

Ms. Lesewski moved that S.F. No. 2540 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3100.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 28, 1994

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 3100: A resolution memorializing the President and Congress to maintain funding for the low-income home energy assistance program and to continue its operation in Minnesota.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2849, now on General Orders.

REPORTS OF COMMITTEES

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

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

H.F. No. 3011 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.
3011	2680				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3011 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3011 and insert the language after the enacting clause of S.F. No. 2680, the first engrossment; further, delete the title of H.F. No. 3011 and insert the title of S.F. No. 2680, the first engrossment.

And when so amended H.F. No. 3011 will be identical to S.F. No. 2680, and further recommends that H.F. No. 3011 be given its second reading and substituted for S.F. No. 2680, 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. 2625 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.
2625	2256				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2625 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2625 and insert the language after the enacting clause of S.F. No. 2256, the first engrossment; further, delete the title of H.F. No. 2625 and insert the title of S.F. No. 2256, the first engrossment.

And when so amended H.F. No. 2625 will be identical to S.F. No. 2256, and further recommends that H.F. No. 2625 be given its second reading and substituted for S.F. No. 2256, 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. Metzen from the Committee on Governmental Operations and Reform, to which was referred the following appointment as reported in the Journal for March 23, 1994:

STATE OFFICE OF ADMINISTRATIVE HEARINGS
CHIEF ADMINISTRATIVE LAW JUDGE

Kevin E. Johnson

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. Metzen from the Committee on Governmental Operations and Reform, to which was referred the following appointment as reported in the Journal for February 22, 1994:

DEPARTMENT OF ADMINISTRATION
COMMISSIONER

Debra Rae Anderson

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 HOUSE BILLS

H.F. Nos. 3011 and 2625 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Pappas, Messrs. Spear, Pogemiller and Ms. Krentz introduced—

Senate Resolution No. 90: A Senate resolution congratulating the Illusion Theater, of Minneapolis, Minnesota, on its 20th anniversary.

Referred to the Committee on Rules and Administration.

Ms. Reichgott Junge moved that H.F. No. 1915 be taken from the table. The motion prevailed.

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

Mr. Stumpf moved to amend H.F. No. 1915, as amended pursuant to Rule 49, adopted by the Senate March 31, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1734.)

Page 2, after line 8, insert:

"Sec. 2. Minnesota Statutes 1992, section 176.011, subdivision 9, is amended to read:

Subd. 9. [EMPLOYEE:] "Employee" means any person who performs services for another for hire including the following:

(1) an alien;

(2) a minor;

(3) a sheriff, deputy sheriff, constable, marshal, police officer, firefighter, county highway engineer, and peace officer while engaged in the enforcement of peace or in the pursuit or capture of a person charged with or suspected of crime;

(4) a person requested or commanded to aid an officer in arresting or retaking a person who has escaped from lawful custody, or in executing legal process, in which cases, for purposes of calculating compensation under this chapter, the daily wage of the person shall be the prevailing wage for similar services performed by paid employees;

(5) a county assessor;

(6) an elected or appointed official of the state, or of a county, city, town, school district, or governmental subdivision in the state. An officer of a political subdivision elected or appointed for a regular term of office, or to complete the unexpired portion of a regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;

(7) an executive officer of a corporation, except those executive officers excluded by section 176.041;

(8) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioners of human services and corrections similar to those of officers and employees of the institutions, and whose services have been accepted or contracted for by the commissioner of human services or corrections as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

(9) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any

political subdivision of it. The daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed by paid employees;

(10) a voluntary uncompensated worker participating in a program established by a county welfare board. In the event of injury or death of the worker, the wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid in the county at the time of the injury or death for similar services performed by paid employees working a normal day and week;

(11) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 84.089. The daily wage of the worker for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(12) a voluntary uncompensated worker in the building and construction industry who renders services for joint labor-management nonprofit community service projects. The daily wage of the worker for the purpose of calculating compensation under this chapter shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(13) a member of the military forces, as defined in section 190.05, while in state active service, as defined in section 190.05, subdivision 5a. The daily wage of the member for the purpose of calculating compensation under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(14) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138. The daily wage of the worker, for the purposes of calculating compensation under this chapter, shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(15) a voluntary uncompensated worker, other than a student, who renders services at the Minnesota state academy for the deaf or the Minnesota state academy for the blind, and whose services have been accepted or contracted for by the state board of education, as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(16) a voluntary uncompensated worker, other than a resident of the veterans home, who renders services at a Minnesota veterans home, and whose services have been accepted or contracted for by the commissioner of veterans affairs, as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(17) a worker who renders in-home attendant care services to a physically handicapped person, and who is paid directly by the commissioner of human

services for these services, shall be an employee of the state within the meaning of this subdivision, but for no other purpose;

(18) students enrolled in and regularly attending the medical school of the University of Minnesota in the graduate school program or the postgraduate program. The students shall not be considered employees for any other purpose. In the event of the student's injury or death, the weekly wage of the student for the purpose of calculating compensation under this chapter, shall be the annualized educational stipend awarded to the student, divided by 52 weeks. The institution in which the student is enrolled shall be considered the "employer" for the limited purpose of determining responsibility for paying benefits under this chapter;

(19) a faculty member of the University of Minnesota employed for an academic year is also an employee for the period between that academic year and the succeeding academic year if:

(a) the member has a contract or reasonable assurance of a contract from the University of Minnesota for the succeeding academic year; and

(b) the personal injury for which compensation is sought arises out of and in the course of activities related to the faculty member's employment by the University of Minnesota;

(20) a worker who performs volunteer ambulance driver or attendant services is an employee of the political subdivision, nonprofit hospital, nonprofit corporation, or other entity for which the worker performs the services. The daily wage of the worker for the purpose of calculating compensation under this chapter shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(21) a voluntary uncompensated worker, accepted by the commissioner of administration, rendering services as a volunteer at the department of administration. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(22) a voluntary uncompensated worker rendering service directly to the pollution control agency. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees; and

(23) a voluntary uncompensated worker while volunteering services as a first responder or as a member of a law enforcement assistance organization while acting under the supervision and authority of a political subdivision. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees; and

(24) a voluntary uncompensated member of the civil air patrol rendering service on the request and under the authority of the state or any of its political subdivisions. The daily wage of the member for the purposes of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees.

If it is difficult to determine the daily wage as provided in this subdivision, the trier of fact may determine the wage upon which the compensation is payable."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved that H.F. No. 1915 be referred to the Committee on Finance.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 30 and nays 32, as follows:

Those who voted in the affirmative were:

Bélanger	Day	Johnston	Lesewski	Pariseau
Benson, D.D.	Dille	Kelly	McGowan	Ranum
Benson, J.E.	Flynn	Kiscaden	Merriam	Robertson
Berg	Frederickson	Knutson	Neuville	Runbeck
Berglin	Hottinger	Langseth	Oliver	Spear
Chmielewski	Johnson, D.E.	Larson	Olson	Stevens

Those who voted in the negative were:

Anderson	Hanson	Luther	Piper	Stumpf
Beckman	Janezich	Marty	Pogemiller	Terwilliger
Bertram	Johnson, D.J.	Metzen	Price	Vickerman
Betzold	Johnson, J.B.	Mondale	Reichgott Junge	Wiener
Chandler	Krentz	Morse	Riveness	
Cohen	Kroening	Murphy	Sams	
Finn	Lessard	Pappas	Solon	

The motion did not prevail.

H.F. No. 1915 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 34 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Murphy	Sams
Beckman	Hanson	Kroening	Pappas	Solon
Berglin	Hottinger	Luther	Piper	Stumpf
Bertram	Janezich	Marty	Pogemiller	Terwilliger
Betzold	Johnson, D.J.	Metzen	Price	Vickerman
Chandler	Johnson, J.B.	Mondale	Reichgott Junge	Wiener
Cohen	Kelly	Morse	Riveness	

Those who voted in the negative were:

Bélanger	Dille	Knutson	Merriam	Robertson
Benson, D.D.	Flynn	Langseth	Neuville	Runbeck
Benson, J.E.	Frederickson	Larson	Oliver	Spear
Berg	Johnson, D.E.	Lesewski	Olson	Stevens
Chmielewski	Johnston	Lessard	Pariseau	
Day	Kiscaden	McGowan	Ranum	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and

Resolutions, the Senate reverted to the Orders of Business of Messages From the House, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the 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. 2168: A bill for an act relating to agricultural businesses; exempting from sales tax the gross receipts of used farm machinery sales; providing matching moneys for federal emergency disaster funds to flood damaged counties; providing supplemental funding for grain inspection programs; financial assistance programs under the ethanol production fund, and small business disaster loan programs; expanding research on grain diseases; increasing funding for the farm advocates program, agricultural resource centers, legal challenges to the federal milk market order system; farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; providing funding to the Agricultural Utilization Research Institute; appropriating money; amending Minnesota Statutes 1992, sections 297A.02, subdivision 2; and 297A.25, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 41B.044, subdivision 2; and Laws 1993, chapter 172, section 7, subdivision 3.

Senate File No. 2168 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1994

Mr. Bertram moved that the Senate do not concur in the amendments by the House to S.F. No. 2168, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Luther moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

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

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

Page 27, line 35, after "the" insert "sellers and"

Page 39, line 12, after the period, insert "*Upon acquisition, the commission shall, through a process involving statewide public participation, select a name for the basketball and hockey arena.*"

Page 39, line 13, before the headnote, insert "[473.5995]"

Page 39, line 14, delete "\$....." and insert "\$750,000"

Page 39, line 25, after the period, insert "*The metropolitan sports facilities commission may allocate 50 dates a year for the conduct of amateur sports activities at the basketball and hockey arena and the metrodome by the amateur sports commission. At least 12 of the dates must be on a Friday, Saturday, or Sunday. If the number of Friday, Saturday, or Sunday dates allocated in a year is less than 12, the appropriation under this section must be reduced proportionally. If any amateur sports activities conducted by the amateur sports commission at the basketball and hockey arena or the metrodome are restricted to participants of one gender, an equal number of activities on comparable days of the week must be conducted for participants of the other gender, but not necessarily in the same year.*"

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

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

H.F. No. 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.

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

Page 1, line 18, delete "*dévelop an implementation plan to*"

Page 2, lines 7 and 21, delete "*develop an implementation plan to*"

Page 2, lines 33 and 34, delete "*, any time after the effective date of this section,*"

Amend the title as follows:

Page 1, line 2, delete from "requiring" through page 1, line 4, to "legislature" and insert "directing an expansion of the operations of the bureau of business licenses and of the master application procedure"

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

SECOND READING OF SENATE BILLS

S.F. No. 2725 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1918 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2009 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

April 27, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2009, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment

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

Senate Conferees: (Signed) Roy W. Terwilliger, James P. Metzen, Tracy L. Beckman

House Conferees: (Signed) Mark Olson, Stephanie Klinzing, Carol Molnau

Mr. Terwilliger moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2009 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.

S.F. No. 2009 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1788 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1788

A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; requiring public education on reuse; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; listing preferences for use of packaging; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste antifreeze and motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; clarifying the prohibition on toxics in products and providing for exemptions; requiring and authorizing training and certification of appliance recyclers and servicers respectively; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; authorizing private ownership of solid waste facilities; permitting counties and local governments to impose certain conditions on disposal of unprocessed solid waste; authorizing counties to require record keeping; adding requirements for liners and leachate systems; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring a report on management of waste electronic appliances; requiring a report on products that contain mercury; requiring a report on recycling facilities; requiring a report on recycled antifreeze; providing penalties and remedies; amending Minnesota Statutes 1992, sections 8.31, subdivision 1; 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.072, subdivision 4; 115A.5501, subdivisions 1, 2, and by adding subdivisions; 115A.554; 115A.557, subdivisions 3 and 4; 115A.87; 115A.882, by adding a subdivision; 115A.9157, subdivisions 4 and 5; 115A.918, subdivision 1, and by adding a subdivision; 115A.95; 115A.9561, subdivision 2; 115A.965, subdivision 6, and by adding a subdivision; 116.07, subdivision 4h; 116.76, subdivision 4; 116.92, subdivision 8; 473.803, subdivisions 1 and 1c; 473.811, subdivisions 5 and 5a; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivisions 1 and 5; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.5501, subdivision 3; 115A.916; 115A.929; 115A.9651; 115A.981, subdivision 3; 116.79, subdivision 1; 473.149, subdivision 6; 473.846; and 473.848, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A; 116; 325E; and 473; repealing Minnesota Statutes 1993 Supplement, section 115A.542.

April 26, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1788, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1788 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 97A.051, subdivision 1, is amended to read:

Subdivision 1. [COMPILATION OF LAWS.] As soon as practicable after each legislative session, the commissioner, with the cooperation of the attorney general and the revisor of statutes, shall assemble the current laws and permanent rules relating to wild animals and index the laws and rules properly. This compilation shall be printed in pamphlet form of pocket size, and ~~50 copies distributed to each senator, 25 copies to each representative, and ten copies shall be distributed to each county auditor.~~ *Section 3.195 governs distribution of copies to members of the legislature.* Up to 10,000 additional copies may be printed for general distribution.

Sec. 2. Minnesota Statutes 1992, section 115A.02, is amended to read:

115A.02 [LEGISLATIVE DECLARATION OF POLICY; PURPOSES.]

(a) It is the goal of this chapter to ~~improve~~ *protect the state's land, air, water, and other natural resources and the public health by improving waste management in the state to serve the following purposes:*

- (1) Reduction in the amount and toxicity of waste generated;
 - (2) Separation and recovery of materials and energy from waste;
 - (3) Reduction in indiscriminate dependence on disposal of waste;
 - (4) Coordination of solid waste management among political subdivisions;
- and

(5) Orderly and deliberate development and financial security of waste facilities including disposal facilities.

(b) The waste management goal of the state is to foster an integrated waste management system in a manner appropriate to the characteristics of the waste stream *and thereby protect the state's land, air, water, and other natural resources and the public health.* The following waste management practices are in order of preference:

- (1) waste reduction and reuse;
- (2) waste recycling;
- (3) composting of yard waste and food waste;
- (4) resource recovery through mixed municipal solid waste composting or incineration; and
- (5) land disposal.

Sec. 3. Minnesota Statutes 1992, section 115A.03, subdivision 17a, is amended to read:

Subd. 17a. [MAJOR APPLIANCES.] "Major appliances" means clothes washers and dryers, dishwashers, hot water heaters, ~~residential heat pumps,~~ furnaces, garbage disposals, trash compactors, conventional and microwave

ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.

Sec. 4. Minnesota Statutes 1992, section 115A.072, subdivision 4, is amended to read:

Subd. 4. [EDUCATION, PROMOTION, AND PROCUREMENT.] The office shall include waste reduction *and reuse*, including *packaging reduction and reuse*, as an element of its program of public education on waste management required under this section. The waste reduction *and reuse* education program must include dissemination of information and may include an award program for model waste reduction *and reuse* efforts. Waste reduction *and reuse* educational efforts must also include provision of information about and promotion of the model procurement program developed by the commissioner of administration under section 115A.15, subdivision 7, or any other model procurement program that results in significant waste reduction *and reuse*.

Sec. 5. Minnesota Statutes 1993 Supplement, section 115A.54, subdivision 2a, is amended to read:

Subd. 2a. [SOLID WASTE MANAGEMENT PROJECTS.] (a) The director shall provide technical and financial assistance for the acquisition and betterment of solid waste management projects as provided in this subdivision and section 115A.52. Money appropriated for the purposes of this subdivision must be distributed as grants.

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects constructed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 25 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

(c) A recycling project or a project to compost or cocompost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects completed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 50 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less. *The following projects may also receive grant assistance in the amounts specified in this paragraph:*

(1) *a project to improve control of or reduce air emissions at an existing resource recovery facility; and*

(2) *a project to substantially increase the recovery of materials or energy, substantially reduce the amount or toxicity of waste processing residuals, or expand the capacity of an existing resource recovery facility to meet the resource recovery needs of an expanded region if each county from which waste is or would be received has achieved a recycling rate in excess of the goals in section 115A.551, and is implementing aggressive waste reduction and household hazardous waste management programs.*

(d) Notwithstanding paragraph (e), the director may award grants for transfer stations that will initially transfer waste to landfills if the transfer stations are part of a planned resource recovery project, the county where the planned resource recovery facility will be located has a comprehensive solid waste management plan approved by the director, and the solid waste

management plan proposes the development of the resource recovery facility. If the proposed resource recovery facility is not in place and operating within eight years of the date of the grant award, the recipient shall repay the grant amount to the state.

(e) Projects without resource recovery are not eligible for assistance.

(f) In addition to any assistance received under paragraph (b) or (c), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project.

(g) In addition to the application requirements of section 115A.51, an application for a project serving eligible jurisdictions in only a single county must demonstrate that cooperation with jurisdictions in other counties to develop the project is not needed or not feasible. Each application must also demonstrate that the project is not financially prudent without the state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

(h) For the purposes of this subdivision, a "project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility. The director shall adopt rules for the program by July 1, 1985.

(i) Notwithstanding anything in this subdivision to the contrary, a project to construct a new mixed municipal solid waste transfer station that has an enforceable commitment of at least ten years, or of sufficient length to retire bonds sold for the facility, to serve an existing resource recovery facility may receive grant assistance up to 75 percent of the capital cost of the project if addition of the transfer station will increase substantially the geographical area served by the resource recovery facility and the ability of the resource recovery facility to operate more efficiently on a regional basis and the facility meets the criteria in paragraph (c), the second clause (2). A transfer station eligible for assistance under this paragraph is not eligible for assistance under any other paragraph of this subdivision.

Sec. 6. Minnesota Statutes 1992, section 115A.5501, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE WASTE PACKAGING REDUCTION GOAL.] It is the goal of the state that there be a minimum 25 percent statewide per capita reduction in the amount of discarded packaging delivered to ~~solid waste composting, incineration, refuse derived fuel and disposal~~ facilities by December 31, 1995, based on a reasonable estimate of the amount of packaging that was delivered to ~~solid waste composting, incineration, and disposal~~ facilities in calendar year 1992.

Sec. 7. Minnesota Statutes 1992, section 115A.5501, subdivision 2, is amended to read:

Subd. 2. [MEASUREMENT; PROCEDURES.] To measure the overall percentage of packaging in the statewide solid waste stream, the commissioner 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

develop an alternative method that is as statistically reliable as a waste composition study to measure the percentage of packaging in the waste stream.

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 shall average the nonmetropolitan and metropolitan results and submit the statewide percentage, along with a statistically reliable margin of error, to the director by April 1 of each year. The director shall report the information to the legislative commission on waste management by July 1 of each year. *The 1994 report must include a discussion of the reliability of data gathered under this subdivision and the methodology used to determine a statistically reliable margin of error.*

Sec. 8. Minnesota Statutes 1993 Supplement, section 115A.5501, subdivision 3, is amended to read:

Subd. 3. [FACILITY COOPERATION AND REPORTS.] The owner or operator of a ~~solid waste composting, incineration, refuse derived fuel or disposal~~ facility shall allow access upon reasonable notice to authorized office, agency, or metropolitan council staff for the purpose of conducting waste composition studies or otherwise assessing the amount of total packaging in the waste delivered to the facility under this section.

Beginning in 1993, by February 1 of each year the owner or operator of a facility governed by this subdivision shall submit a report to the commissioner, on a form prescribed by the commissioner, specifying the total amount of solid waste received by the facility between January 1 and December 31 of the previous year. The commissioner shall calculate the total amount of solid waste delivered to solid waste facilities from the reports received from the facility owners or operators and shall report the aggregate amount to the director by April 1 of each year. The commissioner shall assess a nonforgivable administrative penalty under section 116.072 of \$500 plus any forgivable amount necessary to enforce this subdivision on any owner or operator who fails to submit a report required by this subdivision.

Sec. 9. Minnesota Statutes 1992, section 115A.5501, is amended by adding a subdivision to read:

Subd. 5. [RECOMMENDATIONS FOR FURTHER REDUCTION GOALS.] *If the goal in subdivision 1 is met, the director shall include in the report required in subdivision 4 recommendations for appropriate goals for further reducing the amount of discarded packaging delivered to facilities. The report must include an analysis of the costs of further reductions.*

Sec. 10. Minnesota Statutes 1992, section 115A.5501, is amended by adding a subdivision to read:

Subd. 6. [DEFINITION.] *For the purposes of this section, "facility" means a composting, incineration, refuse-derived fuel, or disposal facility that accepts mixed municipal solid waste or construction waste.*

Sec. 11. [115A.5502] [PACKAGING PRACTICES; PREFERENCES; GOALS.]

Packaging forms a substantial portion of solid waste and contributes to environmental degradation and the costs of managing solid waste. It is imperative to reduce the amount and toxicity of packaging that must be

managed as solid waste. In order to achieve significant reduction of packaging in solid waste and to assist packagers and others to meet the packaging reduction goal in section 115A.5501, the goal of the state is that items be distributed without any packaging where feasible and, only when necessary to protect health and safety or product integrity, with the minimal amount of packaging possible. The following categories of packaging are listed in order of preference for use by all persons who find it necessary to package items for distribution or use in the state:

(1) minimal packaging that contains no intentionally introduced toxic materials and that is designed to be and actually is reused for its original purpose at least five times;

(2) minimal packaging that contains no intentionally introduced toxic materials, that is recyclable, and is regularly collected through recycling collection programs available to at least 75 percent of the residents of the state;

(3) minimal packaging that does not comply with clauses (1) and (2) because it is required under federal or state law and for which there does not exist a commercially feasible alternative that does comply with clauses (1) and (2);

(4) packaging that contains no intentionally introduced toxic materials but does not comply with clauses (1) to (3); and

(5) all other packaging.

Sec. 12. Minnesota Statutes 1992, section 115A.554, is amended to read:

115A.554 [AUTHORITY OF SANITARY DISTRICTS.]

A sanitary district ~~with the authority to regulate solid waste~~ has the ~~authority~~ ~~authorities and duty~~ duties of counties within the district's boundary for purposes of sections 115A.46, subdivision 4; 115A.48; 115A.551; 115A.552; 115A.553; 115A.919; 115A.929; 115A.93; 115A.96, subdivision 6; 115A.961; 115A.991; 375.18, subdivision 14; and 400.08, ~~subdivision 5~~ except subdivision 4, paragraph (b); 400.16; and 400.161.

Sec. 13. Minnesota Statutes 1992, section 115A.557, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY TO RECEIVE MONEY.] (a) To be eligible to receive money distributed by the office under this section, a county shall within one year of October 4, 1989:

(1) create a separate account in its general fund to credit the money; and

(2) set up accounting procedures to ensure that money in the separate account is spent only for the purposes in subdivision 2.

(b) In each following year, each county shall also:

(1) have in place an approved solid waste management plan or master plan including a recycling implementation strategy under section 115A.551, subdivision 7, or 473.803, subdivision 1e, and a household hazardous waste management plan under section 115A.96, subdivision 6, by the dates specified in those provisions;

(2) submit a report by ~~March~~ April 1 of each year to the office detailing how the money was spent and the resulting gains achieved in solid waste management practices during the previous calendar year; and

(3) provide evidence to the office that local revenue equal to 25 percent of the money sought for distribution under this section will be spent for the purposes in subdivision 2.

(c) The office shall withhold all or part of the funds to be distributed to a county under this section if the county fails to comply with this subdivision and subdivision 2.

Sec. 14. Minnesota Statutes 1992, section 115A.87, is amended to read:

115A.87 [JUDICIAL REVIEW; ATTORNEY GENERAL TO PROVIDE COUNSEL.]

An action challenging a designation must be brought within 60 days of the approval of the designation by the reviewing authority. The action is subject to section 562.02.

In any action challenging a designation ordinance or the implementation of a designation ordinance, the person bringing the challenge shall notify the attorney general. The attorney general may intervene in any administrative or court action to represent the state's interest in designation of solid waste, *and, on request of a county whose designation ordinance has been challenged, provide legal representation for the county in any administrative or court action related to the challenge.*

Sec. 15. Minnesota Statutes 1992, section 115A.882, subdivision 3, is amended to read:

Subd. 3. [INSPECTION.] A person authorized by a county in which a designation ordinance is effective may, anywhere in the state:

(1) upon presentation of identification and without a search warrant, inspect or copy the records required to be kept on a waste collection vehicle under subdivision 2 and inspect the waste on the vehicle at the time of deposit of the waste at a facility;

(2) *when reasonable notice under the circumstances has been given*, upon presentation of identification and without a search warrant, inspect or copy the records of an owner or operator of a solid waste facility that are required to be maintained under subdivision 2;

(3) request, in writing, copies of records of a solid waste collector that indicate the type, origin, and weight or, if applicable, the volume of waste collected, the identity of the facility at which the waste was deposited, and the date of deposit at the facility; and

(4) upon presentation of identification and without a search warrant, inspect or copy that portion of the business records of a waste collector necessary to comply with clause (3) at the central record-keeping location of the waste collector only if the collector fails to provide copies of the records within 15 days of receipt of a written request for them, *unless the time has been extended by agreement of the parties.*

Records or information received, inspected, or copied by a county under this section are classified as nonpublic data as defined in section 13.02,

subdivision 9, and may be used by the county solely for enforcement of a designation ordinance. A waste collector or the owner or operator of a waste facility shall maintain business records needed to comply with this section for two years.

Sec. 16. Minnesota Statutes 1992, section 115A.882, is amended by adding a subdivision to read:

Subd. 4. [CIVIL ENFORCEMENT; VENUE.] (a) A person who fails to comply with this section is subject to:

(1) an action to compel performance or to restrain or enjoin any activity that interferes with the requirement to keep records in subdivision 2 or the requirement to allow timely entry and inspection in subdivision 3;

(2) damages caused by the failure to keep records or by refusal to allow timely entry or inspection;

(3) a civil penalty payable to the county seeking enforcement of up to \$10,000 per day for each day of refusal to allow timely entry or inspection; or

(4) any or all of the above.

(b) A county in which a designation ordinance is in effect may enforce this section by commencing an action in district court in the county in which the facility is located or in the county in which the designation ordinance is in effect. The court may compel performance in any manner deemed appropriate by the court, including, but not limited to, issuance of an order to show cause, a temporary restraining order, or an injunction. In addition, the court may order payment of damages or a civil penalty or both. In an action brought by a county to enforce this section in which the county substantially prevails, the court may order payment by the defendant of the county's costs and disbursements, including reasonable attorney fees.

Sec. 17. Minnesota Statutes 1992, section 115A.9157, subdivision 4, is amended to read:

Subd. 4. [PILOT PROJECTS.] By April 15, 1992, manufacturers whose rechargeable batteries or products powered by rechargeable batteries are sold in this state shall implement pilot projects for the collection and proper management of all rechargeable batteries and the participating manufacturers' products powered by nonremovable rechargeable batteries. Manufacturers may act as a group or through a representative organization. The pilot projects must run for a minimum of 18 months and be designed to collect sufficient statewide data for the design and implementation of permanent collection and management programs that may be reasonably expected to collect at least 90 percent of waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state.

By December 1, 1991, the manufacturers or their representative organization shall submit plans for the projects to the legislative commission. ~~At least every six months during the pilot projects the manufacturers shall submit progress reports to the commission. The commission shall review the plans and progress reports.~~

By November 1, 1993, the manufacturers or their representative organization shall report to the legislative commission the final results of the projects

and plans for implementation of permanent programs. The commission shall review the final results and plans.

By October 1, 1994, and by October 1, 1995, each manufacturer or a representative organization shall submit to the commission additional reports that detail progress made toward implementing permanent management programs. The October 1, 1995, report must include a description of the programs implemented under subdivision 5. These progress reports must include the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected during the previous year. A representative organization may report amounts in aggregate for all the members of the organization.

Sec. 18. Minnesota Statutes 1992, section 115A.9157, subdivision 5; is amended to read:

Subd. 5. [COLLECTION AND MANAGEMENT PROGRAMS.] ~~By April 15, 1994~~ *September 20, 1995*, the manufacturers or their representative organization shall implement permanent programs, based on the results of the pilot projects required in subdivision 4, that may be reasonably expected to collect 90 percent of the waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state. The batteries and products collected must be recycled or otherwise managed or disposed of properly.

In every odd-numbered year after 1995, each manufacturer or a representative organization shall provide information to the commission that specifies at least the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected during the previous two years. A representative organization may report the amounts in aggregate for all the members of the organization.

Sec. 19. Minnesota Statutes 1993 Supplement, section 115A.916, is amended to read:

115A.916 [MOTOR AND VEHICLE FLUIDS AND FILTERS; PROHIBITIONS.]

(a) A person may not knowingly place motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or antifreeze:

(1) in solid waste or in a solid waste management facility other than a recycling facility or a household hazardous waste collection facility;

(2) in or on the land, unless approved by the agency; or

(3) in or on the waters of the state or in a stormwater or wastewater collection or treatment system.

(b) For the purposes of this section, "antifreeze" does not include small amounts of antifreeze contained in water used to flush the cooling system of a vehicle after the antifreeze has been drained and does not include deicer that has been used on the exterior of a vehicle.

(c) This section does not apply to antifreeze placed in a wastewater collection system that includes a publicly or privately owned treatment works that is permitted by the agency until ~~July 1, 1995~~ *December 31, 1996*.

(d) Notwithstanding paragraph (a), motor oil filters and portions of motor oil filters may be processed at a permitted mixed municipal solid waste resource recovery facility that directly burns the waste if:

(1) the facility is subject to an industrial waste management plan that addresses management of motor oil filters and the owner or operator of the facility can demonstrate to the satisfaction of the commissioner that the facility is in compliance with that plan;

(2) the facility recovers ferrous metal after incineration for recycling as part of its operation; and

(3) the motor oil filters are collected separately from mixed municipal solid waste and are not combined with it except for the purpose of incinerating the waste.

Sec. 20. Minnesota Statutes 1992, section 115A.918, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] The definitions in this section apply to this section and sections 115A.919 ~~and 115A.921 to 115A.929.~~

Sec. 21. Minnesota Statutes 1992, section 115A.918, is amended by adding a subdivision to read:

Subd. 2a. [EQUIVALENT.] *For mixed municipal solid waste, the measure of "equivalent" or "equivalent cubic yards of waste" is 3.33 cubic yards per ton of waste.*

Sec. 22. Minnesota Statutes 1992, section 115A.919, subdivision 3, is amended to read:

Subd. 3. [EXEMPTIONS.] (a) Waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from any fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate county, *except that for facilities operating outside of the metropolitan area the commissioner shall prescribe procedures for verifying the required 85 percent volume reduction.*

(b) A facility permitted for the disposal of construction debris is exempt from 25 percent of a fee imposed under subdivision 1 if the facility has implemented a recycling program approved by the county and 25 percent if the facility contains a liner and leachate collection system approved by the agency.

Sec. 23. Minnesota Statutes 1992, section 115A.921, subdivision 1, is amended to read:

Subdivision 1. [MIXED MUNICIPAL SOLID WASTE.] A city or town may impose a fee, not to exceed \$1 per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located within the city or town. The revenue from the fees must be credited to the city or town general fund. Revenue produced by 25 cents of the fee must be used only for purposes of landfill abatement or for purposes of mitigating

and compensating for the local risks, costs, and other adverse effects of facilities. Revenue produced by the balance of the fee may be used for any general fund purpose.

Waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from the fee imposed by a city or town under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate city or town, *except that for facilities operating outside of the metropolitan area the commissioner shall prescribe procedures for verifying the required 85 percent volume reduction.*

Sec. 24. Minnesota Statutes 1993 Supplement, section 115A.929, is amended to read:

115A.929 [FEES; ACCOUNTING.]

Each ~~local government unit~~ *political subdivision that provides for solid waste management* shall account for all revenue collected from waste management fees, together with interest earned on revenue from the fees, separately from other revenue collected by the ~~local government unit~~ *political subdivision* and shall report revenue collected from the fees and use of the revenue separately from other revenue and use of revenue in any required financial report or audit. For the purposes of this section, "waste management fees" means:

(1) all fees, charges, and surcharges collected under sections 115A.919, 115A.921, and 115A.923;

(2) all tipping fees collected at waste management facilities owned or operated by the ~~local government unit~~ *political subdivision*;

(3) all charges imposed by the ~~local government unit~~ *political subdivision* for waste collection and management services; and

(4) any other fees, charges, or surcharges imposed on waste or for the purpose of waste management, whether collected directly from generators or indirectly through property taxes or as part of utility or other charges for services provided by the ~~local government unit~~ *political subdivision*.

Sec. 25. Minnesota Statutes 1992, section 115A.9301, is amended by adding a subdivision to read:

Subd. 3. [ALTERNATIVE.] A local government unit may satisfy the requirements of this section by establishing at least three price categories for collection of household mixed municipal solid waste to include, for households that generate small volumes of waste, a waste collection unit that is smaller than and priced lower than for other generators if the local government unit:

(1) operates or contracts for the operation of a residential recycling program that collects more categories of recyclable materials than required in section 115A.552;

(2) has a residential participation rate in its recycling programs of at least 70 percent or in excess of the participation rate for the county in which it is located, whichever is greater;

(3) is located in a county that has exceeded the recycling goals in section 115A.551; and

(4) generates, by all waste generators in the city, an amount of mixed municipal solid waste that is managed by incineration, production of refuse-derived fuel, mixed municipal solid waste composting, or disposal that is no greater, in proportion to the total amount of waste managed as listed above by all waste generators in the county in which the city is located, than it was for calendar year 1993.

Sec. 26. Minnesota Statutes 1992, section 115A.95, is amended to read:

115A.95 [RECYCLABLE MATERIALS.]

A disposal facility or a resource recovery facility that is composting waste, burning waste, or converting waste to energy or to materials for combustion, and is owned or operated by a public agency or supported by public funds or by obligations issued by a public agency, may not accept source-separated recyclable materials, and a solid waste collector or transporter may not deliver source-separated recyclable materials to such a facility, except for recycling or transfer to a recycler, unless the director determines that no other person is willing to accept the recyclable materials.

Sec. 27. Minnesota Statutes 1992, section 115A.9561, subdivision 2, is amended to read:

Subd. 2. [RECYCLING REQUIRED.] Major appliances must be recycled or reused. Each county shall ensure that its residents households have the opportunity to recycle used major appliances. For the purposes of this section, recycling includes:

- (1) the removal of capacitors that may contain PCBs;
- (2) the removal of ballasts that may contain PCBs;
- (3) the removal of chlorofluorocarbon refrigerant gas; and
- (4) the recycling or reuse of the metals, including mercury.

Sec. 28. Minnesota Statutes 1992, section 115A.965, subdivision 6, is amended to read:

Subd. 6. [RULES IMPLEMENTATION; DISPUTE RESOLUTION.] In lieu of adopting rules to implement this section, the commissioner of the pollution control agency, in consultation with the director of the office of waste management, shall adopt rules to implement this section shall seek membership in the toxics in packaging clearinghouse administered by the source reduction task force of the Coalition of Northeastern Governors for the purposes of implementation of this section and resolving issues and disputes that arise in connection with it. The commissioner shall seek a recommendation from the clearinghouse prior to making a decision on an issue or dispute of first impression and shall implement the recommendation unless the commissioner specifically finds that the recommended determination is not in the state's best interest. A package for which a request for exemption has been

submitted to the commissioner is not subject to enforcement action pending the commissioner's determination.

Sec. 29. Minnesota Statutes 1992, section 115A.965, is amended by adding a subdivision to read:

Subd. 7. [REPORT.] By September 1 of each odd-numbered year, the commissioner shall prepare and submit to the legislative commission a report to include:

(1) enforcement actions taken by the commissioner under this section for the reporting period; and

(2) issues and disputes that have arisen under this section, the recommendations made by the toxics in packaging clearinghouse for resolution of those issues and disputes, and how those issues and disputes were finally resolved by the commissioner.

Sec. 30. Minnesota Statutes 1993 Supplement, section 115A.9651, is amended to read:

115A.9651 [TOXICS IN SPECIFIED PRODUCTS; ENFORCEMENT.]

Subdivision 1. [PROHIBITION.] After July 1, 1994, (a) No person may deliberately introduce lead, cadmium, mercury, or hexavalent chromium into distribute for sale or use in this state any ink, dye, pigment, paint, or fungicide that is intended for use or for sale in this state manufactured after September 1, 1994, into which lead, cadmium, mercury, or hexavalent chromium has been intentionally introduced.

Until July 1, 1997, this section does not apply to electrodeposition primer coating or primer coating used on aircraft, porcelain enamel coatings, medical devices, hexavalent chromium in the form of chromine acid when processed at a temperature of at least 750 degrees Fahrenheit, or ink used for computer identification markings.

(b) For the purposes of this subdivision, "intentionally introduce" means to deliberately use a metal listed in paragraph (a) as an element during manufacture or distribution of an item listed in paragraph (a). Intentional introduction does not include the incidental presence of any of the prohibited elements.

(c) The concentration of a listed metal in an item listed in paragraph (a) may not exceed 100 parts per million.

Subd. 2. [TEMPORARY EXEMPTION.] (a) An item listed in subdivision 1 is exempt from this section until July 1, 1997, if the manufacturer of the item submits to the commissioner a written request for an exemption by August 1, 1994. The request must include at least:

(1) an explanation of why compliance is not technically feasible at the time of the request;

(2) how the manufacturer will comply by July 1, 1997; and

(3) the name, address, and telephone number of a person the commissioner can contact for further information.

(b) By September 1, 1994, a person who uses an item listed in subdivision 1, into which one of the listed metals has been intentionally introduced, may

submit, on behalf of the manufacturer, a request for temporary exemption only if the manufacturer fails to submit an exemption request as provided in paragraph (a). The request must include:

(1) an explanation of why the person must continue to use the item and a discussion of potential alternatives;

(2) an explanation of why it is not technically feasible at the time of the request to formulate or manufacture the item without intentionally introducing a listed metal;

(3) that the person will seek alternatives to using the item by July 1, 1997, if it still contains an intentionally introduced listed metal; and

(4) the name, address, and telephone number of a person the commissioner can contact for further information.

(c) A person who submits a request for temporary exemption under paragraph (b) may submit a request for a temporary exemption after September 1, 1994, for an item that the person will use as an alternative to the item for which the request was originally made as long as the new item has a total concentration level of all the listed metals that is significantly less than in the original item. An exemption under this paragraph expires July 1, 1997, and the person who requests it must submit the progress description required in paragraph (e).

(d) By October 1, 1994, and annually thereafter if requests are received under paragraph (c), the commissioner shall submit to the legislative commission on waste management a list of manufacturers and persons that have requested an exemption under this subdivision and the items for which exemptions were sought, along with copies of the requests.

(e) By July 1, 1996, each manufacturer on the list shall submit to the commissioner a description of the progress the manufacturer has made toward compliance with subdivision 1, and the date compliance has been achieved or the date on or before July 1, 1997, by which the manufacturer anticipates achieving compliance. By July 1, 1996, each person who has requested an exemption under paragraph (b) or (c) shall submit to the commissioner:

(1) a description of progress made to eliminate the listed metal or metals from the item or progress made by the person to find a replacement item that does not contain an intentionally introduced listed metal; and

(2) the date or anticipated date the item is or will be free of intentionally introduced metals or the date the person has stopped or will stop using the item.

By October 1, 1996, the commissioner shall submit to the legislative commission a summary of the progress made by the manufacturers and other persons and any recommendations for appropriate legislative or other action to ensure that products are not distributed in the state after July 1, 1997, that violate subdivision 1.

Subd. 3. [APPLICATION; ENFORCEMENT.] (a) This section does not apply to art supplies.

(b) This section may be enforced under sections 115.071 and 116.072. The attorney general or the commissioner of the agency shall coordinate enforcement of this section with the director of the office.

Sec. 31. Minnesota Statutes 1993 Supplement, section 115A.981, subdivision 3, is amended to read:

Subd. 3. [REPORT.] (a) The commissioner shall report to the legislative commission on waste management by July 1 of each odd-numbered year on the economic status and outlook of the state's solid waste management sector including an estimate of the extent to which prices for solid waste management paid by consumers reflect costs related to environmental and public health protection, including a discussion of how prices are publicly and privately subsidized and how identified costs of waste management are not reflected in the prices.

(b) In preparing the report, the commissioner shall:

(1) consult with the director; the metropolitan council; local government units; solid waste collectors, transporters, and processors; owners and operators of solid waste facilities; and other interested persons;

(2) consider *and analyze* information received under subdivision 2 *and information available under section 115A.929*; and

(3) analyze information gathered and comments received relating to the most recent solid waste management policy report prepared under section 115A.411.

The commissioner shall also recommend any legislation necessary to ensure adequate and reliable information needed for preparation of the report.

(c) The report must also include:

(1) statewide and facility by facility estimates of the total potential costs and liabilities associated with solid waste disposal facilities for closure and postclosure care, response costs under chapter 115B, and any other potential costs, liabilities, or financial responsibilities;

(2) statewide and facility by facility requirements for proof of financial responsibility under section 116.07, subdivision 4h, and how each facility is meeting those requirements.

Sec. 32. Minnesota Statutes 1992, section 116.07, subdivision 4h, is amended to read:

Subd. 4h. [FINANCIAL RESPONSIBILITY RULES.] (a) The agency shall adopt rules requiring the operator or owner of a solid waste disposal facility to submit to the agency proof of the operator's or owner's financial capability to provide reasonable and necessary response during the operating life of the facility and for ~~20~~ 30 years after closure *for a mixed municipal solid waste disposal facility or for a minimum of 20 years after closure, as determined by agency rules, for any other solid waste disposal facility*, and to provide for the closure of the facility and postclosure care required under agency rules. Proof of financial responsibility is required of the operator or owner of a facility receiving an original permit or a permit for expansion after adoption of the rules. Within 180 days of the effective date of the rules or by July 1, 1987, whichever is later, proof of financial responsibility is required of an operator or owner of a facility with a remaining capacity of more than five years or 500,000 cubic yards that is in operation at the time the rules are adopted. Compliance with the rules and the requirements of paragraph (b) is a condition of obtaining or retaining a permit to operate the facility.

(b) A municipality, as defined in section 475.51, subdivision 2, including a sanitary district, that owns or operates a solid waste disposal facility that was in operation on May 15, 1989, may meet its financial responsibility for all or a portion of the contingency action portion of the reasonable and necessary response costs at the facility by pledging its full faith and credit to meet its responsibility.

The pledge must be made in accordance with the requirements in chapter 475 for issuing bonds of the municipality, and the following additional requirements:

(1) The governing body of the municipality shall enact an ordinance that clearly accepts responsibility for the costs of contingency action at the facility and that reserves, during the operating life of the facility and for ~~20 years~~ *the time period required in paragraph (a)* after closure, a portion of the debt limit of the municipality, as established under section 475.53 or other law, that is equal to the total contingency action costs.

(2) The municipality shall require that all collectors that haul to the facility implement a plan for reducing solid waste by using volume-based pricing, recycling incentives, or other means.

(3) When a municipality opts to meet a portion of its financial responsibility by relying on its authority to issue bonds, it shall also begin setting aside in a dedicated long-term care trust fund money that will cover a portion of the potential contingency action costs at the facility, the amount to be determined by the agency for each facility based on at least the amount of waste deposited in the disposal facility each year, and the likelihood and potential timing of conditions arising at the facility that will necessitate response action. The agency may not require a municipality to set aside more than five percent of the total cost in a single year.

(4) A municipality shall have and consistently maintain an investment grade bond rating as a condition of using bonding authority to meet financial responsibility under this section.

(5) The municipality shall file with the commissioner of revenue its consent to have the amount of its contingency action costs deducted from state aid payments otherwise due the municipality and paid instead to the environmental response, compensation, and compliance account created in section 115B.20, if the municipality fails to conduct the contingency action at the facility when ordered by the agency. If the agency notifies the commissioner that the municipality has failed to conduct contingency action when ordered by the agency, the commissioner shall deduct the amounts indicated by the agency from the state aids in accordance with the consent filed with the commissioner.

(6) The municipality shall file with the agency written proof that it has complied with the requirements of paragraph (b).

(c) The method for proving financial responsibility under paragraph (b) may not be applied to a new solid waste disposal facility or to expansion of an existing facility, unless the expansion is a vertical expansion. Vertical expansions of qualifying existing facilities cannot be permitted for a duration of longer than three years.

Subdivision 1. [AUTHORITY TO ISSUE.] Pollution control agency staff designated by the commissioner and department of natural resources conservation officers may issue citations to a person who disposes of solid waste as defined in section 116.06, subdivision 22, at a location not authorized by law for the disposal of solid waste without permission of the owner of the property. A citation issued under this subdivision must include a requirement that the person cited remove and properly dispose of or otherwise manage the waste or reimburse any government agency that has disposed of the waste for the reasonable costs of disposal.

Subd. 2. [PENALTY AMOUNT.] The citation must impose the following penalty amounts:

- (1) \$100 per major appliance, as defined in section 115A.03, subdivision 17a, up to a maximum of \$2,000;*
- (2) \$25 per waste tire, as defined in section 115A.90, subdivision 11, up to a maximum of \$2,000;*
- (3) \$25 per lead acid battery governed by section 115A.915, up to a maximum of \$2,000;*
- (4) \$1 per pound of other solid waste or \$20 per cubic foot up to a maximum of \$2,000; and*
- (5) up to \$200 for any amount of waste that escapes from a vehicle used for the transportation of solid waste if, after receiving actual notice that waste has escaped the vehicle, the person or company transporting the waste fails to immediately collect the waste.*

Subd. 3. [APPEALS.] Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 4. [ENFORCEMENT OF FIELD CITATIONS.] Field citations may be enforced under section 116.072, subdivisions 9 and 10.

Subd. 5. [CUMULATIVE REMEDY.] The authority to issue field citations is in addition to other remedies available under statutory or common law, except that the state may not seek penalties under any other provision of law for the incident subject to the citation.

Sec. 34. Minnesota Statutes 1992, section 116.731, is amended by adding a subdivision to read:

Subd. 4a. [VENTING.] A person may not knowingly vent or otherwise release into the environment any CFC used as a refrigerant in appliances.

Sec. 35. [116.735] [APPLIANCE RECYCLERS AND SERVICERS; TRAINING AND CERTIFICATION.]

The agency shall develop standards of competence for persons who service or recycle appliances that may contain CFCs and the commissioner may conduct training programs for persons who service or recycle appliances. A person engaged in the business of recycling appliances as described in section 115A.9561, subdivision 2, shall, and a person who services appliances may,

obtain from the commissioner a certificate of competence or equivalent federal certification that has been approved by the commissioner.

The agency may adopt rules to implement this section.

Sec. 36. Minnesota Statutes 1992, section 116.76, subdivision 4, is amended to read:

Subd. 4. [COMMERCIAL TRANSPORTER.] "Commercial transporter" means a person, *other than the United States government*, who transports infectious or pathological waste for compensation.

Sec. 37. Minnesota Statutes 1993 Supplement, section 116.79, subdivision 1, is amended to read:

Subdivision 1. [PREPARATION OF MANAGEMENT PLANS.] (a) To the extent applicable to the facility, a person in charge of a facility that generates, stores, decontaminates, incinerates, or disposes of infectious or pathological waste must prepare a management plan for the infectious or pathological waste handled by the facility. A person may prepare a common management plan for all generating facilities owned and operated by the person. If a single plan is prepared to cover multiple facilities, the plan must identify common policy and procedures for the facilities and any management procedures that are facility specific. The plan must identify each generating facility covered by the plan. A management plan must list all physicians, dentists, chiropractors, podiatrists, veterinarians, certified nurse practitioners, certified nurse midwives, or physician assistants, employed by, under contract to, or working at the generating facilities, except hospitals or laboratories. A management plan from a hospital must list the number of licensed beds and from a laboratory must list the number of generating employees.

(b) The management plan must describe, to the extent the information is applicable to the facility:

(1) the type of infectious waste and pathological waste that the person generates or handles;

(2) the segregation, packaging, labeling, collection, storage, and transportation procedures for the infectious waste or pathological waste that will be followed;

(3) the decontamination or disposal methods for the infectious or pathological waste that will be used;

(4) the transporters and disposal facilities that will be used for the infectious waste;

(5) the steps that will be taken to minimize the exposure of employees to infectious agents throughout the process of disposing of infectious or pathological wastes; and

(6) the name of the individual responsible for the management of the infectious waste or pathological waste.

(c) *If the generator mails sharps for storage, decontamination, or disposal, the plan must specify how the generator will comply with applicable federal laws and rules. The plan must also specify the name, address, and telephone number of the facility to which the sharps are mailed, the name of the person who receives the sharps at the facility, and the annual amount mailed to the*

facility. If the facility to which the sharps are mailed is not the disposal facility, the plan must also identify the disposal facility.

(d) The management plan must be kept at the facility.

(d) (e) To the extent applicable to the facility, management plans must be accompanied by a statement of the quantity of infectious and pathological waste generated, decontaminated, stored, incinerated, or disposed of at the facility during the previous two-year period. Quantities shall be reported in pounds.

(e) (f) A management plan must be updated at least once every two years.

Sec. 38. Minnesota Statutes 1992, section 116.92, subdivision 8, is amended to read:

Subd. 8. [BAN; TOYS OR, GAMES, AND APPAREL.] A person may not sell for resale or at retail in this state a toy or game that contains mercury, or an item of clothing or wearing apparel that is exempt from sales tax under section 297A.25, subdivision 8, that contains an electric switch that contains mercury.

Sec. 39. Minnesota Statutes 1993 Supplement, section 400.04, subdivision 4, is amended to read:

Subd. 4. [MANAGEMENT AND SERVICE CONTRACTS.] Notwithstanding sections 375.21 and 471.345, a county may enter into contracts for the construction, installation, maintenance and operation of property and facilities on private or public lands and may contract for the furnishing of solid waste management services upon terms and conditions determined by the board, with or without advertisement for bids, including the use of conditional sales contracts and lease-purchase agreements. If a county contract is let by negotiation, without advertising for bids, the county shall conduct negotiations and award the contract using a fair and open procedure and in full compliance with section 471.705. *If an agency permit is required for a solid waste service, a contract entered into under this subdivision is not binding until the permit is issued.*

Sec. 40. Minnesota Statutes 1993 Supplement, section 473.149, subdivision 6, is amended to read:

Subd. 6. [REPORT TO LEGISLATURE.] The council shall report on abatement to the legislative commission on waste management by July 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 include the reports required by sections 115A.551, subdivision 5 4; 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.

The report in each even-numbered year must include a report on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and

the resultant allocation of costs among users of the facilities and the general public. The facility costs report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

Sec. 41. Minnesota Statutes 1992, section 473.803, is amended by adding a subdivision to read:

Subd. 5. [ROLE OF PRIVATE SECTOR; COUNTY OVERSIGHT.] A county may include in its solid waste management master plan and in its plan for county land disposal abatement a determination that the private sector will achieve, either in part or in whole, the goals and requirements of sections 473.149 and 473.803, as long as the county:

(1) retains active oversight over the efforts of the private sector and monitors performance to ensure compliance with the law and the goals and standards of the council and the county as expressed in the metropolitan solid waste management plan and the county master plan;

(2) continues to meet its responsibilities under the law for ensuring proper waste management, including, at a minimum, enforcing waste management law, providing waste education, promoting waste reduction, and providing its residents the opportunity to recycle waste materials; and

(3) continues to provide all required reports on the county's progress in meeting the waste management goals and standards of this chapter and chapter 115A.

Sec. 42. Minnesota Statutes 1992, section 473.811, subdivision 5, is amended to read:

Subd. 5. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] *(a) Each metropolitan county may adopt ordinances governing the collection of solid waste. A county may adopt, but may not be required to adopt, an ordinance that requires the separation from mixed municipal waste, by generators before collection, of materials that can readily be separated for use or reuse as substitutes for raw materials or for transformation into a usable soil amendment.*

(b) Each local unit of government within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted a collection ordinance, the local unit shall adopt either the county ordinance by reference or a more strict ordinance. If the county within which it is located has adopted a separation ordinance, the ordinance applies in all local units within the county that have failed to meet the local abatement performance standards, as stated in the most recent annual county report.

(c) Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by a county under chapter 115A or for enforcement of the prohibition on disposal of unprocessed mixed municipal solid waste under sections 473.848 and 473.849.

(d) A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. The council shall approve or disapprove the ordinance within 60

days of the submission of a request for review. The ordinance shall remain in effect unless it is disapproved.

(e) Ordinances of counties and local units of government:

(1) shall provide for the enforcement of any designation of facilities by the counties under chapter 115A;

(2) may require waste collectors and transporters to deliver unprocessed mixed municipal waste generated in the county to processing facilities; and

(3) may prohibit waste collectors and transporters from delivering unprocessed mixed municipal solid waste generated in the county to disposal facilities for final disposal.

(f) Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Sec. 43. Minnesota Statutes 1992, section 473.811, subdivision 5a, is amended to read:

Subd. 5a. [ORDINANCES; SOLID WASTE FACILITIES.] Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for solid waste facilities within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The county ordinance may require facilities accepting mixed municipal solid waste for disposal to install scales. *The county ordinance may prohibit disposal facilities from accepting unprocessed mixed municipal solid waste for final disposal.* The county ordinance shall require permits or licenses for solid waste facilities and shall require that such facilities be registered with a county office.

Sec. 44. [473.812] [RECORDS; INSPECTION.]

For the purpose of enforcing section 473.811 or ordinances adopted under that section, a county has the responsibilities and authorities for record inspection under section 115A.882, regardless of whether the county has adopted a designation ordinance under sections 115A.80 to 115A.893.

Sec. 45. Minnesota Statutes 1992, section 473.843, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT OF FEE; APPLICATION.] The operator of a mixed municipal solid waste disposal facility in the metropolitan area shall pay a fee on solid waste accepted and disposed at the facility as follows:

(a) A facility that weighs the waste that it accepts must pay a fee of \$2 per cubic yard based on equivalent cubic yards \$6.66 per ton of waste accepted at the entrance of the facility.

(b) A facility that does not weigh the waste but that measures the volume of the waste that it accepts must pay a fee of \$2 per cubic yard of waste accepted at the entrance of the facility. This fee and the tipping fee must be calculated on the same basis.

(c) Waste residue, from recycling facilities at which recyclable materials are separated or processed for the purposes of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose

of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse, is exempt from the fee imposed by this subdivision if there is at least an 85 percent volume reduction in the solid waste processed. To qualify for exemption under this clause, waste residue must be brought to a disposal facility separately. The commissioner of revenue, with the advice and assistance of the council and the agency, shall prescribe procedures for determining the amount of waste residue qualifying for exemption.

Sec. 46. Minnesota Statutes 1992, section 473.844, subdivision 1a, is amended to read:

Subd. 1a. [USE OF FUNDS.] (a) The money in the account may be spent only for the following purposes:

(1) assistance to any person for resource recovery projects funded under subdivision 4 or projects to develop and coordinate markets for reusable or recyclable waste materials, including related public education, planning, and technical assistance;

(2) grants to counties under section 473.8441;

(3) program administration by the metropolitan council;

(4) public education on solid waste reduction and recycling; and

(5) solid waste research; and

(6) *grants to multicounty groups for regionwide planning for solid waste management system operations and use of management capacity.*

(b) The council shall allocate at least 50 percent of the annual revenue received by the account for grants to counties under section 473.8441.

Sec. 47. Minnesota Statutes 1992, section 473.845, subdivision 3, is amended to read:

Subd. 3. [EXPENDITURES FROM THE FUND.] Money in the fund may only be appropriated to the agency for expenditure for:

(1) reasonable and necessary expenses for closure and postclosure care of a mixed municipal solid waste disposal facility in the metropolitan area for a ~~20-year~~ 30-year period after closure, if the agency determines that the operator or owner will not take the necessary actions requested by the agency for closure and postclosure in the manner and within the time requested;

(2) reasonable and necessary response and postclosure costs at a mixed municipal solid waste disposal facility in the metropolitan area that has been closed for ~~20~~ 30 years in compliance with the closure and postclosure rules of the agency; or

(3) reimbursement to a local government unit for costs incurred over \$400,000 under a work plan approved by the commissioner of the agency to remediate methane at a closed disposal facility owned by the local government unit.

Sec. 48. Minnesota Statutes 1993 Supplement, section 473.846, is amended to read:

473.846 [REPORT TO LEGISLATURE.]

The agency 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 has been spent during the previous fiscal year. The agency shall report by November 1 of each year on expenditures during its previous fiscal year. The council shall report on expenditures during the previous calendar year and must incorporate its report in the report required by section 473.149, due July 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.

Sec. 49. Minnesota Statutes 1992, section 473.848, subdivision 1, is amended to read:

Subdivision 1. [RESTRICTION.] (a) ~~After January 1, 1990~~ For the purposes of implementing the waste management policies in section 115A.02 and metropolitan area goals related to landfill abatement established under this chapter, a person may not dispose of unprocessed mixed municipal solid waste generated in the metropolitan area at a waste disposal facilities located in the metropolitan area facility unless the waste disposal facility meets the standards in section 473.849 and:

(1) the waste has been certified as unprocessable by a county under subdivision 2; or

(2)(i) the waste has been transferred to the disposal facility from a resource recovery facility;

(ii) no other resource recovery facility is serving the metropolitan area is capable of processing the waste; and

(iii) the waste has been certified as unprocessable by the operator of the resource recovery facility under subdivision 3.

(b) For purposes of this section, mixed municipal solid waste does not include street sweepings, construction debris, mining waste, foundry sand, and other materials, if they are not capable of being processed by resource recovery as determined by the council.

Sec. 50. Minnesota Statutes 1992, section 473.848, subdivision 5, is amended to read:

Subd. 5. [DEFINITION.] For the purpose of this section, waste is "unprocessed" if it has not, after collection and before disposal, undergone at least one process, as defined in section 115A.03, subdivision 25, excluding storage, exchange, and transfer of the waste separation of materials for resource recovery through recycling, incineration for energy production, production and use of refuse-derived fuel, composting, or any combination of these processes so that the weight of the waste remaining that must be disposed of in a mixed municipal solid waste disposal facility is not more than 35 percent of the weight before processing, on an annual average.

Sec. 51. [ELECTRONIC APPLIANCES; REPORT.]

By July 1, 1995, the director of the office of waste management, in consultation with the commissioner of the pollution control agency and counties, shall submit a report to the legislative commission on waste management regarding management of waste electronic appliances that:

(1) identifies types of electronic appliances that contain materials that pose problems in the solid waste management system;

(2) explains how those waste appliances are presently managed and identifies any adverse environmental effects of present management; and

(3) recommends, if necessary, legislation to govern management of waste electronic appliances.

For the purposes of this section, "electronic appliances" includes at least audio, video, computing, printing, communication, and telecommunication equipment and apparatuses that contain electronic components, including but not limited to radios, televisions, computers, computer printers, small electronic kitchen appliances, telefacsimile equipment, and household and commercial communication transmission and reception equipment, but does not include major appliances as defined in Minnesota Statutes, section 115A.03, subdivision 17a.

Sec. 52. [MERCURY IN PRODUCTS; REPORT.]

By December 1, 1994, the commissioner of the pollution control agency, after consultation with interested manufacturers, retailers, public interest groups, political subdivisions, and other persons, shall prepare and submit to the legislative commission on waste management a report that:

(1) identifies products and portions or elements of products into which mercury is intentionally introduced;

(2) identifies whether the use of mercury in the products is essential, whether alternatives exist to using mercury, and what those alternatives are; and

(3) recommends legislation to address public health and environmental protection in the distribution, sale, and use of products into which mercury has been intentionally introduced and to address reduction of mercury in the products and management of the products when they become waste, including recommendations for banning specific products when the costs of management as waste outweigh the benefits that accrue from distribution, sale, and use of the products.

Sec. 53. [RECYCLING FACILITIES; REPORT.]

By July 1, 1995, the commissioner of the pollution control agency shall submit to the legislative commission on waste management a report that contains:

(1) a description of the different types of recycling facilities and the numbers of each type that are currently in operation;

(2) a survey of recycling facilities that indicates, for each facility, the type of facility, the extent to which materials delivered to the facility are not actually recycled, and other information pertaining to the facility's performance;

(3) a discussion of issues affecting the performance of recycling facilities;

(4) a comparison of markets for commingled and source-separated recyclable materials; and

(5) recommendations regarding performance standards for recycling facilities, including whether different standards should apply to different types of facilities.

In preparing the report, the commissioner shall consult with the director of the office of waste management, the chair of the metropolitan council, counties, and the recycling industry.

Sec. 54. [ADDITION TO FEE REPORT.]

The director of the office of waste management shall include in the solid waste fee report due December 1, 1994, required under Laws 1993, chapter 172, section 92, an analysis of the advantages and disadvantages of expanding the authority of counties, under Minnesota Statutes, section 115A.919, to also authorize fees on waste delivered to transfer stations, incinerator ash disposal facilities, and industrial waste disposal facilities. This portion of the report must discuss at least:

- (1) arguments for and against expansion of the fees;*
- (2) if expansion may be appropriate, whether expanded fee authority should be limited to the metropolitan area or should be applied statewide;*
- (3) if expansion may be appropriate, whether the legislature should set the amount of the fees, place a maximum amount on fees in statute, or allow counties to determine the amount of the fees;*
- (4) if expansion may be appropriate, how revenue from the fees should be used, how to avoid fees being paid for the same waste more than once and how to structure fees to have a minimal effect on cooperative agreements between counties governing waste management; and*
- (5) how expanding or not expanding application of the fees will affect competition between similar types of facilities and will affect whether waste is managed in the most environmentally sound manner.*

Sec. 55. [DELAYED REPORTS.]

The 1994 date for reports required under Minnesota Statutes, sections 115A.551, subdivision 4; and 115A.557, subdivision 4, is delayed until August 1, 1994.

Sec. 56. [APPLICATION.]

Sections 40 to 50 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 57. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 115A.542, is repealed effective July 1, 1995.

Sec. 58. [EFFECTIVE DATE.]

Section 2 is effective July 1, 1980.

Sections 30, 38, and 55 are effective the day following final enactment.

Section 48 is effective June 1, 1994.

Section 35 is effective January 1, 1995."

Delete the title and insert:

"A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; requiring public education on reuse; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; listing preferences for use of packaging; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste antifreeze and motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; clarifying the prohibition on toxics in products and providing for exemptions; authorizing the issuance of field citations; prohibiting the venting of CFCs; requiring and authorizing training and certification of appliance recyclers and servicers respectively; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; modifying requirements for county service contracts; authorizing private ownership of solid waste facilities; permitting counties and local governments to impose certain conditions on disposal of unprocessed solid waste; authorizing counties to require record keeping; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring reports; providing penalties and remedies; amending Minnesota Statutes 1992, sections 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.072, subdivision 4; 115A.5501, subdivisions 1, 2, and by adding subdivisions; 115A.554; 115A.557, subdivision 3; 115A.87; 115A.882, subdivision 3, and by adding a subdivision; 115A.9157, subdivisions 4 and 5; 115A.918, subdivision 1, and by adding a subdivision; 115A.919, subdivision 3; 115A.921, subdivision 1; 115A.9301, by adding a subdivision; 115A.95; 115A.9561, subdivision 2; 115A.965, subdivision 6, and by adding a subdivision; 116.07, subdivision 4h; 116.731, by adding a subdivision; 116.76, subdivision 4; 116.92, subdivision 8; 473.803, by adding a subdivision; 473.811, subdivisions 5 and 5a; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivisions 1 and 5; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.5501, subdivision 3; 115A.916; 115A.929; 115A.9651; 115A.981, subdivision 3; 116.79, subdivision 1; 400.04, subdivision 4; 473.149, subdivision 6; and 473.846; proposing coding for new law in Minnesota Statutes, chapters 115A; 116; and 473; repealing Minnesota Statutes 1993 Supplement, section 115A.542."

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

Senate Conferees: (Signed) Janet B. Johnson, Deanna Wiener, Kevin M. Chandler, Ted A. Mondale, Dan Stevens

House Conferees: (Signed) Jean Wagenius, Betty McCollum, Kathleen Sekhon, Sidney Pauly, Dennis Ozment

Ms. Johnson, J.B. moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1788 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.

S.F. No. 1788 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Kelly moved that H.F. No. 3211 be taken from the table. The motion prevailed.

H.F. No. 3211: A bill for an act relating to claims against the state; providing for payment of various claims; imposing a fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

Ms. Pappas moved to amend H.F. No. 3211, as amended pursuant to Rule 49, adopted by the Senate April 22, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2910.)

Page 1, after line 13, insert:

"Sec. 2. Minnesota Statutes 1992, section 3.754, is amended to read:

3.754 [BUDGET REQUESTS; PROPERTY IMPROVEMENT CLAIMS.]

All state departments and agencies including the state university board and the state board for community colleges shall include in their budget requests the amounts necessary to reimburse counties and municipalities for claims involving assessments for improvements benefiting state owned property in their communities. *Each department and agency shall pay the assessments when due or, if a department or agency feels that it was not fairly assessed, notify the chairs of the committee on finance of the senate and the committee on ways and means of the house of representatives for a review of the assessment. Assessments on state owned property under the control of the state university board and the state board for community colleges are governed by section 135A.131. All agencies and departments should negotiate assessment costs with counties and municipalities prior to commencement of improvements benefitting state owned property.*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Robertson moved to amend H.F. No. 3211, as amended pursuant to Rule 49, adopted by the Senate April 22, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2910.)

Page 1, after line 13, insert:

"Sec. 2. [256.0281] [RESTRUCTURING OF PUBLIC ASSISTANCE.]

The commissioners of human services and jobs and training shall develop a plan for first-time application for aid to families with dependent children (AFDC) and family general assistance (FGA) in order to assure that, during the first six months of eligibility, first-time applicants for AFDC and FGA will receive the following in lieu of standard AFDC or FGA:

- (1) immediate and enhanced job search and placement activities;*
- (2) if an unsubsidized job is not located within the first 60 days, or at an earlier date recommended by the commissioners, then subsidized employment in the private or public sector or a placement in a community service job that pays wages up to the value of AFDC or FGA is required;*
- (3) priority help in establishing child support enforcement;*
- (4) child care assistance for job search activities and employment;*
- (5) eligibility for medical care; and*
- (6) vendor payments for need items included in the AFDC consolidated standard of assistance under the state plan.*

The commissioners shall consider to what extent exceptions should be made for:

- (1) a person who is suffering from a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;*
- (2) a person whose presence in the home on a substantially continuous basis is required because of the professionally certified illness, injury, incapacity, or the age of another member of the household;*
- (3) a person who has been placed in, and is residing in, a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved chemical dependency domiciliary facility, if the placement is based on illness or incapacity and is pursuant to a plan developed or approved by the county agency through its director or designated representative;*
- (4) a person who resides in a shelter facility described in section 256D.05, subdivision 3;*
- (5) a person not described in clause (1) or (3) who is diagnosed by a licensed physician, licensed psychologist, or other qualified professional, as mentally retarded or mentally ill, and that condition prevents the person from obtaining or retaining employment;*
- (6) a person who has an application pending for, or is appealing termination of benefits from, the Social Security Disability program or the program of Supplemental Security Income for the aged, blind, and disabled,*

provided the person has a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;

(7) a person who is unable to obtain or retain employment because advanced age significantly affects the person's ability to seek or engage in substantial work; and

(8) a pregnant woman, if it has been medically verified that the child is expected to be born within the next six months.

The commissioners shall present to the 1995 legislature a statewide phased-in implementation plan, starting in counties designated by the commissioners which includes employability assessment criteria, feasibility of colocation of services, and a description of the modifications that the commissioners recommend. The plan must identify needed federal waivers, evaluation criteria, state plan amendments, and other approvals under the AFDC and job opportunities and basic skills (JOBS) program. The commissioner's plan must include implementation of the project by October 1, 1995, or after the necessary waivers are approved, whichever is later. The commissioners shall also provide to the legislature, by February 1, 1997, a report which includes a comparison of the immediate job search project under section 31 and the project implemented under this section.

Sec. 3. [256.0282] [RESTRUCTURING OF PROJECT STRIDE.]

The commissioners of human services and jobs and training shall develop recommendations to restructure the program entitled "success through reaching individual development and employment" (STRIDE), under sections 256.73 to 256.739, to effectively and efficiently employ AFDC recipients. The commissioners shall identify modifications necessary to implement the following principles:

(1) employment is the expected program outcome;

(2) training and education will be used primarily to enhance job skills of employed participants;

(3) adequate support services shall remain available until the recipient achieves employment that provides wages that enable the recipient to be self-sufficient;

(4) aggressive development of job markets;

(5) extended post-placement follow-up to retain current employment or move to better jobs;

(6) concurrent services which combine education and employment;

(7) within the limits of available funding, certain categories of AFDC recipients shall be required to participate in project STRIDE services after two years; and

(8) failure to participate will result in termination of assistance for noncompliant participants under the Family Support Act of 1988.

The commissioners shall present to the 1995 legislature a plan which includes specific categories for mandatory participants and a description of the modifications that the commissioners recommend within existing appro-

priations. The proposal must identify needed federal waivers, state plan amendments, and other approvals under the AFDC and JOBS programs.

Sec. 4. Minnesota Statutes 1993 Supplement, section 256.031, subdivision 3, is amended to read:

Subd. 3. [AUTHORIZATION FOR THE DEMONSTRATION.] (a) The commissioner of human services, in consultation with the commissioners of education, finance, jobs and training, health, and planning, and the director of the higher education coordinating board, is authorized to proceed with the planning and designing of the Minnesota family investment plan and to implement the plan to test policies, methods, and cost impact on an experimental basis by using field trials. The commissioner, under the authority in section 256.01, subdivision 2, shall implement the plan according to sections 256.031 to 256.0361 and Public Law Numbers 101-202 and 101-239, section 8015, as amended. If major and unpredicted costs to the program occur, the commissioner may take corrective action consistent with Public Law Numbers 101-202 and 101-239, which may include termination of the program. Before taking such corrective action, the commissioner shall consult with the chairs of the senate family services committee, the house health and human services committee, the health care and family services division of the senate family services and health care committees and the human services division of the house health and human services committee, or, if the legislature is not in session, consult with the legislative advisory commission.

(b) The field trials shall be conducted as permitted under federal law, for as many years as necessary, and in different geographical settings, to provide reliable instruction about the desirability of expanding the program statewide.

(c) The commissioner shall select the counties which shall serve as field trial or comparison sites based on criteria which ensure reliable evaluation of the program.

(d) The commissioner is authorized to determine the number of families and characteristics of subgroups to be included in the evaluation.

(i) A family that applies for or is currently receiving financial assistance from aid to families with dependent children; family general assistance or work readiness; or food stamps may be tested for eligibility for aid to families with dependent children or family general assistance and may be assigned by the commissioner to a test or a comparison group for the purposes of evaluating the family investment plan. A family found not eligible for aid to families with dependent children or family general assistance will be tested for eligibility for the food stamp program. If found eligible for the food stamp program, the commissioner may randomly assign the family to a test group, comparison group, or neither group. Families assigned to a test group receive benefits and services through the family investment plan. Families assigned to a comparison group receive benefits and services through existing programs. A family may not select the group to which it is assigned. Once assigned to a group, an eligible family must remain in that group for the duration of the project.

(ii) To evaluate the effectiveness of the family investment plan, the commissioner may designate a subgroup of families from the test group who shall be exempt from section 256.035, subdivision 1, and shall not receive case management services under section 256.035, subdivision 6a. Families are

eligible for services under section 256.736 to the same extent as families receiving AFDC.

(e) *After field trials have begun, the commissioner may extend field trials of the Minnesota family investment plan to Ramsey county with county board consent. This extension of the field trials may be executed only if permitted under federal law, and is subject to federal approval. Ramsey county shall coordinate efforts with the community when developing the service delivery plan under section 256.0361, subdivision 1.*

Sec. 5. Minnesota Statutes 1992, section 256.73, is amended by adding a subdivision to read:

Subd. 3b. [ELIGIBILITY NOT BARRED BY WORKING OVER 99 HOURS; PAST EMPLOYMENT HISTORY; AND 30-DAY WAITING PERIOD.] An individual receiving assistance may work over 99 hours per month and remain eligible for assistance, provided all other requirements of the aid to families with dependent children are met. The applicant is not required to demonstrate past employment history or 30 days of prior unemployment to be eligible for AFDC-unemployed parent. This subdivision is effective upon federal approval of the request to waive the applicable federal regulations and remains effective for the duration of the waiver.

Sec. 6. Minnesota Statutes 1992, section 256.73, is amended by adding a subdivision to read:

Subd. 5a. [PARENTING OR PREGNANT MINORS; RESTRICTION ON ASSISTANCE WITH FEDERAL EXCEPTIONS.] (a) The definitions in this paragraph apply to this subdivision.

(1) *"Minor parent" means an individual who:*

(i) *is under the age of 18;*

(ii) *has never been married; and*

(iii) *is either the natural parent of a dependent child living in the same household or eligible for assistance paid to a pregnant woman under subdivision 5.*

(2) *"Household of a parent, legal guardian, or other adult relative" means the place of residence of:*

(i) *a natural or adoptive parent;*

(ii) *a legal guardian pursuant to appointment or acceptance under section 260.242, 525.615, or 525.6165, and related laws; or*

(iii) *another individual who is age 18 or over and related to the minor parent as specified in Code of Federal Regulations, title 45, section 233.90(c)(1)(v), provided that the residence is maintained as a home for the minor parent and child under Code of Federal Regulations, title 45, section 233.90(c)(1)(v)(B).*

(3) *"Adult-supervised supportive living arrangement" means a private family setting or other living arrangement, not including a public institution, which, as determined by the county agency, is maintained as a family setting, as evidenced by the assumption of responsibility for the care and control of the minor parent and dependent child or the provision of supportive services, such as counseling, guidance, or supervision.*

(b) A minor parent and the dependent child who is in the care of the minor parent must reside in the household of a parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement in order to receive AFDC unless:

(1) the minor parent has no living parent or legal guardian whose whereabouts is known;

(2) no living parent or legal guardian of the minor parent allows the minor parent to live in the parent's or legal guardian's home;

(3) the minor parent lived apart from the minor parent's own parent or legal guardian for a period of at least one year before either the birth of the dependent child or the parent's having made application for AFDC;

(4) the physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the minor parent's parent or legal guardian; or

(5) the minor parent and dependent child have, on the effective date of this section, been living independently as part of an approved social services plan for less than the one-year period required under clause (3).

(c) Minor applicants must be informed orally and in writing about the eligibility requirements and their rights and obligations under the program.

(d) If a minor parent makes allegations supporting the conclusion that paragraph (b), clause (4), applies, a referral must be made to child protective services, and child protective services must determine, or must have previously determined, that the home is not safe due to alleged maltreatment or that protective services are needed.

(e) If a minor parent is not living with a parent or legal guardian due to paragraph (b), clause (2) or (4), the minor parent must reside in a living arrangement that meets the standards of paragraph (a), clause (3).

(f) AFDC must be paid in the form of a protective payment on behalf of the minor parent and dependent child to the minor parent's parent, legal guardian, or other adult relative in accordance with Code of Federal Regulations, title 45, section 234.60.

(g) This subdivision is effective until the request to waive the federal exceptions is granted, except for persons in the control group. After the waiver is granted, this subdivision is applicable only to persons in the control group, which is necessary to evaluate the effect of the federal waiver.

Sec. 7. Minnesota Statutes 1992, section 256.73, is amended by adding a subdivision to read:

Subd. 5b. [PARENTING OR PREGNANT MINORS; RESTRICTION ON ASSISTANCE WITH STATE EXCEPTIONS.] (a) The definitions in this paragraph apply to this subdivision.

(1) "Minor parent" means an individual who:

(i) is under the age of 18;

(ii) has never been married; and

(iii) is either the natural parent of a dependent child living in the same

household or eligible for assistance paid to a pregnant woman under subdivision 5.

(2) "Household of a parent, legal guardian, or other adult relative" means the place of residence of:

(i) a natural or adoptive parent;

(ii) a legal guardian pursuant to appointment or acceptance under section 260.242, 525.615, or 525.6165, and related laws; or

(iii) another individual who is age 18 or over and related to the minor parent as specified in Code of Federal Regulations, title 45, section 233.90(c)(1)(v), provided that the residence is maintained as a home for the minor parent and child under Code of Federal Regulations, title 45, section 233.90(c)(1)(v)(B).

(3) "Adult-supervised supportive living arrangement" means a private family setting or other living arrangement, not including a public institution, which, as determined by the county agency, is maintained as a family setting, as evidenced by the assumption of responsibility for the care and control of the minor parent and dependent child or the provision of supportive services, such as counseling, guidance, or supervision.

(b) A minor parent and the dependent child who is in the care of the minor parent must reside in the household of a parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement in order to receive AFDC unless:

(1) the minor parent applying for aid has no parent or legal guardian whose whereabouts are known;

(2) the county determines that the minor parent or the minor's dependent child has been a victim of neglect, sexual abuse, physical abuse, mental injury, or threatened injury as defined in section 626.556, subdivision 1, by a parent, or an individual residing in the same home as the minor parent; or

(3) no living parent or legal guardian of the minor parent allows the minor parent to live in the parent's or legal guardian's home.

(c) AFDC must be paid in the form of a protective payment on behalf of the minor parent and dependent child to the minor parent's parent, legal guardian, or other adult relative in accordance with Code of Federal Regulations, title 45, section 234.60.

(d) This subdivision supersedes subdivision 5a, except for persons in the control group under subdivision 5a, clause (g), and is effective upon federal approval of the request to waive the exceptions in the federal regulation.

Sec. 8. Minnesota Statutes 1993 Supplement, section 256.73, subdivision 8, is amended to read:

Subd. 8. [RECOVERY OF OVERPAYMENTS.] (a) Except as provided in subdivision 8a, if an amount of aid to families with dependent children assistance is paid to a recipient in excess of the payment due, it shall be recoverable by the county agency. The agency shall give written notice to the recipient of its intention to recover the overpayment.

(b) When an overpayment occurs, the county agency shall recover the overpayment from a current recipient by reducing the amount of aid payable

to the assistance unit of which the recipient is a member for one or more monthly assistance payments until the overpayment is repaid. All county agencies in the state shall reduce the assistance payment by three percent of the assistance unit's standard of need or the amount of the monthly payment, whichever is less, for all overpayments whether or not the overpayment is due solely to agency error. If the overpayment is due solely to having wrongfully obtained assistance, whether based on a court order, the finding of an administrative fraud disqualification hearing or a waiver of such a hearing, or a confession of judgment containing an admission of an intentional program violation, the amount of this reduction shall be ten percent. In cases when there is both an overpayment and underpayment, the county agency shall offset one against the other in correcting the payment.

(c) Overpayments may also be voluntarily repaid, in part or in full, by the individual, in addition to the above aid reductions, until the total amount of the overpayment is repaid.

(d) The county agency shall make reasonable efforts to recover overpayments to persons no longer on assistance in accordance with standards adopted in rule by the commissioner of human services. The county agency need not attempt to recover overpayments of less than \$35 paid to an individual no longer on assistance if the individual does not receive assistance again within three years, unless the individual has been convicted of fraud under section 256.98.

Sec. 9. Minnesota Statutes 1992, section 256.73, is amended by adding a subdivision to read:

Subd. 8a. [START WORK OFFSET.] An overpayment resulting from earned income received in the first month of employment is not recoverable by the county agency provided the aid to families with dependent children assistance unit has not previously received a start work offset. A "start work offset" for purposes of this subdivision is the amount of the overpayment the assistance unit would otherwise be required to pay to the county under subdivision 8. This exception to subdivision 8 is available every two years to an aid to families with dependent children assistance unit.

Sec. 10. Minnesota Statutes 1993 Supplement, section 256.736, subdivision 10, is amended to read:

Subd. 10. [COUNTY DUTIES.] (a) To the extent of available state appropriations, county boards shall:

(1) refer all mandatory and eligible volunteer caretakers permitted to participate under subdivision 3a to an employment and training service provider for participation in employment and training services;

(2) identify to the employment and training service provider the target group of which the referred caretaker is a member;

(3) provide all caretakers with an orientation which meets the requirements in subdivisions 10a and 10b;

(4) work with the employment and training service provider to encourage voluntary participation by caretakers in the target groups;

(5) work with the employment and training service provider to collect data as required by the commissioner;

(6) to the extent permissible under federal law, require all caretakers coming into the AFDC program to attend orientation;

(7) encourage nontarget caretakers to develop a plan to obtain self-sufficiency;

(8) notify the commissioner of the caretakers required to participate in employment and training services;

(9) inform appropriate caretakers of opportunities available through the head start program and encourage caretakers to have their children screened for enrollment in the program where appropriate;

(10) provide transportation assistance using available funds to caretakers who participate in employment and training programs;

(11) ensure that orientation, job search, services to custodial parents under the age of 20, educational activities and work experience for AFDC-UP families, and case management services are made available to appropriate caretakers under this section, except that payment for case management services is governed by subdivision 13;

(12) explain in its local service unit plan under section 268.88 how it will ensure that target caretakers determined to be in need of social services are provided with such social services. The plan must specify how the case manager and the county social service workers will ensure delivery of needed services;

(13) to the extent allowed by federal laws and regulations, provide a job search program as defined in subdivision 14, a community work experience program as defined in section 256.737, grant diversion as defined in section 256.739, and on-the-job training as defined in section 256.738. A county may also provide another work and training program approved by the commissioner and the secretary of the United States Department of Health and Human Services. Planning and approval for employment and training services listed in this clause must be obtained through submission of the local service unit plan as specified under section 268.88. A county is not required to provide a community work experience program if the county agency is successful in placing at least 40 percent of the monthly average of all caretakers who are subject to the job search requirements of subdivision 14 in grant diversion or on-the-job training program;

(14) prior to participation, provide an assessment of each AFDC recipient who is required or volunteers to participate in an approved employment and training service. The assessment must include an evaluation of the participant's (i) educational, child care, and other supportive service needs; (ii) skills and prior work experience; and (iii) ability to secure and retain a job which, when wages are added to child support, will support the participant's family. The assessment must also include a review of the results of the early and periodic screening, diagnosis and treatment (EPSDT) screening and preschool screening under chapter 123, if available; the participant's family circumstances; and, in the case of a custodial parent under the age of 18, a review of the effect of a child's developmental and educational needs on the parent's ability to participate in the program;

(15) develop an employability development plan for each recipient for whom an assessment is required under clause (14) which: (i) reflects the assessment required by clause (14); (ii) takes into consideration the recipient's

physical capacity, skills, experience, health and safety, family responsibilities, place of residence, proficiency, child care and other supportive service needs; (iii) is based on available resources and local employment opportunities; (iv) specifies the services to be provided by the employment and training service provider; (v) specifies the activities the recipient will participate in, including the worksite to which the caretaker will be assigned, if the caretaker is subject to the requirements of section 256.737, subdivision 2; (vi) specifies necessary supportive services such as child care; (vii) to the extent possible, reflects the preferences of the participant; ~~and~~ (viii) *includes a written agreement between the county agency and the caregiver that outlines a reasonable schedule for completing the plan, including specific completion deadlines, and confirms that (A) there is a market for full-time employees with this education or training where the caregiver will or is willing to reside upon completion of the program; (B) the average wage level for employees with this education or training is greater than the caregiver can earn without this education or training; (C) the caregiver has the academic ability to successfully complete the program; and (D) there is a reasonable expectation that the caregiver will complete the training program based on such factors as the caregiver's previous education, training, work history, current motivation, and changes in previous circumstances; and (ix) specifies the recipient's long-term employment goal which shall lead to self-sufficiency;*

(16) obtain the written or oral concurrence of the appropriate exclusive bargaining representatives with respect to job duties covered under collective bargaining agreements to assure that no work assignment under this section or sections 256.737, 256.738, and 256.739 results in: (i) termination, layoff, or reduction of the work hours of an employee for the purpose of hiring an individual under this section or sections 256.737, 256.738, and 256.739; (ii) the hiring of an individual if any other person is on layoff from the same or a substantially equivalent job; (iii) any infringement of the promotional opportunities of any currently employed individual; (iv) the impairment of existing contracts for services or collective bargaining agreements; or (v) except for on-the-job training under section 256.738, a participant filling an established unfilled position vacancy; and

(17) assess each caretaker in an AFDC-UP family who is under age 25, has not completed high school or a high school equivalency program, and who would otherwise be required to participate in a work experience placement under section 256.737 to determine if an appropriate secondary education option is available for the caretaker. If an appropriate secondary education option is determined to be available for the caretaker, the caretaker must, in lieu of participating in work experience, enroll in and meet the educational program's participation and attendance requirements. "Secondary education" for this paragraph means high school education or education designed to prepare a person to qualify for a high school equivalency certificate, basic and remedial education, and English as a second language education. A caretaker required to participate in secondary education who, without good cause, fails to participate shall be subject to the provisions of subdivision 4a and the sanction provisions of subdivision 4, clause (6). For purposes of this clause, "good cause" means the inability to obtain licensed or legal nonlicensed child care services needed to enable the caretaker to attend, inability to obtain transportation needed to attend, illness or incapacity of the caretaker or another member of the household which requires the caretaker to be present in the home, or being employed for more than 30 hours per week.

(b) Funds available under this subdivision may not be used to assist, promote, or deter union organizing.

(c) A county board may provide other employment and training services that it considers necessary to help caretakers obtain self-sufficiency.

(d) Notwithstanding section 256G.07, when a target caretaker relocates to another county to implement the provisions of the caretaker's case management contract or other written employability development plan approved by the county human service agency, its case manager or employment and training service provider, the county that approved the plan is responsible for the costs of case management and other services required to carry out the plan, including employment and training services. The county agency's responsibility for the costs ends when all plan obligations have been met, when the caretaker loses AFDC eligibility for at least 30 days, or when approval of the plan is withdrawn for a reason stated in the plan, whichever occurs first. Responsibility for the costs of child care must be determined under chapter 256H. A county human service agency may pay for the costs of case management, child care, and other services required in an approved employability development plan when the nontarget caretaker relocates to another county or when a target caretaker again becomes eligible for AFDC after having been ineligible for at least 30 days.

Sec. 11. Minnesota Statutes 1993 Supplement, section 256.736, subdivision 14, is amended to read:

Subd. 14. [JOB SEARCH.] (a) Each county agency must establish and operate a job search program as provided under this section. Unless exempt, the principal wage earner in an AFDC-UP assistance unit must be referred to and begin participation in the job search program within 30 days of being determined eligible for AFDC. *Unless exempt, an AFDC caretaker who has received AFDC for at least 36 months or more out of the last 60 months must also be referred to and begin participation in the job search program, but is not required to participate in the work experience program under section 256.737, the on-the-job training program under section 256.738, or the grant diversion program under section 256.739, under paragraph (d).* If the principal wage earner is exempt from participation in job search, the other caretaker must be referred to and begin participation in the job search program within 30 days of being determined eligible for AFDC. The principal wage earner ~~or the~~, other caretaker, *or the caretaker who has been on assistance for at least 36 out of the last 60 months is exempt from job search participation if:*

- (1) the caretaker is exempt from registration under subdivision 3; or
 - (2) the caretaker is under age 25, has not completed a high school diploma or an equivalent program, and is participating in a secondary education program as defined in subdivision 10, paragraph (a), clause (17), which is approved by the employment and training service provider in the employability development plan.
- (b) The job search program must provide four consecutive weeks of job search activities for no less than 20 hours per week but not more than 32 hours per week. The employment and training service provider shall specify for each participating caretaker the number of weeks and hours of job search to be conducted and shall report to the county agency if the caretaker fails to cooperate with the job search requirement. *For purposes of the AFDC*

caretakers who have received AFDC for at least 36 months or more out of the last 60 months, the job search must also include 32 hours of job search training. The commissioners of human services and jobs and training shall develop criteria so that job search shall include a maximum of 32 hours of training for participants in how to search for employment, development of a personal resume, use of job banks and other employer identification methods, practice of effective interviewing skills, familiarity of appropriate work behaviors, identification of specific job openings, and a plan to apply for such openings. The employment and training service provider shall report to the county agency if the caretaker fails to cooperate with the job search requirement.

(c) The job search program may provide services to ~~non-AFDC UP~~ caretakers not mandated to participate in the job search program.

(d) After completion of job search requirements in this section, nonexempt caretakers shall be placed in and must participate in and cooperate with the work experience program under section 256.737, the on-the-job training program under section 256.738, or the grant diversion program under section 256.739. Caretakers must be offered placement in a grant diversion or on-the-job training program, if either such employment is available, before being required to participate in a community work experience program under section 256.737.

Sec. 12. Minnesota Statutes 1992, section 256.81, is amended to read:

256.81 [COUNTY AGENCY, DUTIES.]

(1) The county agency shall keep such records, accounts, and statistics in relation to aid to families with dependent children as the state agency shall prescribe.

(2) Each grant of aid to families with dependent children shall be paid to the recipient by the county agency unless paid by the state agency. Payment must be by check or electronic means except in those instances in which the county agency, subject to the rules of the state agency, determines that payments for care shall be made to an individual other than the parent or relative with whom the dependent child is living or to vendors of goods and services for the benefit of the child because such parent or relative is unable to properly manage the funds in the best interests and welfare of the child. At the request of a recipient, the state or county may make payments directly to vendors of goods and services, but only for goods and services appropriate to maintain the health and safety of the child, as determined by the county.

(3) The state or county may ask the recipient to give written consent authorizing the state or county to provide advance notice to a vendor before vendor payments of rent are reduced or terminated. Whenever possible under state and federal laws and regulations and if the recipient consents, the state or county shall provide at least 30 days notice to vendors before vendor payments of rent are reduced or terminated. If 30 days notice cannot be given, the state or county shall notify the vendor within three working days after the date the state or county becomes aware that vendor payments of rent will be reduced or terminated. When the county notifies a vendor that vendor payments of rent will be reduced or terminated, the county shall include in the notice that it is illegal to discriminate on the grounds that a person is receiving public assistance and the penalties for violation. The county shall also notify the recipient that it is illegal to discriminate on the grounds that a person is

receiving public assistance and the procedures for filing a complaint. The county agency may develop procedures, including using the MAXIS system, to implement vendor notice and may charge vendors a fee not exceeding \$5 to cover notification costs.

(4) A vendor payment arrangement is not a guarantee that a vendor will be paid by the state or county for rent, goods, or services furnished to a recipient, and the state and county are not liable for any damages claimed by a vendor due to failure of the state or county to pay or to notify the vendor on behalf of a recipient, except under a specific written agreement between the state or county and the vendor or when the state or county has provided a voucher guaranteeing payment under certain conditions.

(5) The county shall be paid from state and federal funds available therefor the amount provided for in section 256.82.

(6) Federal funds available for administrative purposes shall be distributed between the state and the counties in the same proportion that expenditures were made except as provided for in section 256.017.

(7) The commissioner and affected county may require that assistance paid under the aid to families with dependent children emergency assistance program in the form of a rental unit damage deposit, less any amount retained by the landlord to pay for property damage, be returned to the county when the assistance unit vacates the premises or paid to the recipient's new landlord as a vendor payment.

Sec. 13. Minnesota Statutes 1992, section 256.979, is amended by adding a subdivision to read:

Subd. 9. [ACCRUAL OF SUPPORT OBLIGATIONS.] The commissioner of human services shall seek a waiver from the secretary of the Department of Health and Human Services to enable the agency to accrue child support payments received on behalf of both AFDC and non-AFDC clients until the sum total of the money owed by the state agency to the client is at least \$10. Obligor shall be assessed a processing fee of \$10 to be retained by the county agency in every instance when both of the following conditions exist:

- (1) the obligor pays less than the required monthly support obligation; and*
- (2) that reduced payment would result in a child support payment to an AFDC or non-AFDC client of less than \$10 for that month.*

Sec. 14. Minnesota Statutes 1992, section 256.983, subdivision 1, is amended to read:

Subdivision 1. [PROGRAMS ESTABLISHED.] Within the limits of available appropriations, and to the extent required or authorized by applicable federal regulations, the commissioner of human services shall require the establishment of fraud prevention investigation programs in the seven counties participating in the fraud prevention investigation pilot project established under section 256.983, and in 11 additional Minnesota counties with the largest aid to families with dependent children program caseloads as of July 1, 1991. If funds are sufficient, the commissioner may also extend fraud prevention investigation programs to: *(1) other counties that have welfare fraud control programs already in place based on enhanced funding contracts covering the fraud investigation function; and (2) counties that have the largest aid to families with dependent children caseloads as of July 1,*

1993, and are not currently participating in the fraud prevention investigation pilot project. The pilot project may be expanded provided the expansion is budget neutral to the state.

Sec. 15. Minnesota Statutes 1992, section 256D.05, subdivision 6, is amended to read:

Subd. 6. [ASSISTANCE FOR PERSONS WITHOUT A VERIFIED RESIDENCE.] (a) For applicants or recipients of general assistance, emergency general assistance, or work readiness assistance who do not have a verified residence address, the county agency may provide assistance using one or more of the following methods:

(1) the county agency may provide assistance in the form of vouchers or vendor payments and provide separate vouchers or vendor payments for food, shelter, and other needs;

(2) the county agency may divide the monthly assistance standard into weekly payments, whether in cash or by voucher or vendor payment. Nothing in this clause prevents the county agency from issuing voucher or vendor payments for emergency general assistance in an amount less than the standards of assistance; and

(3) the county agency may determine eligibility and provide assistance on a weekly basis. Weekly assistance can be issued in cash or by voucher or vendor payment and can be determined either on the basis of actual need or by prorating the monthly assistance standard.

(b) An individual may verify a residence address by providing a driver's license; a state identification card; a statement by the landlord, apartment manager, or homeowner verifying that the individual is residing at the address; or other written documentation approved by the commissioner.

(c) Notwithstanding the provisions of section 256D.06, subdivision 1, if the county agency elects to provide assistance on a weekly payment basis, the agency may not provide assistance for a period during which no need is claimed by the individual unless the individual has good cause for failing to claim need. The individual must be notified, each time weekly assistance is provided, that subsequent weekly assistance will not be issued unless the individual claims need. The advance notice required under section 256D.10 does not apply to weekly assistance that is withheld because the individual failed to claim need without good cause.

(d) The county agency may not issue assistance on a weekly basis to an applicant or recipient who has professionally certified mental illness or mental retardation or a related condition, or to an assistance unit that includes minor children, unless requested by the assistance unit.

(4) for the purposes of clauses (2) and (3), the county agency may divide the monthly assistance standard as follows: \$25 the first week, \$50 each of the second and third weeks, and the remainder for the fourth week.

Sec. 16. [256D.0511] [LUMP-SUM PAYMENTS.]

A person who is ineligible for aid to families with dependent children due to a lump-sum payment according to Minnesota Rules, part 9500.2560, is also ineligible for general assistance and work readiness benefits for the duration the person is ineligible for aid to families with dependent children, unless the person demonstrates that the lump-sum payment was used for basic needs,

including items necessary to participate in education, work, and training to become economically self-sufficient, or medical expenses.

Sec. 17. Minnesota Statutes 1992, section 256D.09, is amended by adding a subdivision to read:

Subd. 5. [VENDOR PAYMENTS TO LANDLORDS.] The commissioner and affected county may require that assistance paid under the emergency general assistance program in the form of a rental unit damage deposit, less any amount retained by the landlord to pay for property damage, be returned to the county when the recipient vacates the premises or paid to the recipient's new landlord as a vendor payment.

Sec. 18. Minnesota Statutes 1992, section 256H.05, subdivision 1b, is amended to read:

Subd. 1b. [ELIGIBLE RECIPIENTS.] Families eligible for guaranteed child care assistance under the AFDC child care program are:

- (1) persons receiving services under section 256.736;*
- (2) AFDC recipients who are employed;*
- (3) persons who are members of transition year families under section 256H.01, subdivision 16;*
- (4) members of the control group for the STRIDE evaluation conducted by the Manpower Demonstration Research Corporation; and*
- (5) AFDC caretakers who are participating in the non-STRIDE AFDC child care program; and*
- (6) persons participating in the immediate job search pilot project in Hennepin county and one rural county.*

Sec. 19. Minnesota Statutes 1992, section 268.672, subdivision 6, is amended to read:

Subd. 6. [ELIGIBLE JOB APPLICANT.] "Eligible job applicant" means a person who: (1) has been a resident of this state for at least one month, (2) is unemployed, (3) is not receiving and is not qualified to receive unemployment compensation or workers' compensation, and (4) is determined to be likely to be available for employment by an eligible employer for the duration of the job, and (5) is participating in the immediate job search pilot project in Hennepin county and one rural county.

For the purposes of this subdivision, a farmer or any member of a farm family household who can demonstrate severe household financial need must be considered unemployed."

Page 9, after line 22, insert:

"Sec. 26. [STUDY AND REPORT.]

The commissioner of human services shall report to the legislature by January 15, 1995, recommendations for establishing a statewide employment and training program for unemployed noncustodial parents modeled after the national parent's fair share pilot project. The report shall include cost estimates and must be developed in consultation with the departments of trade and economic development and jobs and training, and with counties that participate in the national pilot project and other interested counties.

Sec. 27. [CHILD CARE COOPERATIVES STUDY.]

The commissioner of human services shall determine the feasibility of operation and use of child care cooperatives by AFDC recipients who are working or attending school.

The commissioner shall present to the 1995 legislature the results of the determination and statewide phased-in implementation plan starting with counties designated by the commissioner, but including at a minimum, at least one rural and one metro county. The plan must ensure parental choice of a provider that best suits the family needs, identify evaluation criteria, state plan amendments, state legislation waivers, and all other information that is necessary to implement the plan.

Sec. 28. [JOINT EFFORT; INCENTIVES TO WORK.]

The departments of human services and revenue must jointly design a plan which provides the following monetary supplements on a monthly basis to working families: federal and state earned income tax credits, renters credit/housing subsidy, dependent care credit. The commissioner shall report the recommendations in the plan to the legislature by January 1, 1995.

Sec. 29. [PARENTS' FAIR SHARE; MANDATORY COMMUNITY WORK EXPERIENCE.]

The parents' fair share (PFS) pilot project shall include a mandatory community work experience component for participants who fail to comply with other requirements of the pilot project.

Sec. 30. [FEDERAL WAIVER PACKAGE.]

Subdivision 1. [REQUEST.] The department of human services shall make a single request for the waivers listed in this section to the United States Department of Health and Human Services. The waivers in the package support and encourage AFDC recipients to move from reliance on welfare to self-sufficiency. The commissioner shall explore alternatives to the waiver evaluation process, which is required by the federal government, in an effort to reduce costs of the evaluation, and develop a cost-effective evaluation process for the waiver package in this section. The commissioner shall investigate the feasibility of the following: one evaluation for the entire waiver package, consolidation of evaluation efforts for the same or similar waiver with another state, completion of the evaluation internally, possibly by the office of legislative auditor, and other alternatives. The commissioner shall also notify the revisor of statutes when each waiver is approved by the federal government.

Subd. 2. [WAIVER TO DISALLOW PARENTAL INCOME OF A PREGNANT OR PARENTING MINOR LIVING WITH PARENTS.] The commissioner shall seek a waiver from the filing unit requirement, Code of Federal Regulations, title 45, section 206.10(a)(1)(vii), for minor parents who live with a parent who is on AFDC with other dependent children so that the minor can get the same separate need standard as they would get if the parent were not on AFDC. The commissioner shall also seek a waiver to disregard all parental income if the parent is on AFDC with other children; and if the parent is not on AFDC with other children, to disregard 150 percent of the federal poverty guideline and deem the remainder of income under Code of Federal Regulations, title 45, section 233.20(a)(3)(xviii), provided the parental income does not exceed 150 percent of poverty. If the commissioner

experiences barriers or complications in preparing the waiver under this subdivision, the commissioner shall report back to the legislature for clarification. This should not delay the requests for the other waivers under this section. The commissioner shall also explore how the waivers under this subdivision will affect other programs, and report to the legislature potential waivers to provide necessary consistency across programs. The general policy in requesting these waivers is to keep the family intact and give the minor parent, the dependent child, and the grandparent an incentive to continue living together as a family. That incentive is providing the minor parent with a grant, probably based on a two-child standard, without taking a grant away from the grandparent. These waivers encourage a minor parent to remain living with the parent by reducing the barriers to receiving assistance.

Subd. 3. [WAIVER TO ALLOW START WORK OFFSET.] The commissioner shall seek a waiver of the federal regulation which requires the state to recover overpayments of AFDC from the assistance unit which was overpaid if the overpayment occurred in the month the assistance unit started working, and the overpayment resulted from the assistance unit's increased earnings. This "start work offset" is available to an assistance unit every two years. This waiver provides an incentive to begin working in an effort to obtain self-sufficiency.

Subd. 4. [WAIVER OF THE 100-HOUR RULE; WORK HISTORY REQUIREMENT; 30-DAY WAITING PERIOD REQUIREMENT.] The commissioner shall seek a waiver to eliminate the 100-hour rule under Code of Federal Regulations, title 45, section 233.100(a)(1)(i); the eligibility requirement for past employment history under Code of Federal Regulations, title 45, section 233.100(a)(3)(iii); and the requirement for a 30-day waiting period under Code of Federal Regulations, title 45, section 233.100(a)(3)(i).

Subd. 5. [WAIVER OF MOTOR VEHICLE RESOURCE LIMIT.] The commissioner shall seek a waiver to increase the maximum equity value of a licensed motor vehicle, which can be excluded as a resource under the federal regulations, from \$1,500 to the level permitted under the federal Food Stamp Program. This waiver is essential for AFDC recipients who need reliable transportation to participate in education, work, and training to become self-sufficient.

Subd. 6. [WAIVER TO ALLOW STUDENTS TO EARN INCOME WITHOUT AFFECTING THE PARENT AFDC GRANT AND ALLOW A SEPARATE SAVINGS ACCOUNT FOR EDUCATION AND EMPLOYMENT NEEDS.] The commissioner shall seek a waiver of the federal regulation which includes the earned income of dependent children and minor caretakers who are attending school at least half-time when determining eligibility for AFDC. The commissioner shall also seek a waiver which allows savings set aside in a separate account specifically for future education or employment needs be excluded from the AFDC resource limits.

Subd. 7. [WAIVER OF THE FEDERAL EXCEPTIONS TO REQUIRING A PARENTING MINOR TO LIVE WITH A PARENT.] The commissioner shall seek a waiver of the exceptions to the law which requires minor parents to live with a parent or in a supervised living arrangement in order to be eligible for AFDC.

Subd. 8. [IMPLEMENTATION.] The commissioner shall implement the program changes authorized under this subdivision promptly upon approval

of the waiver, provided all conditions are met under Minnesota Statutes, section 256.01, subdivision 2, clause (12).

Subd. 9. [EVALUATION.] If any of the federal waivers are granted, the commissioner shall evaluate the program changes according to federal waiver requirements and if necessary submit reports to the legislature within a time frame consistent with the evaluation criteria that are established.

Subd. 10. [ADDITIONAL WAIVER REQUEST FOR EMPLOYED DISABLED PERSONS.] The commissioner shall seek a federal waiver in order to implement a work incentive for disabled persons eligible for medical assistance who are not residents of long-term care facilities. The waiver shall request authorization to establish a medical assistance earned income disregard for employed disabled persons equivalent to the threshold amount applied to persons who qualify under section 1619(b) of the Social Security Act, except that when a disabled person's earned income reaches the maximum income permitted at the threshold under section 1619(b), the person shall retain medical assistance eligibility and must contribute to the costs of medical care on a sliding fee basis. This subdivision is subject to the implementation process under subdivision 8.

Sec. 31. [IMMEDIATE JOB SEARCH; PILOT PROJECT.]

Subdivision 1. [PILOT PROJECT.] Hennepin county and one rural county chosen by the commissioner of human services from among rural counties that apply shall develop and implement a pilot project which requires AFDC and family general assistance recipients not previously entered on the MAXIS computer system to begin immediate job search.

Subd. 2. [PROGRAM REQUIREMENTS.] (a) Recipients who become eligible for assistance on or after January 1, 1995, in the rural county and on or after October 1, 1995, in Hennepin county, or after necessary waivers have been obtained, whichever occurs later, shall be screened by a financial eligibility worker as follows:

(1) recipients who have serious barriers to employment and may be eligible for Supplemental Security Income shall be referred for a Supplemental Security Income assessment according to the procedures in Minnesota Statutes, section 256D.06, subdivision 7; and

(2) all other recipients shall immediately participate in the existing job search program in the county for up to 60 days, except:

(i) those persons exempt under Minnesota Statutes, section 256.736, subdivision 14, provided that the exemption for a caretaker providing full-time care for the child is only available while the child is under the age of one; and

(ii) persons participating in the Minnesota family investment program under Minnesota Statutes, section 256.033.

(b) Participation in job search under paragraph (a) is a condition of eligibility for AFDC and family general assistance.

(c) Recipients under paragraph (a), clause (2), that have not become employed within 60 days may be referred to a multidisciplinary team of qualified professionals for an employability development plan which:

(i) will take into account the needs of the recipient's physical capacity,

skills, experience, health and safety, family responsibilities, place of residence, proficiency, child care, and other support service needs;

(ii) is based on available resources and local employment opportunities;

(iii) specifies the services to be provided by the employment and training service provider;

(iv) specifies the activities the recipient will participate in, including the worksite to which the caretaker will be assigned, if the caretaker is subject to the requirements of Minnesota Statutes, section 256.737, subdivision 2;

(v) specifies necessary supportive services such as child care; and

(vi) to the extent possible, reflects the preferences of the participant. The employability development plan must be completed 90 days after applying for assistance.

(d) Recipients who are successful in gaining employment during job search are eligible for job-related child care until they qualify for sliding fee child care assistance.

(e) Recipients who have not become employed after completing their employability plan may be referred to the emergency jobs program under Minnesota Statutes, section 268.673.

Subd. 3. [WAGE SUBSIDY FOR PILOT PROJECT.] For the purposes of this pilot project, the wage subsidy funding under Minnesota Statutes, section 268.6751, must be allocated to Hennepin county and the rural county selected by the commissioner by determining the number of AFDC and family general assistance cases in each county as a percentage of the total AFDC and family general assistance state caseload, provided that the total appropriation for this purpose shall be allocated to the rural county until October 1, 1995. The appropriation may be used for persons in any stage of the pilot project.

Subd. 4. [PRIORITIZATION OF CLIENTS.] The project must include criteria to prioritize clients if sufficient funds are not available to serve all eligible clients.

Subd. 5. [WORKER DISPLACEMENT PROHIBITED.] (a) For purposes of work performed by an individual with an employer whose employees are covered by a collective bargaining agreement, a pilot project county must obtain the written concurrence of the appropriate exclusive bargaining representative with respect to the individual's job duties to ensure that no work performed results in:

(1) termination, layoff, or reduction of the work hours of an employee for the purpose of hiring an individual;

(2) the hiring of an individual if any other person is on layoff from the same or a substantially equivalent job;

(3) any infringement of the promotional opportunities of any currently employed individual;

(4) the impairment of existing contracts for service or collective bargaining agreements; or

(5) except for on-the-job training, a participant filling an established unfilled position vacancy. Work established under this pilot project must also

result in an increase in employment opportunities over those which would otherwise be available.

(b) For purposes of this section a pilot project county and bargaining units representing public employees may enter into agreements that provide for the training of individuals, on-the-job experience, or work experience training provided that such arrangements result in permanent employment. If the permanent employment is with a public employer, wages and benefits must be provided according to collectively bargained agreements.

Subd. 6. [REPORT.] The commissioner shall provide to the legislature by February 1, 1997, a progress report on the pilot project. The report must include recommendations on whether the project should be continued.

Sec. 32. [APPROPRIATIONS.]

Subdivision 1. [APPROPRIATIONS.] The appropriations in this section, except for subdivision 13, are from the general fund to the commissioner of human services and are available for the fiscal year ending June 30, 1995, and are added to or subtracted from the appropriation in Laws 1993 First Special Session, chapter 1, article 1, section 2.

Subd. 2. [PARENT'S FAIR SHARE PILOT PROJECT.] \$500,000 is appropriated for the following purposes:

(a) \$300,000 for a grant to Ramsey county to enable the county to participate in the parent's fair share pilot project. This money is available only if Ramsey county is accepted for participation in the national pilot project. As a condition of this grant, the commissioner may require a local match from the county.

(b) \$50,000 each added to the appropriations to Anoka and Dakota counties for costs associated with the parent's fair share pilot project.

(c) \$100,000 for costs associated with the mandatory community work experience component of the parents' fair share pilot project.

Subd. 3. [BASIC SLIDING FEE PROGRAM.] \$9,981,000 is added to the appropriation for the basic sliding fee program established under Minnesota Statutes, section 256H.03.

Subd. 4. [STRIDE.] \$1,924,000 is appropriated for purposes of Minnesota Statutes, section 256.736, subdivision 14.

Subd. 5. [CWEP.] \$113,000 is appropriated to pay for costs associated with the claims arising from CWEP, established under Minnesota Statutes, section 256.737.

Subd. 6. [SOCIAL SERVICES EVALUATION.] \$330,000 is appropriated to pay for county costs associated with minor caretaker evaluations.

Subd. 7. [AFDC CHILD CARE.] \$1,021,000 is added to the appropriation to pay for child care costs incurred by job search participants.

Subd. 8. [FRAUD PREVENTION INVESTIGATION PROGRAM.] \$250,000 is added to the appropriation to expand the number of counties participating in the fraud prevention investigation program.

Subd. 9. [AFDC GRANTS.] \$266,000 is added to the appropriation for the aid to families with dependent children program.

Subd. 10. [IMMEDIATE JOB SEARCH; PILOT PROJECT.] \$22,000 is appropriated to pay for additional employment and training costs associated with the immediate job search pilot project.

Subd. 11. [CHILD CARE COOPERATIVES STUDY.] \$15,000 is appropriated for the child care cooperatives study and plan implementation.

Subd. 12. [HUMAN SERVICES ADMINISTRATION.] \$616,000 is appropriated to pay for administrative costs.

Subd. 13. [WAGE SUBSIDY.] \$100,000 is appropriated from the general fund to the commissioner of jobs and training and is available for the fiscal year ending June 30, 1995, for wage subsidies associated with the immediate job search pilot project.

Sec. 33. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 256.734, is repealed."

Page 9, line 24, after the period, insert "Sections 5, 7, 8, 9, and 13 are effective upon federal approval of the applicable waivers. Section 6 is effective October 1, 1994."

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Ms. Reichgott Junge moved that the vote whereby the Robertson amendment to H.F. No. 3211 was adopted on April 29, 1994, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 46 and nays 16, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Frederickson	Larson	Pappas	Stevens
Benson, D.D.	Johnson, D.E.	McGowan	Robertson	Terwilliger
Benson, J.E.	Kiscaden	Oliver	Rumbeck	
Day	Knutson			

The motion prevailed. So the vote was reconsidered.

Ms. Reichgott Junge questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 3211 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:

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

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

MOTIONS AND RESOLUTIONS – CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

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. 609.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 1994

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1766, and repassed said bill in accordance with the report of the Committee, so adopted.

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

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 1994

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2710, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 1994

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 584, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 584: A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their rights of public participation in government; proposing coding for new law as Minnesota Statutes, chapter 554.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 1994

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. 2046, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2046 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 1994

CONFERENCE COMMITTEE REPORT ON 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.

April 28, 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. 2046, 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. 2046 be further amended as follows:

Amend the title as follows:

Page 1, line 3, delete "within"

Page 1, line 4, delete everything before the semicolon

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

House Conferees: (Signed) Jean Wagenius, Steve Trimble, Dennis Ozment

Senate Conferees: (Signed) Jane B. Ranum, Gary W. Laidig, Ellen R. Anderson

Ms. Ranum moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2046 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. 2046 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 58 and nays 2, as follows:

Those who voted in the affirmative were:

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

Ms. Johnston and Mrs. Pariseau voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 2227, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2227 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 1994

CONFERENCE COMMITTEE REPORT ON 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.

April 28, 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. 2227, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 2227 be further amended as follows:

Page 4, line 16, delete "\$493,000" and insert "\$548,000"

Page 4, line 30, delete "\$245,000" and insert "\$300,000"

Page 4, line 34, delete "\$170,000" and insert "\$225,000"

Page 4, line 36, delete "1995" and insert "1996"

Page 5, line 7, delete "1995" and insert "1996"

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

House Conferees: (Signed) Richard "Rick" Krueger, Joel Jacobs

Senate Conferees: (Signed) Dallas C. Sams, Joe Bertram, Sr., Steve Dille

Mr. Sams moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2227 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. 2227 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 51 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berg
Flynn

Kiscaden
Larson

McGowan

Merriam

Samuelson

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

MESSAGES FROM THE HOUSE – CONTINUED

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. 1999, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1999 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 1994

CONFERENCE COMMITTEE REPORT ON 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.

April 28, 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. 1999, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Thomas Pugh, Marc Asch, Doug Swenson

Senate Conferees: (Signed) Phil J. Riveness, Ellen R. Anderson, Cal Larson

Mr. Riveness moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1999 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. 1999 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 2074, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2074 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 1994

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2074

A bill for an act relating to crime prevention; juvenile justice; providing for adult court jurisdiction over juveniles alleged to have committed first degree murder or first degree criminal sexual conduct after age 16; providing for presumptive certification to adult court for juveniles alleged to have committed other prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 23; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home delinquency placement is proposed; providing for adult court jurisdiction over juveniles alleged to have committed nonfelony-level traffic offenses after age 16; authorizing the juvenile court to require parents to attend delinquency hearings; providing for the sharing of certain data collected or maintained on juveniles; requiring county attorneys to establish juvenile diversion programs; providing mandatory minimum sentences for drive-by shooting crimes; expanding the crime relating to the possession of dangerous weapons on school property; increasing penalties for certain firearms offenses involving youth; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amend-

ing Minnesota Statutes 1992, sections 13.99, subdivision 79; 242.31, subdivision 1; 242.32; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.121, subdivision 3; 260.125; 260.131, by adding a subdivision; 260.132; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a, 2, and by adding a subdivision; 260.181, subdivision 4; 260.185, subdivision 3; 260.193, subdivisions 1, 3, 4, 6, and by adding a subdivision; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 268.31; 609.055, subdivision 2; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 144.651, subdivisions 2, 21, and 26; 253B.03, subdivisions 3 and 4; 260.155, subdivision 1; 260.161, subdivisions 1 and 3; 299A.35, subdivisions 1 and 2; 299C.65, subdivision 1; 401.065, subdivision 1, and by adding a subdivision; 609.11, subdivision 9; 609.66, subdivision 1d; 624.713, subdivision 1; 624.7132, subdivision 15; and 624.7181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 260; 299A; 388; and 609; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

April 26, 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. 2074, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 2074 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [126.25] [COMMUNITY-BASED TRUANCY ACTION PROJECTS.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of education shall establish demonstration projects to reduce truancy rates in schools by early identification of students with school absenteeism problems and providing appropriate interventions based on each student's underlying issues that are contributing to the truant behavior.

Subd. 2. [PROGRAM COMPONENTS.] (a) Projects eligible for grants under this section shall be community-based and must include cooperation between at least one school and one community agency and provide coordinated intervention, prevention, and educational services. Services may include:

(1) assessment for underlying issues that are contributing to the child's truant behavior;

(2) referral to community-based services for the child and family which includes, but is not limited to, individual or family counseling, educational testing, psychological evaluations, tutoring, mentoring, and mediation;

(3) transition services to integrate the child back into school and to help the child succeed once there;

- (4) *culturally sensitive programming and staffing; and*
- (5) *increased school response including in-school suspension, better attendance monitoring and enforcement, after-school study programs, and in-service training for teachers and staff.*

(b) *Priority will be given to grants that include:*

- (1) *local law enforcement;*
- (2) *elementary and middle schools;*
- (3) *multiple schools and multiple community agencies;*
- (4) *parent associations; and*
- (5) *neighborhood associations.*

Subd. 3. [EVALUATION.] Grant recipients must report to the commissioner of education by September 1 of each year on the services and programs provided, the number of children served, the average daily attendance for the school year, and the number of habitual truancy and educational neglect petitions referred for court intervention.

Sec. 2. Minnesota Statutes 1992, section 126.78, is amended by adding a subdivision to read:

Subd. 5. [REPORT.] A report detailing the costs and results of programs funded under this section must be submitted to the chairs of the committees in the senate and house of representatives with jurisdiction over crime prevention funding and criminal justice policy by February 15 each year.

Sec. 3. Minnesota Statutes 1992, section 242.31, is amended to read:

242.31 [RESTORATION OF CIVIL RIGHTS; POSSESSION OF FIRE-ARMS.]

Subdivision 1. Whenever a person who has been committed to the custody of the commissioner of corrections upon conviction of a crime following ~~reference for prosecution~~ certification to district court under the provisions of section 260.125 is finally discharged by order of the commissioner, that discharge shall restore the person to all civil rights and, if so ordered by the commissioner of corrections, also shall have the effect of setting aside the conviction, nullifying it and purging the person of it. The commissioner shall file a copy of the order with the district court of the county in which the conviction occurred; upon receipt, the court shall order the conviction set aside. *An order setting aside a conviction for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence. A person whose conviction was set aside under this section and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.*

Subd. 2. Whenever a person described in subdivision 1 has been placed on probation by the court pursuant to section 609.135 and, after satisfactory fulfillment of it, is discharged from probation, the court shall issue an order of discharge pursuant to *subdivision 2a* and section 609.165. On application of the defendant or on its own motion and after notice to the county attorney, the

court in its discretion may also order that the defendant's conviction be set aside with the same effect as a court order under subdivision 1.

These orders restore the defendant to civil rights and purge and free the defendant from all penalties and disabilities arising from the defendant's conviction and the conviction shall not thereafter be used against the defendant, except in a criminal prosecution for a subsequent offense if otherwise admissible therein. In addition, the record of the defendant's conviction shall be sealed and may be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the court or the department of public safety shall notify the requesting party of the existence of the sealed record and the right to seek a court order to open it pursuant to this section.

Subd. 2a. [CRIMES OF VIOLENCE; INELIGIBILITY TO POSSESS FIREARMS.] The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the person was restored to civil rights and during that time the person was not convicted of any other crime of violence. Any person who has received such a discharge and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.

Subd. 3. The commissioner of corrections shall file a copy of the order with the district court of the county in which the conviction occurred; upon receipt, the court shall order the conviction set aside and all records pertinent to the conviction sealed. These records shall only be reopened in the case of a judicial criminal proceeding instituted at a later date or upon court order, for purposes of a criminal investigation, prosecution, or sentencing, in the manner provided in subdivision 2.

The term "records" includes, but is not limited to, all matters, files, documents and papers incident to the arrest, indictment, information, complaint, trial, appeal, dismissal and discharge, which relate to the conviction for which the order was issued.

Sec. 4. Minnesota Statutes 1992, section 242.32, is amended to read:

242.32 [CONSTRUCTIVE PROGRAMS; COOPERATION; OTHER AGENCIES SECURE PLACEMENT.]

Subdivision 1. [COMMUNITY-BASED PROGRAMMING.] The commissioner of corrections shall be charged with the duty of developing constructive programs for the prevention and decrease of delinquency and crime among youth and. To that end, the commissioner shall cooperate with counties and existing agencies and to encourage the establishment of new agencies programming, both local and statewide, having as their object the prevention and decrease of delinquency and crime among youth; and to provide a continuum of services for serious and repeat juvenile offenders who do not require secure placement. The commissioner shall assist local authorities of any county or municipality when so requested by the governing body thereof, in planning, developing and coordinating their educational, welfare, recreational and health activities or other constructive community programs, which have as their object the conservation of youth work jointly with the commissioner of human services and counties and municipalities to develop

and provide community-based services for residential placement of juvenile offenders and community-based services for nonresidential programming for juvenile offenders and their families.

Subd. 2. [SECURE PLACEMENT OF JUVENILE OFFENDERS.] *The commissioner shall license several small regional facilities providing secure capacity programming for juveniles who have been adjudicated delinquent or convicted as extended jurisdiction juveniles and require secure placement. The programming shall be tailored to the types of juveniles being served, including their offense history, age, gender, cultural and ethnic heritage, mental health and chemical dependency problems, and other characteristics. Services offered shall include but not be limited to:*

(1) *intensive general educational programs, with an individual educational plan for each juvenile;*

(2) *specific educational components in the management of anger and nonviolent conflict resolution;*

(3) *treatment for chemical dependency;*

(4) *mental health screening, assessment, and treatment; and*

(5) *programming to educate offenders about sexuality and address issues specific to victims and perpetrators of sexual abuse.*

The facilities shall collaborate with facilities providing nonsecure residential programming and with community-based aftercare programs.

Subd. 3. [LICENSURE.] *The commissioner shall adopt rules establishing licensing criteria for secure placement programming for juvenile offenders. The criteria must ensure that the programming is distributed throughout the state. The commissioner is authorized to license long-term residential secure programming up to a maximum of 100 beds statewide in addition to those licensed as of the date of enactment of this section.*

Sec. 5. Minnesota Statutes 1992, section 257.3571, is amended by adding a subdivision to read:

Subd. 2a. [COMPLIANCE GRANTS.] *The commissioner shall establish direct grants to an Indian child welfare defense corporation, as defined in section 611.216, subdivision 1a, to promote statewide compliance with the Indian family preservation act and the Indian Child Welfare Act, United States Code, title 25, section 1901 et seq. The commissioner shall give priority consideration to applicants with demonstrated capability of providing legal advocacy services statewide.*

Sec. 6. Minnesota Statutes 1992, section 257.3571, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR PROPOSALS.] *The commissioner shall request proposals for ~~primary support for Indian child welfare programs and special focus programs~~ grants under subdivisions 1 and, 2, and 2a, and specify the information and criteria required.*

Sec. 7. Minnesota Statutes 1992, section 257.3572, is amended to read:

257.3572 [GRANT APPLICATIONS.]

A tribe or Indian organization may apply for primary support grants under section 257.3571, subdivision 1. A local social service agency, tribe, Indian organization, or other social service organization may apply for special focus grants under section 257.3571, subdivision 2. *Civil legal service organizations eligible for grants under section 257.3571, subdivision 2a, may apply for grants under that section.* Application may be made alone or in combination with other tribes or Indian organizations.

Sec. 8. Minnesota Statutes 1992, section 257.3579, is amended to read:

257.3579 [AMERICAN INDIAN CHILD WELFARE ADVISORY COUNCIL.]

The commissioner shall appoint an American Indian advisory council to help formulate policies and procedures relating to Indian child welfare services and to make recommendations regarding approval of grants provided under section 257.3571, subdivisions 1 and 2, and 2a. The council shall consist of 17 members appointed by the commissioner and must include representatives of each of the 11 Minnesota reservations who are authorized by tribal resolution, one representative from the Duluth Urban Indian Community, three representatives from the Minneapolis Urban Indian Community, and two representatives from the St. Paul Urban Indian Community. Representatives from the urban Indian communities must be selected through an open appointments process under section 15.0597. The terms, compensation, and removal of American Indian child welfare advisory council members shall be as provided in section 15.059.

Sec. 9. Minnesota Statutes 1992, section 260.015, subdivision 5, is amended to read:

Subd. 5. [DELINQUENT CHILD.] (a) *Except as otherwise provided in paragraph (b), "delinquent child" means a child:*

(a) (1) who has violated any state or local law, except as provided in section 260.193, subdivision 1, and except for juvenile offenders as described in subdivisions 19 to 23;

(b) (2) who has violated a federal law or a law of another state and whose case has been referred to the juvenile court if the violation would be an act of delinquency if committed in this state or a crime or offense if committed by an adult;

(c) (3) who has escaped from confinement to a state juvenile correctional facility after being committed to the custody of the commissioner of corrections; or

(d) (4) who has escaped from confinement to a local juvenile correctional facility after being committed to the facility by the court.

(b) *The term delinquent child does not include a child alleged to have committed murder in the first degree after becoming 16 years of age, but the term delinquent child does include a child alleged to have committed attempted murder in the first degree.*

Sec. 10. Minnesota Statutes 1992, section 260.111, is amended by adding a subdivision to read:

Subd. 1a. [NO JUVENILE COURT JURISDICTION OVER CERTAIN OFFENDERS.] *Notwithstanding any other law to the contrary, the juvenile*

court lacks jurisdiction over proceedings concerning a child excluded from the definition of delinquent child under section 260.015, subdivision 5, paragraph (b). The district court has original and exclusive jurisdiction in criminal proceedings concerning a child excluded from the definition of delinquent child under section 260.015, subdivision 5, paragraph (b).

Sec. 11. Minnesota Statutes 1992, section 260.115, subdivision 1, is amended to read:

Subdivision 1. Except where a juvenile court has ~~referred~~ *certified* an alleged violation to a ~~prosecuting authority district court~~ in accordance with the provisions of section 260.125 or a court has original jurisdiction of a child who has committed a ~~minor~~ *an adult court* traffic offense, as defined in section 260.193, subdivision 1, clause (c), a court other than a juvenile court shall immediately transfer to the juvenile court of the county the case of a minor who appears before the court on a charge of violating any state or local law or ordinance and who is under 18 years of age or who was under 18 years of age at the time of the commission of the alleged offense.

Sec. 12. Minnesota Statutes 1992, section 260.121, subdivision 3, is amended to read:

Subd. 3. Except when a child is alleged to have committed a ~~minor~~ *an adult court* traffic offense, as defined in section 260.193, subdivision 1, clause (c), if it appears at any stage of the proceeding that a child before the court is a resident of another state, the court may invoke the provisions of the interstate compact on juveniles or, if it is in the best interests of the child or the public to do so, the court may place the child in the custody of the child's parent, guardian, or custodian, if the parent, guardian, or custodian agrees to accept custody of the child and return the child to their state.

Sec. 13. Minnesota Statutes 1992, section 260.125, is amended to read:

260.125 [REFERENCE FOR PROSECUTION CERTIFICATION TO DISTRICT COURT.]

Subdivision 1. When a child is alleged to have ~~violated a state or local law or ordinance committed~~, after becoming 14 years of age, *an offense that would be a felony if committed by an adult*, the juvenile court may enter an order ~~referring~~ *certifying* the ~~alleged violation proceeding~~ to the ~~appropriate prosecuting authority district court~~ for action under the criminal laws in force governing the commission of and punishment for violations of statutes or local laws or ordinances. The prosecuting authority to whom the matter is referred shall within the time specified in the order of reference, which time shall not exceed 90 days; file with the court making the order of reference notice of intent to prosecute or not to prosecute. If the prosecuting authority files notice of intent not to prosecute or fails to act within the time specified, the court shall proceed as if no order of reference had been made. If such prosecuting authority files with the court notice of intent to prosecute the jurisdiction of the juvenile court in the matter is terminated.

Subd. 2. [ORDER OF REFERENCE CERTIFICATION; REQUIREMENTS.] Except as provided in subdivision 3a or 3b, the juvenile court may order a ~~reference~~ *certification* to district court only if:

(a) (1) a petition has been filed in accordance with the provisions of section 260.131;

~~(b)~~ (2) a motion for certification has been filed by the prosecuting authority;

(3) notice has been given in accordance with the provisions of sections 260.135 and 260.141;

~~(c)~~ (4) a hearing has been held in accordance with the provisions of section 260.155 within 30 days of the filing of the ~~reference~~ certification motion, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period in which case the hearing shall be held within 90 days of the filing of the motion; and

~~(d)~~ (5) the court finds that

(1) there is probable cause, as defined by the rules of criminal procedure promulgated pursuant to section 480.059, to believe the child committed the offense alleged by delinquency petition; and

~~(2)~~ (6) the court finds either:

(i) that the presumption of certification created by subdivision 2a applies and the child has not rebutted the presumption by clear and convincing evidence demonstrating that retaining the proceeding in the juvenile court serves public safety; or

(ii) that the presumption of certification does not apply and the prosecuting authority has demonstrated by clear and convincing evidence that ~~the child is not suitable to treatment or that the retaining the proceeding in the juvenile court does not serve public safety is not served under the provisions of laws relating to juvenile courts.~~ If the court finds that the prosecutor has not demonstrated by clear and convincing evidence that retaining the proceeding in juvenile court does not serve public safety, the court shall retain the proceeding in juvenile court.

Subd. 2a. [PRESUMPTION OF CERTIFICATION.] It is presumed that a proceeding involving an offense committed by a child will be certified to district court if:

(1) the child was 16 or 17 years old at the time of the offense; and

(2) the delinquency petition alleges that the child committed an offense that would result in a presumptive commitment to prison under the sentencing guidelines and applicable statutes, or that the child committed any felony offense while using, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm.

If the court determines that probable cause exists to believe the child committed the alleged offense, the burden is on the child to rebut this presumption by demonstrating by clear and convincing evidence that retaining the proceeding in the juvenile court serves public safety. If the court finds that the child has not rebutted the presumption by clear and convincing evidence, the court shall certify the child to district court.

Subd. 2b. [PUBLIC SAFETY.] In determining whether the public safety is served by certifying a child to district court, the court shall consider the following factors:

(1) the seriousness of the alleged offense in terms of community protection,

including the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm, and the impact on any victim;

(2) the culpability of the child in committing the alleged offense, including the level of the child's participation in planning and carrying out the offense and the existence of any mitigating factors recognized by the sentencing guidelines;

(3) the child's prior record of delinquency;

(4) the child's programming history, including the child's past willingness to participate meaningfully in available programming;

(5) the adequacy of the punishment or programming available in the juvenile justice system; and

(6) the dispositional options available for the child.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the child's prior record of delinquency than to the other factors listed in this subdivision.

Subd. 3. [PRIMA FACIE CASE.] A prima facie case that the public safety is not served or that the child is not suitable for treatment shall have been established if the child was at least 16 years of age at the time of the alleged offense and:

(1) is alleged by delinquency petition to have committed an aggravated felony against the person and (a) in committing the offense, the child acted with particular cruelty or disregard for the life or safety of another; or (b) the offense involved a high degree of sophistication or planning by the juvenile; or (c) the juvenile, at the time of the offense, used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(2) is alleged by delinquency petition to have committed murder in the first degree; or

(3) is alleged by delinquency petition (a) to have committed the delinquent act of escape from confinement to a state juvenile correctional facility or a local juvenile correctional facility and (b) to have committed an offense as part of, or subsequent to, escape from custody that would be a felony listed in section 609.11, subdivision 9, if committed by an adult; or

(4) has been found by the court, pursuant to an admission in court or after trial, to have committed an offense within the preceding 24 months which would be a felony if committed by an adult, and is alleged by delinquency petition to have committed murder in the second or third degree, manslaughter in the first degree, criminal sexual conduct in the first degree or assault in the first degree; or

(5) has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed manslaughter in the second degree, kidnapping, criminal sexual conduct in the second degree, arson in the first degree, aggravated robbery, or assault in the second degree; or

(6) has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months, one or both of which would be the felony of burglary of a dwelling if committed by an adult, and the child is alleged by the delinquency petition to have committed another burglary of a dwelling. For purposes of this subdivision, "dwelling" means a building which is, in whole or in part, usually occupied by one or more persons living there at night; or

(7) has previously been found by the court, pursuant to an admission in court or after trial, to have committed three offenses, none in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed any felony other than those described in clause (2), (4), or (5); or

(8) is alleged by delinquency petition to have committed an aggravated felony against the person, other than a violation of section 609.713, in furtherance of criminal activity by an organized gang; or

(9) has previously been found by the court, pursuant to an admission in court or after trial, to have committed an offense which would be a felony if committed by an adult, and is alleged by delinquency petition to have committed a felony level violation of chapter 152 involving the unlawful sale or possession of a schedule I or II controlled substance, while in a park zone or a school zone as defined in section 152.01, subdivisions 12a and 14a. This clause does not apply to a juvenile alleged to have unlawfully possessed a controlled substance in a private residence located within the school zone or park zone; or

(10) is alleged by delinquency petition to have committed a violation of section 624.713, subdivision 1, clause (a), and has been previously found by the court, pursuant to an admission in court or after trial, to have committed a violation of section 624.713, subdivision 1, clause (a).

For the purposes of this subdivision, "aggravated felony against the person" means a violation of any of the following provisions: section 609.185; 609.19; 609.195; 609.20, subdivision 1 or 2; 609.221; 609.222; 609.223; 609.245; 609.25; 609.342; 609.343; 609.344, subdivision 1, clause (c) or (d); 609.345, subdivision 1, clause (c) or (d); 609.561; 609.582, subdivision 1, clause (b) or (c); or 609.713.

For the purposes of this subdivision, an "organized gang" means an association of five or more persons, with an established hierarchy, formed to encourage members of the association to perpetrate crimes or to provide support to members of the association who do commit crimes.

Subd. 3a. [PRIOR REFERENCE CERTIFICATION; EXCEPTION.] Notwithstanding the provisions of subdivisions 2, and 3 2a, and 2b, the court shall order a reference certification in any felony case where if the prosecutor shows that the child has been previously referred for prosecution prosecuted on a felony charge by an order of reference certification issued pursuant to either a hearing held under subdivision 2 or pursuant to the waiver of the right to such a hearing, other than a prior reference certification in the same case.

This subdivision only applies if the child is convicted of the offense or offenses for which the child was prosecuted pursuant to the order of reference certification or of a lesser included lesser-included offense which is a felony.

This subdivision does not apply to juvenile offenders who are subject to criminal court jurisdiction under section 609.055.

Subd. 3b. [ADULT CHARGED WITH JUVENILE OFFENSE.] The juvenile court has jurisdiction to hold a certification hearing on motion of the prosecuting authority to certify the matter to district court if:

(1) an adult is alleged to have committed an offense before the adult's 18th birthday; and

(2) a petition is filed under section 260.131 before expiration of the time for filing under section 628.26.

The court may not certify the matter to district court under this subdivision if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage;

Subd. 4. [EFFECT OF ORDER.] When the juvenile court enters an order ~~referring~~ certifying an alleged violation to a ~~prosecuting authority~~ district court, the prosecuting authority shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Subd. 5. [WRITTEN FINDINGS; OPTIONS.] *The court shall decide whether to order certification to district court within 15 days after the certification hearing was completed, unless additional time is needed, in which case the court may extend the period up to another 15 days. If the juvenile court orders a reference for prosecution certification, and the presumption described in subdivision 2a does not apply, the order shall contain in writing, findings of fact and conclusions of law as to why the child is not suitable to treatment or the public safety is not served under by retaining the provisions of laws relating to proceeding in the juvenile courts court. If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides not to order a reference for prosecution certification to district court, the decision shall contain, in writing, findings of fact and conclusions of law as to why a reference for prosecution certification is not ordered. If the juvenile court decides not to order certification in a case in which the presumption described in subdivision 2a applies, the court shall designate the proceeding an extended jurisdiction juvenile prosecution and include in its decision written findings of fact and conclusions of law as to why the retention of the proceeding in juvenile court serves public safety, with specific reference to the factors listed in subdivision 2b. If the court decides not to order certification in a case in which the presumption described in subdivision 2a does not apply, the court may designate the proceeding an extended jurisdiction juvenile prosecution.*

Subd. 6. [FIRST-DEGREE MURDER.] When a motion for certification has been filed in a case in which the petition alleges that the child committed murder in the first degree, the prosecuting authority shall present the case to the grand jury for consideration of indictment under chapter 628 within 14 days after the petition was filed.

Subd. 7. [INAPPLICABILITY TO CERTAIN OFFENDERS.] *This section does not apply to a child excluded from the definition of delinquent child under section 260.015, subdivision 5, paragraph (b).*

Sec. 14. [260.126] [EXTENDED JURISDICTION JUVENILE PROSECUTIONS.]

Subdivision 1. [DESIGNATION.] A proceeding involving a child alleged to have committed a felony offense is an extended jurisdiction juvenile prosecution if:

(1) the child was 14 to 17 years old at the time of the alleged offense, a certification hearing was held, and the court designated the proceeding an extended jurisdiction juvenile prosecution;

(2) the child was 16 or 17 years old at the time of the alleged offense; the child is alleged to have committed an offense for which the sentencing guidelines and applicable statutes presume a commitment to prison or to have committed any felony in which the child allegedly used a firearm; and the prosecutor designated in the delinquency petition that the proceeding is an extended jurisdiction juvenile prosecution; or

(3) the child was 14 to 17 years old at the time of the alleged offense, the prosecutor requested that the proceeding be designated an extended jurisdiction juvenile prosecution, a hearing was held on the issue of designation, and the court designated the proceeding an extended jurisdiction juvenile prosecution.

Subd. 2. [HEARING ON PROSECUTOR'S REQUEST.] When a prosecutor requests that a proceeding be designated an extended jurisdiction juvenile prosecution, the court shall hold a hearing under section 260.155 to consider the request. The hearing must be held within 30 days of the filing of the request for designation, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period in which case the hearing shall be held within 90 days of the filing of the request. If the prosecutor shows by clear and convincing evidence that designating the proceeding an extended jurisdiction juvenile prosecution serves public safety, the court shall grant the request for designation. In determining whether public safety is served, the court shall consider the factors specified in section 260.125, subdivision 2b. The court shall decide whether to designate the proceeding an extended jurisdiction juvenile prosecution within 15 days after the designation hearing is completed, unless additional time is needed; in which case the court may extend the period up to another 15 days.

Subd. 3. [PROCEEDINGS.] A child who is the subject of an extended jurisdiction juvenile prosecution has the right to a trial by jury and to the effective assistance of counsel, as described in section 260.155, subdivision 2.

Subd. 4. [DISPOSITION.] (a) If an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall:

(1) impose one or more juvenile dispositions under section 260.185; and

(2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the offender not violate the provisions of the disposition order and not commit a new offense.

(b) If a child prosecuted as an extended jurisdiction juvenile after designation by the prosecutor in the delinquency petition is convicted of an offense after trial that is not an offense described in subdivision 1, clause (2), the court shall adjudicate the child delinquent and order a disposition under section 260.185. If the extended jurisdiction juvenile proceeding results in a guilty plea for an offense not described in subdivision 1, clause (2), the court may impose a disposition under paragraph (a) if the child consents.

Subd. 5. [EXECUTION OF ADULT SENTENCE.] When it appears that a person convicted as an extended jurisdiction juvenile has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court may, without notice, revoke the stay and probation and direct that the offender be taken into immediate custody. The court shall notify the offender in writing of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the offender challenges the reasons, the court shall hold a summary hearing on the issue at which the offender is entitled to be heard and represented by counsel. After the hearing, if the court finds that reasons exist to revoke the stay of execution of sentence, the court shall treat the offender as an adult and order any of the adult sanctions authorized by section 609.14, subdivision 3. If the offender was convicted of an offense described in subdivision 1, clause (2), and the court finds that reasons exist to revoke the stay, the court must order execution of the previously-imposed sentence unless the court makes written findings regarding the mitigating factors that justify continuing the stay.

Subd. 6. [INAPPLICABILITY TO CERTAIN OFFENDERS.] This section does not apply to a child excluded from the definition of delinquent child under section 260.015, subdivision 5, paragraph (b).

Sec. 15. Minnesota Statutes 1992, section 260.131, is amended by adding a subdivision to read:

Subd. 4. [DELINQUENCY PETITION; EXTENDED JURISDICTION JUVENILE.] When a prosecutor files a delinquency petition alleging that a child committed a felony offense after reaching the age of 16 years, the prosecutor shall indicate in the petition whether the prosecutor designates the proceeding an extended jurisdiction juvenile prosecution. When a prosecutor files a delinquency petition alleging that a child aged 14 to 17 years committed a felony offense, the prosecutor may request that the court designate the proceeding an extended jurisdiction juvenile prosecution.

Sec. 16. Minnesota Statutes 1992, section 260.132, is amended to read:

260.132 [PROCEDURE; HABITUAL TRUANTS, RUNAWAYS, JUVENILE PETTY AND MISDEMEANOR OFFENDERS.]

Subdivision 1. [NOTICE.] When a peace officer, or attendance officer in the case of a habitual truant, has probable cause to believe that a child:

(1) is in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12); or;

(2) is a juvenile petty offender; or

(3) has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult;

the officer may issue a notice to the child to appear in juvenile court in the county in which the child is found or in the county of the child's residence or, in the case of a juvenile petty offense, or a petty misdemeanor or misdemeanor delinquent act, the county in which the offense was committed. The officer shall file a copy of the notice to appear with the juvenile court of the appropriate county. If a child fails to appear in response to the notice, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it

necessary to take the child into custody, sections 260.165 and 260.171 shall apply.

Subd. 2. [EFFECT OF NOTICE.] Filing with the court a notice to appear containing the name and address of the child, specifying the offense alleged and the time and place it was committed, has the effect of a petition giving the juvenile court jurisdiction. In the case of running away, the place where the offense was committed may be stated in the notice as either the child's custodial parent's or guardian's residence or lawful placement or where the child was found by the officer. In the case of truancy, the place where the offense was committed may be stated as the school or the place where the child was found by the officer.

Subd. 3. [NOTICE TO PARENT.] Whenever a notice to appear or petition is filed alleging that a child is in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12), ~~or is a juvenile petty offender, or has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult,~~ the court shall summon and notify the person or persons having custody or control of the child of the nature of the offense alleged and the time and place of hearing. This summons and notice shall be served in the time and manner provided in section 260.135, subdivision 1.

Sec. 17. Minnesota Statutes 1992, section 260.145, is amended to read:

260.145 [FAILURE TO OBEY SUMMONS OR SUBPOENA; CONTEMPT, ARREST.]

If any person personally served with summons or subpoena fails, without reasonable cause, to appear or bring the ~~minor child~~, *or if any custodial parent or guardian fails, without reasonable cause, to accompany the child to a hearing as required under section 260.155, subdivision 4b,* the person may be proceeded against for contempt of court or the court may issue a warrant for the person's arrest, or both. In any case when it appears to the court that the service will be ineffectual, or that the welfare of the ~~minor child~~ requires that the ~~minor child~~ be brought forthwith into the custody of the court, the court may issue a warrant for the ~~minor child~~.

Sec. 18. Minnesota Statutes 1992, section 260.152, is amended to read:

260.152 [MENTAL HEALTH SCREENING OF JUVENILES IN DETENTION CHILDREN.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of human services, in cooperation with the commissioner of corrections, shall establish pilot projects in counties to reduce the recidivism rates of juvenile offenders, by identifying and treating underlying mental health problems that contribute to delinquent behavior and can be addressed through nonresidential services. At least one of the pilot projects must be in the seven-county metropolitan area and at least one must be in greater Minnesota.

Subd. 2. [PROGRAM COMPONENTS.] (a) The commissioner of human services shall, in consultation with the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans, provide grants to the counties for the pilot projects. The projects shall build upon the existing service capabilities in the community and must include:

(1) *availability of screening for mental health problems of all juveniles admitted before adjudication to a secure detention facility as defined in section 260.015, subdivision 16, and any juvenile alleged to be delinquent as that term is defined in section 260.015, subdivision 5, who is admitted to a shelter care facility, as defined in section 260.015, subdivision 17; children who are alleged or found to be delinquent and children who are reported as being or found to be in need of protection or services.*

(2) (b) *The projects must include referral for mental health assessment of all juveniles children for whom the screening indicates a need. This assessment is to be provided by the appropriate mental health professional. If the juvenile child is of a minority race or minority ethnic heritage, the mental health professional must be skilled in and knowledgeable about the juvenile's child's racial and ethnic heritage, or must consult with a special mental health consultant who has such knowledge so that the assessment is relevant, culturally specific, and sensitive to the juvenile's child's cultural needs; and.*

(3) (c) *Upon completion of the assessment, the project must provide or ensure access to or provision of nonresidential mental health services identified as needed in the assessment.*

Subd. 3. [SCREENING TOOL.] *The commissioner of human services and the commissioner of corrections, in consultation with the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans, shall jointly develop a model screening tool to screen juveniles held in juvenile detention children to determine if a mental health assessment is needed. This tool must contain specific questions to identify potential mental health problems. In implementing a pilot project, a county must either use this model tool or another screening tool approved by the commissioner of human services which meets the requirements of this section.*

Subd. 4. [PROGRAM REQUIREMENTS.] *To receive funds, the county program proposal shall be a joint proposal with all affected local agencies, resulting in part from consultation with the local coordinating council established under section 245.4873, subdivision 3, and the local mental health advisory council established under section 245.4875, subdivision 5, and shall contain the following:*

(1) *evidence of interagency collaboration by all publicly funded agencies serving juveniles children with emotional disturbances, including evidence of consultation with the agencies listed in this section;*

(2) *a signed agreement by the local court services and local mental health and county social service agencies to work together on the following: development of a program; development of written interagency agreements and protocols to ensure that the mental health needs of juvenile offenders and children in need of protection or services are identified, addressed, and treated; and development of a procedure for joint evaluation of the program;*

(3) *a description of existing services that will be used in this program;*

(4) *a description of additional services that will be developed with program funds, including estimated costs and numbers of juveniles children to be served; and*

(5) *assurances that funds received by a county under this section will not be*

used to supplant existing mental health funding for which the *juvenile child* is eligible.

The commissioner of human services and the commissioner of corrections shall jointly determine the application form, information needed, deadline for application, criteria for awards, and a process for providing technical assistance and training to counties. The technical assistance shall include information about programs that have been successful in reducing recidivism by juvenile offenders.

Subd. 5. [INTERAGENCY AGREEMENTS.] To receive funds, the county must agree to develop written interagency agreements between local court services agencies and local county mental health agencies within six months of receiving the initial program funds. These agreements shall include a description of each local agency's responsibilities, with a detailed assignment of the tasks necessary to implement the program. The agreement shall state how they will comply with the confidentiality requirements of the participating local agencies.

Subd. 6. [EVALUATION.] The commissioner of human services and the commissioner of corrections shall, in consultation with the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans, develop systems and procedures for evaluating the pilot projects. The departments must develop an interagency management information system to track *juveniles children* who receive mental health and chemical dependency services. The system must be designed to meet the information needs of the agencies involved and to provide a basis for evaluating outcome data. The system must be designed to track the mental health treatment of *juveniles children* released from custody and to improve the planning, delivery, and evaluation of services and increase interagency collaboration. The evaluation protocol must be designed to measure the impact of the program on juvenile recidivism, school performance, and state and county budgets.

Subd. 7. [REPORT.] ~~On~~ By January 1, 1994, and annually after that, each year, the commissioner of corrections and the commissioner of human services shall present a joint report to the legislature on the pilot projects funded under this section. The report shall include information on the following:

- (1) the number of *juvenile offenders children* screened and assessed who are *juvenile offenders* and the number who were reported as *children in need of protection or services*;
- (2) the number of *juveniles children* referred for mental health services, the types of services provided, and the costs;
- (3) the number of subsequently adjudicated juveniles that received mental health services under this program; and
- (4) the estimated cost savings of the program and the impact on crime and family reintegration.

Sec. 19. Minnesota Statutes 1993 Supplement, section 260.155, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted

in an informal manner, *except that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury trial on the issue of guilt.* The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, *an extended jurisdiction juvenile*, or a juvenile petty offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply. In all adjudicatory proceedings involving a child alleged to be in need of protection or services, the court shall admit only evidence that would be admissible in a civil trial. To be proved at trial, allegations of a petition alleging a child to be in need of protection or services must be proved by clear and convincing evidence.

(b) Except for proceedings involving a child alleged to be in need of protection or services and petitions for the termination of parental rights, hearings may be continued or adjourned from time to time. In proceedings involving a child alleged to be in need of protection or services and petitions for the termination of parental rights, hearings may not be continued or adjourned for more than one week unless the court makes specific findings that the continuance or adjournment is in the best interests of the child. If a hearing is held on a petition involving physical or sexual abuse of a child who is alleged to be in need of protection or services or neglected and in foster care, the court shall file the decision with the court administrator as soon as possible but no later than 15 days after the matter is submitted to the court. When a continuance or adjournment is ordered in any proceeding, the court may make any interim orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301.

(c) *Except as otherwise provided in this paragraph,* the court shall exclude the general public from ~~these~~ hearings *under this chapter* and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court; ~~except that,~~ The court shall open the hearings to the public in delinquency or *extended jurisdiction juvenile* proceedings where the child is alleged to have committed an offense or has been proven to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the offense, *except that the court may exclude the public from portions of a certification hearing to discuss psychological material or other evidence that would not be accessible to the public in an adult proceeding.*

(d) In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled; upon request, to be notified by the court administrator in writing, at the named person's last known address, of (1) the date of the ~~reference~~ certification or adjudicatory hearings, and (2) the disposition of the case.

(e) Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 20. Minnesota Statutes 1992, section 260.155, subdivision 2, is amended to read:

Subd. 2. [APPOINTMENT OF COUNSEL.] (a) The ~~minor~~ child, parent, guardian or custodian have the right to effective assistance of counsel in connection with a proceeding in juvenile court. Before a child who is charged by delinquency petition with a misdemeanor offense waives the right to counsel or enters a plea, the child shall consult in person with counsel who shall provide a full and intelligible explanation of the child's rights. The court

shall appoint counsel, or stand-by counsel if the child waives the right to counsel, for a child who is:

(1) charged by delinquency petition with a gross misdemeanor or felony offense; or

(2) the subject of a delinquency proceeding in which out-of-home placement has been proposed.

(b) If they desire counsel but are unable to employ it, the court shall appoint counsel to represent the ~~minor~~ child or the parents or guardian in any other case in which it feels that such an appointment is desirable.

Sec. 21. Minnesota Statutes 1992, section 260.155, is amended by adding a subdivision to read:

Subd. 4b. [PARENT OR GUARDIAN MUST ACCOMPANY CHILD AT HEARING.] The custodial parent or guardian of a child who is alleged or found to be delinquent, or is prosecuted as an extended jurisdiction juvenile, must accompany the child at each hearing held during the delinquency or extended jurisdiction juvenile proceedings, unless the court excuses the parent or guardian from attendance for good cause shown. The failure of a parent or guardian to comply with this duty may be punished as provided in section 260.145.

Sec. 22. Minnesota Statutes 1993 Supplement, section 260.161, subdivision 1, is amended to read:

Subdivision 1. [RECORDS REQUIRED TO BE KEPT.] (a) The juvenile court judge shall keep such minutes and in such manner as the court deems necessary and proper. Except as provided in paragraph (b), the court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 23 28 years and shall release the records on an individual to another juvenile court that has jurisdiction of the juvenile, to a requesting adult court for purposes of sentencing, or to an adult court or juvenile court as required by the right of confrontation of either the United States Constitution or the Minnesota Constitution. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child. *The court also may provide copies of records concerning delinquency adjudications, on request, to law enforcement agencies, probation officers, and corrections agents if the court finds that providing these records serves public safety or is in the best interests of the child. The records have the same data classification in the hands of the agency receiving them as they had in the hands of the court.*

The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the child. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the child all documents filed pertaining to the child and in the order filed. The list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. Unless otherwise provided by law, all court records shall be open at all

reasonable times to the inspection of any child to whom the records relate, and to the child's parent and guardian.

(b) The court shall retain records of the court finding that a juvenile committed an act that would be a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, or 609.345, until the offender reaches the age of 25 28. If the offender commits another violation of sections 609.342 to 609.345 as an adult, *or the court convicts a child as an extended jurisdiction juvenile*, the court shall retain the juvenile records for as long as the records would have been retained if the offender had been an adult at the time of the juvenile offense. This paragraph does not apply unless the juvenile was ~~represented by an attorney when the petition was admitted or proven~~ provided counsel as required by section 260.155, subdivision 2.

Sec. 23. Minnesota Statutes 1992, section 260.161, subdivision 1a, is amended to read:

Subd. 1a. [RECORD OF ADJUDICATIONS; NOTICE TO BUREAU OF CRIMINAL APPREHENSION.] (a) The juvenile court shall forward to the bureau of criminal apprehension the following data on juveniles adjudicated delinquent for having committed ~~an act described in subdivision 1, paragraph (b)~~ *felony-level criminal sexual conduct*:

- (1) the name and birth date of the juvenile;
- (2) the type of act for which the juvenile was adjudicated delinquent and date of the offense; and
- (3) the date and county of the adjudication.

(b) The bureau shall retain data on a juvenile until the offender reaches the age of 25 28. If the offender commits another violation of sections 609.342 to 609.345 as an adult, the bureau shall retain the data for as long as the data would have been retained if the offender had been an adult at the time of the juvenile offense.

(c) *The juvenile court shall forward to the bureau the following data on individuals convicted as extended jurisdiction juveniles:*

- (1) the name and birthdate of the offender;*
- (2) the crime committed by the offender and the date of the crime; and*
- (3) the date and county of the conviction.*

The court shall notify the bureau whenever it executes an extended jurisdiction juvenile's adult sentence under section 260.126, subdivision 5.

(d) The bureau shall retain the extended jurisdiction juvenile data for as long as the data would have been retained if the offender had been an adult at the time of the offense. Data retained on individuals under this subdivision are private data under section 13.02, except that extended jurisdiction juvenile data becomes public data under section 13.87, subdivision 2, when the juvenile court notifies the bureau that the individual's adult sentence has been executed under section 260.126, subdivision 5.

Sec. 24. Minnesota Statutes 1992, section 260.161, subdivision 2, is amended to read:

Subd. 2. Except as provided in this subdivision and in subdivision 1, and except for legal records arising from proceedings or portions of proceedings that are public under section 260.155, subdivision 1, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a) by order of a court or (b) as required by sections 245A.04, 611A.03, 611A.04, 611A.06, and 629.73. The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 5a. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260.255, 260.261, or 260.315 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the department of public safety and must contain the information required under section 169.95.

Sec. 25. Minnesota Statutes 1992, section 260.181, subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF JURISDICTION.] (a) The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court, and except as otherwise provided in this subdivision, the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so. Court jurisdiction under section 260.015, subdivision 2a, clause (12), may not continue past the child's 17th birthday.

(b) *The jurisdiction of the court over an extended jurisdiction juvenile, with respect to the offense for which the individual was convicted as an extended jurisdiction juvenile, extends until the offender becomes 21 years of age, unless the court terminates jurisdiction before that date.*

(c) *The juvenile court has jurisdiction to designate the proceeding an extended jurisdiction juvenile prosecution, or to conduct a trial, receive a plea, or impose a disposition under section 14, subdivision 4, if:*

(1) *an adult is alleged to have committed an offense before the adult's 18th birthday; and*

(2) *a petition is filed under section 260.131 before expiration of the time for filing under section 628.26 and before the adult's 21st birthday.*

The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

(d) The district court has original and exclusive jurisdiction over a proceeding:

(1) that involves an adult who is alleged to have committed an offense before the adult's 18th birthday; and

(2) in which a criminal complaint is filed before expiration of the time for filing under section 628.26 and after the adult's 21st birthday.

The juvenile court retains jurisdiction if the adult demonstrates that the delay in filing a criminal complaint was purposefully caused by the state in order to gain an unfair advantage.

(e) The juvenile court has jurisdiction over a person who has been adjudicated delinquent until the person's 21st birthday if the person fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under a juvenile court order. The juvenile court has jurisdiction over a convicted extended jurisdiction juvenile who fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under section 14, subdivision 4. The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

Sec. 26. Minnesota Statutes 1992, section 260.185, subdivision 3, is amended to read:

Subd. 3. [CONTINUANCE.] When it is in the best interests of the child to do so and when the child has admitted the allegations contained in the petition before the judge or referee, or when a hearing has been held as provided for in section 260.155 and the allegations contained in the petition have been duly proven but, in either case, before a finding of delinquency has been entered, the court may continue the case for a period not to exceed 90 days on any one order. Such a continuance may be extended for one additional successive period not to exceed 90 days and only after the court has reviewed the case and entered its order for an additional continuance without a finding of delinquency. During this continuance the court may enter an order in accordance with the provisions of subdivision 1, clauses (a) or (b) or enter an order to hold the child in detention for a period not to exceed 15 days on any one order for the purpose of completing any consideration, or any investigation or examination ordered in accordance with the provisions of section 260.151. *This subdivision does not apply to an extended jurisdiction juvenile proceeding.*

Sec. 27. Minnesota Statutes 1992, section 260.185, is amended by adding a subdivision to read:

Subd. 6. [OUT-OF-STATE PLACEMENTS.] *(a) A court may not place a preadjudicated delinquent, an adjudicated delinquent, or a convicted extended jurisdiction juvenile in a residential or detention facility outside Minnesota unless the commissioner of corrections has certified that the facility:*

(1) meets or exceeds the standards for Minnesota residential treatment programs set forth in rules adopted by the commissioner of human services

and the standards for juvenile residential facilities set forth in rules adopted by the commissioner of corrections or the standards for juvenile detention facilities set forth in rules adopted by the commissioner of corrections; and

(2) provides education, health, dental, and other necessary care equivalent to that which the child would receive if placed in a Minnesota facility licensed by the commissioner of corrections or commissioner of human services.

(b) The interagency licensing agreement between the commissioners of corrections and human services shall be used to determine which rule shall be used for certification purposes under this subdivision.

(c) The commissioner of corrections may charge each facility evaluated a reasonable amount. Money received is annually appropriated to the commissioner of corrections to defray the costs of the certification program.

Sec. 28. Minnesota Statutes 1992, section 260.185, is amended by adding a subdivision to read:

Subd. 7. [PLACEMENT IN JUVENILE FACILITY.] A person who has reached the age of 20 may not be kept in a residential facility licensed by the commissioner of corrections together with persons under the age of 20. The commissioner may adopt criteria for allowing exceptions to this prohibition.

Sec. 29. Minnesota Statutes 1992, section 260.193, subdivision 1, is amended to read:

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

(b) "Major traffic offense" includes any violation of a state or local traffic law, ordinance, or regulation, or a federal, state, or local water traffic law not included within the provisions of clause (c).

(c) "~~Minor~~ Adult court traffic offense" means:

(1) a petty misdemeanor violation of a state or local traffic law, ordinance, or regulation, or a petty misdemeanor violation of a federal, state, or local water traffic law ~~constituting an offense punishable only by fine of not more than \$100; or~~

(2) a violation of section 169.121, 169.129, or any other misdemeanor- or gross misdemeanor-level traffic violation committed as part of the same behavioral incident as a violation of section 169.121 or 169.129.

Sec. 30. Minnesota Statutes 1992, section 260.193, subdivision 3, is amended to read:

Subd. 3. Except as provided in subdivision 4, a child who commits a ~~minor~~ an adult court traffic offense and at the time of the offense was at least 16 years old shall be subject to the laws and court procedures controlling adult traffic violators and shall not be under the jurisdiction of the juvenile court. When a child is alleged to have committed a ~~minor~~ an adult court traffic offense and is at least 16 years old at the time of the offense, the peace officer making the charge shall follow the arrest procedures prescribed in section 169.91 and shall make reasonable effort to notify the child's parent or guardian of the nature of the charge.

Sec. 31. Minnesota Statutes 1992, section 260.193, subdivision 4, is amended to read:

Subd. 4. The juvenile court shall have original jurisdiction if the child is alleged to have committed both major and ~~minor~~ adult court traffic offenses in the same behavioral incident.

Sec. 32. Minnesota Statutes 1992, section 260.193, subdivision 6, is amended to read:

Subd. 6. Before making a disposition of any child found to be a juvenile major traffic offender or to have violated a misdemeanor- or gross misdemeanor-level traffic law, the court shall obtain from the department of public safety information of any previous traffic violation by this juvenile. In the case of a juvenile water traffic offender, the court shall obtain from the office where the information is now or hereafter may be kept information of any previous water traffic violation by the juvenile.

Sec. 33. Minnesota Statutes 1992, section 260.193, is amended by adding a subdivision to read:

Subd. 7a. [CRIMINAL COURT DISPOSITIONS; ADULT COURT TRAFFIC OFFENDERS.] (a) A juvenile who is charged with an adult court traffic offense in district court shall be treated as an adult before trial, except that the juvenile may be held in secure, pretrial custody only in a secure juvenile detention facility.

(b) A juvenile who is convicted of an adult court traffic offense in district court shall be treated as an adult for sentencing purposes, except that the court may order the juvenile placed out of the home only in a residential treatment facility or in a juvenile correctional facility.

(c) The disposition of an adult court traffic offender remains with the county in which the adjudication occurred.

Sec. 34. Minnesota Statutes 1992, section 260.211, subdivision 1, is amended to read:

Subdivision 1. *(a) No adjudication upon the status of any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child be deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of crime, except as otherwise provided in this section or section 260.215. An extended jurisdiction juvenile conviction shall be treated in the same manner as an adult felony criminal conviction for purposes of the sentencing guidelines. The disposition of the child or any evidence given by the child in the juvenile court shall not be admissible as evidence against the child in any case or proceeding in any other court, except that an adjudication may later be used to determine a proper sentence, nor shall the disposition or evidence disqualify the child in any future civil service examination, appointment, or application.*

(b) A person who was adjudicated delinquent for, or convicted as an extended jurisdiction juvenile of, a crime of violence as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the person was discharged and during that time the person was not convicted of any other crime of violence. A person who has received a relief of disability under United States Code, title 18, section 925, is not subject to the restrictions of this subdivision.

Sec. 35. Minnesota Statutes 1992, section 260.215, subdivision 1, is amended to read:

Subdivision 1. A violation of a state or local law or ordinance by a child before becoming 18 years of age is not a crime unless the juvenile court:

(1) ~~refers~~ *certifies* the matter to the ~~appropriate prosecuting authority~~ *district court* in accordance with the provisions of section 260.125; ~~or~~

(2) *transfers the matter* to a court in accordance with the provisions of section 260.193; *or*

(3) *convicts the child as an extended jurisdiction juvenile and subsequently executes the adult sentence under section 260.126, subdivision 5.*

Sec. 36. Minnesota Statutes 1992, section 260.291, is amended to read:

260.291 [APPEAL.]

Subdivision 1. [PERSONS ENTITLED TO APPEAL; PROCEDURE.] (a) An appeal may be taken by the aggrieved person from a final order of the juvenile court affecting a substantial right of the aggrieved person, including but not limited to an order adjudging a child to be in need of protection or services, neglected and in foster care, delinquent, or a juvenile traffic offender. The appeal shall be taken within 30 days of the filing of the appealable order. The court administrator shall notify the person having legal custody of the minor of the appeal. Failure to notify the person having legal custody of the minor shall not affect the jurisdiction of the appellate court. The order of the juvenile court shall stand, pending the determination of the appeal, but the reviewing court may in its discretion and upon application stay the order.

(b) *An appeal may be taken by an aggrieved person from an order of the juvenile court on the issue of certification of a child to district court. Certification appeals shall be expedited as provided by applicable rules.*

Subd. 2. [APPEAL.] The appeal from a juvenile court is taken to the court of appeals as in ~~other~~ civil cases, *except as provided in subdivision 1.*

Sec. 37. Minnesota Statutes 1992, section 268.31, is amended to read:

268.31 [DEVELOPMENT OF YOUTH EMPLOYMENT OPPORTUNITIES.]

(a) To the extent of available funding, the commissioner of jobs and training shall establish a program to employ individuals from the ages of 14 years up to 22 years. Available money may be used to operate this program on a full calendar year basis, to provide transitional services, link basic skills training and remedial education to job training and school completion, and for support services. *The commissioner shall ensure that all youth employment opportunities include components of work-related learning described in chapter 126B so that participating individuals learn necessary workplace skills.* The amount spent on support services in any one fiscal year may not exceed 15 percent of the total annual appropriation for this program. Individuals employed in this program will be placed in service with departments, agencies, and instrumentalities of the state, county, local governments, school districts, with nonprofit organizations, and private sector employers. The maximum number of hours that an individual may be employed in a position supported under this program is 480 hours. Program funds may not be used for private sector placements. Program operators must use the targeted jobs tax credit, other

federal, state, and local government resources, as well as private sector resources to fund private sector placements. The commissioner shall cooperate with the commissioner of human services in determining and implementing the most effective means of disregarding a youth's earnings from family income for purposes of the aid to families with dependent children program, to the extent permitted by the federal government.

(b) Upon request of the commissioner of the department of natural resources, the commissioner will contract for or provide available services for remedial skills, life skills, and career counseling activities to youth in the Minnesota conservation corps program.

(c) The commissioner shall evaluate the services provided under this section. The evaluation shall include information on the effectiveness of program services in promoting the employability of young people. In order to measure the long-term effectiveness of the program, the evaluation shall include follow-up information on each participant.

Sec. 38. Minnesota Statutes 1993 Supplement, section 299A.35, subdivision 1, is amended to read:

Subdivision 1. [PROGRAMS.] The commissioner shall, in consultation with the chemical abuse prevention resource council, administer a grant program to fund community-based programs that are designed to enhance the community's sense of personal security and to assist the community in its crime control efforts. Examples of qualifying programs include, but are not limited to, the following:

(1) programs to provide security systems for residential buildings serving low-income persons, elderly persons, and persons who have physical or mental disabilities;

(2) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities;

(3) neighborhood block clubs and innovative community-based crime watch programs;

(4) community-based programs designed to enrich the educational, cultural, or recreational opportunities of at-risk elementary or secondary school age youth, including programs designed to keep at-risk youth from dropping out of school and encourage school dropouts to return to school;

(5) support services for a municipal curfew enforcement program including, but not limited to, rent for drop-off centers, staff, supplies, equipment, and the referral of children who may be abused or neglected; and

(6) community-based programs designed to intervene with juvenile offenders who are identified as likely to engage in repeated criminal activity in the future unless intervention is undertaken;

(7) community-based collaboratives that coordinate five or more programs designed to enrich the educational, cultural, or recreational opportunities of at-risk elementary or secondary school age youth, including programs designed to keep at-risk youth from dropping out of school and to encourage school dropouts to return to school;

(8) programs that are proven successful at increasing the rate of graduation

from secondary school and the rate of post-secondary education attendance for high-risk students; and

(9) other community-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program.

Sec. 39. Minnesota Statutes 1993 Supplement, section 299A.35, subdivision 2, is amended to read:

Subd. 2. [GRANT PROCEDURE.] A local unit of government or a nonprofit community-based entity may apply for a grant by submitting an application with the commissioner. The applicant shall specify the following in its application:

(1) a description of each program for which funding is sought;

(2) the amount of funding to be provided to the program;

(3) the geographical area to be served by the program;

(4) statistical information as to the number of arrests in the geographical area for violent crimes and for crimes involving schedule I and II controlled substances. "Violent crime" includes a violation of or an attempt or conspiracy to violate any of the following laws: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.687; or any provision of chapter 152 that is punishable by a maximum sentence greater than ten years; and

(5) the number of economically disadvantaged youth in the geographical areas to be served by the program.

The commissioner shall give priority to funding programs that demonstrate substantial involvement by members of the community served by the program and either serve the geographical areas that have the highest crime rates, as measured by the data supplied under clause (4), or serve geographical areas that have the largest concentrations of economically disadvantaged youth. The maximum amount that may be awarded to an applicant is \$50,000; *except that if the applicant is a community-based collaborative under subdivision 1, clause (7), the maximum amount that can be awarded is \$50,000 for each program participating in the collaborative.*

Sec. 40. [299A.60] [SCHOOL-RELATED CRIME TELEPHONE LINE.]

The commissioner shall operate at least one statewide toll-free 24-hour telephone line for the purpose of receiving reports from students and school employees regarding suspected criminal activity occurring in school zones, as defined in section 152.01, subdivision 14a. The commissioner shall promptly forward reports received through the telephone line to the appropriate local law enforcement agency. The commissioner may pay a reward in an amount not to exceed \$100 for information leading to the arrest or prosecution of an adult or juvenile offender for committing or attempting to commit an offense in a school zone.

Sec. 41. Minnesota Statutes 1993 Supplement, section 299C.65, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHING GROUP.] The criminal and juvenile information policy group consists of the chair of the sentencing guidelines commission, the commissioner of corrections, the commissioner of public safety, and the state court administrator.

The policy group shall study and make recommendations to the governor, the supreme court, and the legislature on:

(1) a framework for integrated criminal justice information systems, including the development and maintenance of a community data model for state, county, and local criminal justice information;

(2) the responsibilities of each entity within the criminal and juvenile justice systems concerning the collection, maintenance, dissemination, and sharing of criminal justice information with one another;

(3) actions necessary to ensure that information maintained in the criminal justice information systems is accurate and up-to-date;

(4) the development of an information system containing criminal justice information on *gross misdemeanor-level and felony-level* juvenile offenders that is part of the integrated criminal justice information system framework;

(5) the development of an information system containing criminal justice information on misdemeanor arrests, prosecutions, and convictions that is part of the integrated criminal justice information system framework;

(6) comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems;

(7) continuing education requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data;

(8) a periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems;

(9) the equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems;

(10) the impact of integrated criminal justice information systems on individual privacy rights; and

(11) the impact of proposed legislation on the criminal justice system, including any fiscal impact, need for training, changes in information systems, and changes in processes;

(12) *the collection of data on race and ethnicity in criminal justice information systems;*

(13) *the development of a tracking system for domestic abuse orders for protection;*

(14) *processes for expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals; and*

(15) *the development of a data base for extended jurisdiction juvenile records and whether the records should be public or private and how long they should be retained.*

Sec. 42. [388.24] [PRETRIAL DIVERSION PROGRAMS FOR JUVENILES.]

Subdivision 1. [DEFINITION.] As used in this section:

(1) a child under the jurisdiction of the juvenile court is an "offender" if:

(i) the child is petitioned for, or probable cause exists to petition or take the child into custody for, a felony, gross misdemeanor, or misdemeanor offense, other than an offense against the person, but has not yet entered a plea in the proceedings;

(ii) the child has not previously been adjudicated in Minnesota or any other state for any offense against the person; and

(iii) the child has not previously been petitioned for an offense in Minnesota and then had the petition dismissed as part of a diversion program, including a program that existed before July 1, 1995; and

(2) "pretrial diversion" means the decision of a prosecutor to refer an offender to a diversion program on condition that the delinquency petition against the offender will be dismissed or the petition will not be filed after a specified period of time if the offender successfully completes the program.

Subd. 2. [ESTABLISHMENT OF PROGRAM.] By July 1, 1995, every county attorney shall establish a pretrial diversion program for offenders. If the county attorney's county participates in the community corrections act as part of a group of counties under section 401.02, the county attorney may establish a pretrial diversion program in conjunction with other county attorneys in that group of counties. The program must be designed and operated to further the following goals:

(1) to provide eligible offenders with an alternative to adjudication that emphasizes restorative justice;

(2) to reduce the costs and caseload burdens on juvenile courts and the juvenile justice system;

(3) to minimize recidivism among diverted offenders;

(4) to promote the collection of restitution to the victim of the offender's crime;

(5) to develop responsible alternatives to the juvenile justice system for eligible offenders; and

(6) to develop collaborative use of demonstrated successful culturally specific programming, where appropriate.

Subd. 3. [PROGRAM COMPONENTS.] A diversion program established under this section may:

(1) provide screening services to the court and the prosecuting authorities to help identify likely candidates for pretrial diversion;

(2) establish goals for diverted offenders and monitor performance of these goals;

(3) perform chemical dependency assessments of diverted offenders where indicated, make appropriate referrals for treatment, and monitor treatment and aftercare;

- (4) provide individual, group, and family counseling services;
- (5) oversee the payment of victim restitution by diverted offenders;
- (6) assist diverted offenders in identifying and contacting appropriate community resources;
- (7) provide educational services to diverted offenders to enable them to earn a high school diploma or GED; and
- (8) provide accurate information on how diverted offenders perform in the program to the court, prosecutors, defense attorneys, and probation officers.

Subd. 4. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] Every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

- (1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;
- (2) the date on which the individual began to participate in the diversion program;
- (3) the date on which the individual is expected to complete the diversion program;
- (4) the date on which the individual successfully completed the diversion program, where applicable; and
- (5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

Subd. 5. [REPORTS.] By January 1, 1996, and biennially thereafter, each county attorney shall report to the department of corrections and the legislature on the operation of a pretrial diversion program required by this section. The report shall include a description of the program, the number of offenders participating in the program, the number and characteristics of the offenders who successfully complete the program, the number and characteristics of the offenders who fail to complete the program, and an evaluation of the program's effect on the operation of the juvenile justice system in the county.

Sec. 43. Minnesota Statutes 1993 Supplement, section 401.065, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] As used in this section:

- (1) a person is an "offender" means a person who if:

- (i) the person is charged with, or probable cause exists to arrest or charge the person with, a felony, gross misdemeanor, or misdemeanor crime, other than a crime against the person, but ~~who~~ the person has not yet entered a plea in the proceedings;

(ii) *the person has not previously been convicted as an adult in Minnesota or any other state of any crime against the person; and*

(iii) *the person has not previously been charged with a crime participated as an adult in Minnesota in a pretrial diversion program, including a program that existed before July 1, 1994, and then had charges dismissed or not filed as part of a diversion that program, including a program that existed before July 1, 1994; and*

(2) "pretrial diversion" means the decision of a prosecutor to refer an offender to a diversion program on condition that the criminal charges against the offender will be dismissed after a specified period of time, *or the case will not be charged, if the offender successfully completes the program.*

Sec. 44. Minnesota Statutes 1993 Supplement, section 401.065, is amended by adding a subdivision to read:

Subd. 3a. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] Every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

(1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;

(2) the date on which the individual began to participate in the diversion program;

(3) the date on which the individual is expected to complete the diversion program;

(4) the date on which the individual successfully completed the diversion program, where applicable; and

(5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

Sec. 45. Minnesota Statutes 1992, section 609.055, subdivision 2, is amended to read:

Subd. 2. [ADULT PROSECUTION.] (a) Except as otherwise provided in paragraph (b), children of the age of 14 years or over but under 18 years may be prosecuted for a criminal felony offense if the alleged violation is duly referred certified to the appropriate prosecuting authority district court or may be designated an extended jurisdiction juvenile in accordance with the provisions of chapter 260. A child who is 16 years of age or older but under 18 years of age is capable of committing a crime and may be prosecuted for a felony if:

(1) the child has been previously referred for prosecution certified to the district court on a felony charge by an order of reference issued pursuant to a hearing under section 260.125, subdivision 2, or pursuant to the waiver of the right to such a hearing, or prosecuted pursuant to this subdivision; and

(2) the child was convicted of the felony offense or offenses for which the child was prosecuted or of a lesser included felony offense.

(b) A child who is alleged to have committed murder in the first degree after becoming 16 years of age is capable of committing a crime and may be prosecuted for the felony. This paragraph does not apply to a child alleged to have committed attempted murder in the first degree after becoming 16 years of age.

Sec. 46. Minnesota Statutes 1993 Supplement, section 609.11, subdivision 9, is amended to read:

Subd. 9. [APPLICABLE OFFENSES.] The crimes for which mandatory minimum sentences shall be served as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); and 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); escape from custody; arson in the first, second, or third degree; *drive-by shooting under section 609.66, subdivision 1e*; a felony violation of chapter 152; or any attempt to commit any of these offenses.

Sec. 47. Minnesota Statutes 1992, section 609.49, is amended by adding a subdivision to read:

Subd. 1a. [JUVENILE OFFENDERS.] *(a) A person who intentionally fails to appear for a juvenile court disposition is guilty of a felony if:*

(1) the person was prosecuted in juvenile court for an offense that would have been a felony if committed by an adult;

(2) the juvenile court made findings pursuant to an admission in court or after trial;

(3) the person was released from custody on condition that the person appear in the juvenile court for a disposition in connection with the offense; and

(4) the person was notified that failure to appear is a criminal offense.

(b) A person who violates the provisions of this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 48. Minnesota Statutes 1992, section 609.49, subdivision 3, is amended to read:

Subd. 3. [AFFIRMATIVE DEFENSE.] If proven by a preponderance of the evidence, it is an affirmative defense to a violation of subdivision 1, 1a, or 2 that the person's failure to appear in court as required was due to circumstances beyond the person's control.

Sec. 49. Minnesota Statutes 1993 Supplement, section 609.66, subdivision 1d, is amended to read:

Subd. 1d. [FELONY; POSSESSION ON SCHOOL PROPERTY.] (a) Whoever possesses, stores, or keeps a dangerous weapon as defined in section 609.02, subdivision 6, or uses or brandishes a replica firearm or a BB gun

on school property is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(b) *Whoever possesses, stores, or keeps a replica firearm or a BB gun on school property is guilty of a gross misdemeanor.*

(c) As used in this subdivision:

(1) *"BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter;*

(2) *"dangerous weapon" has the meaning given it in section 609.02, subdivision 6;*

(3) *"replica firearm" has meaning given it in section 609.713; and*

(4) *"school property" means:*

(1) *a public or private elementary, middle, or secondary school building and its grounds, whether leased or owned by the school; and*

(2) *the area within a school bus when that bus is being used to transport one or more elementary, middle, or secondary school students.*

(e) (d) This subdivision does not apply to:

(1) *licensed peace officers, military personnel, or students participating in military training, who are performing official duties;*

(2) *persons who carry pistols according to the terms of a permit;*

(3) *persons who keep or store in a motor vehicle pistols in accordance with sections 624.714 and 624.715 or other firearms in accordance with section 97B.045;*

(4) *firearm safety or marksmanship courses or activities conducted on school property;*

(5) *possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;*

(6) *a gun or knife show held on school property; or*

(7) *possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal.*

Sec. 50. Minnesota Statutes 1992, section 611.15, is amended to read:

611.15 [NOTIFICATION OF RIGHT TO REPRESENTATION.]

In every criminal case or proceeding, *including a juvenile delinquency or extended jurisdiction juvenile proceeding*, in which any person entitled by law to representation by counsel shall appear without counsel, the court shall advise such person of the right to be represented by counsel and that counsel will be appointed to represent the person if the person is financially unable to obtain counsel.

Sec. 51. Minnesota Statutes 1992, section 611.19, is amended to read:

611.19 [WAIVER OF APPOINTMENT OF COUNSEL.]

Where counsel is waived by a defendant, the waiver shall in all instances be made in writing, signed by the defendant, except that in such situation if the defendant refuses to sign the written waiver, then the court shall make a record evidencing such refusal of counsel. *Waiver of counsel by a child who is the subject of a delinquency or extended jurisdiction juvenile proceeding is governed by section 260.155, subdivisions 2 and 8.*

Sec. 52. Minnesota Statutes 1992, section 611.25, subdivision 1, is amended to read:

Subdivision 1. [REPRESENTATION.] (a) The state public defender shall represent, without charge,:

(1) a defendant or other person appealing from a conviction of a felony or gross misdemeanor. ~~The state public defender shall represent, without charge,;~~

(2) a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction; and

(3) *a child who is appealing from a delinquency adjudication or from an extended jurisdiction juvenile conviction.*

(b) The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel.

(c) The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed to do so by the supreme court or the court of appeals, except that the state public defender shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. When requested by a district public defender or appointed counsel, the state public defender may assist the district public defender, appointed counsel, or an organization designated in section 611.216 in the performance of duties, including trial representation in matters involving legal conflicts of interest or other special circumstances, and assistance with legal research and brief preparation. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender.

Sec. 53. Minnesota Statutes 1992, section 611A.02, is amended by adding a subdivision to read:

Subd. 3. [NOTICE OF THE RIGHTS OF VICTIMS IN JUVENILE COURT.] (a) *The crime victim and witness advisory council shall develop a notice of the rights of victims in juvenile court that explains:*

(1) *the rights of victims in the juvenile court;*

(2) *when a juvenile matter is public;*

(3) *the procedures to be followed in juvenile court proceedings; and*

(4) *other relevant matters.*

(b) *The juvenile court shall distribute a copy of the notice to each victim of juvenile crime who attends a juvenile court proceeding, along with a notice of services for victims available in that judicial district.*

Sec. 54. Minnesota Statutes 1992, section 611A.77, subdivision 1, is amended to read:

Subdivision 1. [GRANTS.] The state court administrator shall award grants to nonprofit organizations to create or expand mediation programs for crime victims and offenders. For purposes of this section, "offender" means an adult charged with a nonviolent crime or a juvenile ~~with respect to whom~~ *who has been referred to a mediation program before or after* a petition for delinquency has been filed in connection with a nonviolent offense; and "nonviolent crime" and "nonviolent offense" exclude any offense in which the victim is a family or household member, as defined in section 518B.01, subdivision 2.

Sec. 55. Minnesota Statutes 1993 Supplement, section 624.713, subdivision 1, is amended to read:

Subdivision 1. [INELIGIBLE PERSONS.] The following persons shall not be entitled to possess a pistol or semiautomatic military-style assault weapon:

(a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(b) a person who has been convicted *of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing*, in this state or elsewhere ~~of~~, a crime of violence unless ten years have elapsed since the person has been restored to civil rights or the sentence *or disposition* has expired, whichever occurs first, and during that time the person has not been convicted *of or adjudicated for* any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts;

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(g) a person, *including a person under the jurisdiction of the juvenile court*, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed; or

(h) a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or a similar law of another state.

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

Sec. 56. Minnesota Statutes 1993 Supplement, section 624.713, subdivision 3, is amended to read:

Subd. 3. [NOTICE.] (a) When a person is convicted of, *or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing*, a crime of violence as defined in section 624.712, subdivision 5, the court shall inform the defendant that the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon for a period of ten years after the person was restored to civil rights or since the sentence *or disposition* has expired, whichever occurs first, and that it is a felony offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the felony penalty to that defendant.

(b) When a person, *including a person under the jurisdiction of the juvenile court*, is charged with committing a crime of violence and is placed in a pretrial diversion program by the court before disposition, the court shall inform the defendant that: (1) the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon until the person has completed the diversion program and the charge of committing a crime of violence has been dismissed; (2) it is a gross misdemeanor offense to violate this prohibition; and (3) if the defendant violates this condition of participation in the diversion program, the charge of committing a crime of violence may be prosecuted. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the gross misdemeanor penalty to that defendant.

Sec. 57. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 15, is amended to read:

Subd. 15. [PENALTIES.] (a) *Except as otherwise provided in paragraph (b), a person who does any of the following is guilty of a gross misdemeanor:*

(a) (1) *transfers a pistol or semiautomatic military-style assault weapon in violation of subdivisions 1 to 13;*

(b) (2) *transfers a pistol or semiautomatic military-style assault weapon to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;*

(c) (3) *knowingly becomes a transferee in violation of subdivisions 1 to 13;*
or

(d) (4) *makes a false statement in order to become a transferee of a pistol or semiautomatic military-style assault weapon knowing or having reason to know the statement is false.*

(b) *A person who does either of the following is guilty of a felony:*

(1) *transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 in violation of subdivisions 1 to 13; or*

(2) *transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement.*

Sec. 58. Minnesota Statutes 1993 Supplement, section 624.7181, subdivision 2, is amended to read:

Subd. 2. [GROSS MISDEMEANOR PENALTIES.] *Whoever carries a rifle or shotgun on or about the person in a public place is guilty of a gross misdemeanor. A person under the age of 21 who carries a semiautomatic military style assault weapon, as defined in section 624.712, subdivision 7, on or about the person in a public place is guilty of a felony.*

Sec. 59. [JUDICIAL DISTRICT DELINQUENCY DISPOSITION PRINCIPLES.]

By January 1, 1996, the chief judge in each judicial district shall publish the written criteria used by judges in the district in determining juvenile delinquency dispositions. The judges of the district shall develop the written criteria in consultation with local county attorneys, public defenders, local corrections personnel, victim advocates, and the public. Each chief judge shall submit a copy of the written criteria to the head of the conference of chief judges by September 1, 1995, who shall submit copies of the criteria to the chairs of the senate crime prevention committee and the house judiciary committee by November 1, 1995.

Sec. 60. [USE OF EXTENDED JURISDICTION JUVENILE ADJUDICATIONS AS ADULT CRIMINAL HISTORY POINTS.]

The sentencing guidelines commission shall modify the guidelines to take effect January 1, 1995, to provide that an extended jurisdiction juvenile conviction is treated under the guidelines in the same manner as a felony conviction of an adult.

Sec. 61. [SENTENCING GUIDELINES MODIFICATIONS.]

Subdivision 1. [MODIFICATIONS TO SENTENCING GUIDELINES REQUIRED.] *The sentencing guidelines commission shall adopt the modifications described in subdivision 2 and shall apply them to persons whose crimes occur on or after January 1, 1995.*

Subd. 2. [PRIOR JUVENILE OFFENSES; CRIMINAL HISTORY SCORE.] *The commission shall modify sentencing guideline II.B.4 as follows:*

(1) it shall change clause (c) to allow juvenile offenses occurring after the juvenile's 14th birthday to be included in the offender's criminal history score;

(2) it shall change clause (d) to permit juvenile offenses to be included in an offender's criminal history score if the offender was under 25 years of age at the time the current felony was committed; and

(3) it shall change clause (e) to exclude crimes for which the guidelines presume imprisonment from the maximum limit on the number of criminal history score points an offender may receive for prior juvenile offenses.

Subd. 3. [AGGRAVATING FACTOR.] *The commission shall consider modifying sentencing guideline II.D. by adding to the list of aggravating factors the fact that the offender committed the crime as part of a group of three or more persons.*

Sec. 62. [TASK FORCE ON JUVENILE PROGRAMMING EVALUATION AND PLANNING.]

Subdivision 1. [DUTIES; REPORT.] *The task force on juvenile programming evaluation and planning shall report to the chairs of the senate committee on crime prevention and the house of representatives committee on judiciary and the legislative auditor by November 30, 1994, concerning the results of the tasks described in this section.*

Subd. 2. [SURVEY OF PROGRAMMING.] *(a) The commissioners of corrections and human services shall conduct a comprehensive survey of existing juvenile programming available across the state and report its findings to the task force. For purposes of the survey, juvenile programming includes all out-of-home placement and nonresidential programs in which juveniles are placed as part of a diversion from juvenile court or as the result of a juvenile court delinquency or extended jurisdiction juvenile proceeding or children in need of protection or services proceeding.*

(b) The survey shall determine for each program: whether juveniles were placed there through a child protection proceeding, a juvenile delinquency or extended jurisdiction juvenile proceeding, or through diversion; whether payment is by the state, a local government entity, the child's family, or another source; the extent to which the program provides family and community reintegration services; the extent to which the program provides mental health screening or assessment of each child and develops a treatment plan to address the child's mental health needs; the extent to which the program provides a comprehensive educational assessment of each child and an educational plan to address the child's educational needs during the placement and after reentry into the community, including critical skill thinking and conflict resolution; and the extent to which aftercare is provided.

(c) The survey shall determine for each program: the race and sex of juveniles placed there; the race and sex of staff members; the number of

juveniles requiring special services; and the cultural appropriateness of the programming.

(d) The survey shall determine for each program the availability of special services including but not limited to: programming for juvenile female offenders; resources for sex offenders; chemical dependency services; mental health assessments and services; suicide prevention services; services for abuse victims; and services for the developmentally disabled.

Subd. 3. [TASK FORCE DUTIES.] The task force shall make recommendations concerning:

(1) a full continuum of programming to fulfill the service needs identified by the survey conducted under subdivision 2 for extended jurisdiction juveniles and adjudicated juveniles and the cost of providing those services;

(2) rules establishing criteria for secure placement of juvenile offenders;

(3) existing programs that counties and the state should not continue to fund and a specific list of priorities to be used at the state and county level in evaluating programs for juvenile offenders;

(4) the appropriate financial responsibility for extended jurisdiction juveniles and adjudicated juveniles placed out of their homes, the need for additional programming, and the circumstances, if any, under which the state should be responsible for the costs of programming;

(5) a planning process and time line to implement a full range of programming and services for adjudicated juveniles and extended jurisdiction juveniles;

(6) necessary changes in state rules, statutes, and licensing requirements, including changes in statutes and rules relating to the dispositional and discharge authority of the commissioner of corrections that are needed to implement the extended jurisdiction juvenile category; and

(7) funding needs, including the short- and long-range costs to the following of implementing this act and the recommendations of the supreme court advisory task force on the juvenile justice system:

(i) the probation and correctional systems;

(ii) the public defender system;

(iii) the judiciary; and

(iv) other governmental entities.

Subd. 4. [MEMBERSHIP.] The commissioner of corrections or the commissioner's designee shall serve as chair of the task force. The commissioner shall invite individuals who have demonstrated experience in the juvenile justice field and who are representatives or designees of the following, to participate in and serve as members of the task force:

(1) the commissioner of corrections;

(2) the commissioner of human services;

(3) the commissioner of education;

(4) the office of drug policy and violence prevention;

- (5) probation officers;
- (6) community corrections officers;
- (7) public defenders;
- (8) prosecutors;
- (9) juvenile corrections specialists;
- (10) law enforcement officials;
- (11) chemical dependency counselors;
- (12) mental health experts;
- (13) children's services providers;
- (14) victim advocates;
- (15) district court judges;
- (16) the council on Black Minnesotans;
- (17) the council on the affairs of Spanish-speaking people;
- (18) the council on Asian-Pacific Minnesotans;
- (19) the Indian affairs council;
- (20) the association of counties;
- (21) the council on disabilities; and
- (22) parents of youthful offenders.

The commissioner may use an existing task force convened to study similar juvenile justice issues to perform the duties outlined in this section as long as the commissioner provides an opportunity for representatives of each of the designated groups to participate in and serve as members of the task force.

Sec. 63. [LEGISLATIVE AUDITOR.]

Subdivision 1. [EVALUATION OF CORRECTIONS PROGRAMMING.]
The legislative audit commission is requested to direct the legislative auditor to conduct an evaluation of programming at existing state-run facilities serving youthful offenders, including those at Sauk Centre, St. Cloud, Thistledeew, and Red Wing and report to the legislature by January 1, 1995, concerning its findings. The evaluation of the programming shall focus on the following factors:

- (1) recidivism;
- (2) participation by youthful offenders;
- (3) subjective effectiveness among probation officials;
- (4) subjective effectiveness among youthful offenders; and
- (5) comparison with programming operating effectively in other states.

Subd. 2. [EVALUATION OF REPORT OF TASK FORCE ON JUVENILE PROGRAMMING EVALUATION AND PLANNING.]
The legislative audit commission is requested to direct the legislative auditor to receive and analyze

the report of the task force on juvenile programming evaluation and planning submitted under section 62. The evaluation of the task force recommendations shall include a comprehensive independent assessment of relevant factors, including but not limited to those enumerated in section 62, subdivision 3. If the commission undertakes this evaluation, the legislative auditor shall report to the chairs of the senate committee on crime prevention and the house judiciary committee by February 15, 1995.

Subd. 3. [EVALUATION OF FOUR EXISTING PROGRAMS.] *The legislative audit commission is requested to direct the legislative auditor to evaluate four programs comprising the largest number of court-ordered out-of-home placements of children in Minnesota. The four programs shall be selected in consultation with the commissioner of corrections and the commissioner of human services. If undertaken by the legislative auditor, the auditor shall report the results of the evaluation to the chairs of the senate committee on crime prevention and the house of representatives committee on judiciary by January 1, 1995. The evaluation shall focus on the five factors listed in subdivision 1.*

Sec. 64. [SUPREME COURT.]

Subdivision 1. [DATA COLLECTION.] *The supreme court shall develop a sentencing form for use in extended jurisdiction juvenile proceedings and a procedure for data collection to ensure that extended jurisdiction juvenile data will be compatible with other criminal justice data. The supreme court shall consult with the criminal and juvenile information policy group in carrying out this duty.*

Subd. 2. [TRAINING.] *By October 1, 1994, the supreme court shall prepare and conduct a training course for judges and members of their staffs concerning the provisions of this act. In particular, the course shall inform judges of the juvenile disposition options available, the procedural requirements of extended jurisdiction juvenile proceedings, and the sentencing form to be used in those proceedings to ensure that extended jurisdiction juvenile data will be compatible with other criminal justice data.*

Sec. 65. [COMMUNITY PROJECT IN JUVENILE CRIME PREVENTION.]

The commissioner of jobs and training shall fund a pilot project for a program of early intervention initiatives designed to serve juvenile offenders and probationers. The pilot project shall include the following initiatives:

- (1) a peer tutoring project designed for juvenile offenders required to perform community services;*
- (2) specialized group home services for juvenile probationers who have been suspended from school;*
- (3) social services and counseling for female juvenile offenders and their mothers;*
- (4) training in cognitive skill-building and in creative arts;*
- (5) an entrepreneurship program designed to operate on a self-supporting basis; and*
- (6) a mentoring program designed to match juveniles with positive adult role models. The county community corrections department shall prepare a*

model training manual based on these initiatives for use by other governmental and nonprofit agencies in developing crime prevention programs in their communities. The manual shall be submitted to the commissioner as part of the final report and evaluation of the project for distribution to appropriate agencies.

The primary purpose of this project shall be to provide a network of community services for juvenile offenders and probationers. The project shall operate from January 1, 1995, to December 31, 1996. The funding provided by the commissioner must be matched at 20 percent by the local community, either through county funding, or in-kind services, such as volunteer time, space, or transportation. The commissioner, in consultation with the grantee, shall develop evaluation protocols designed to assess the impact of project components on deterring juvenile crime in the communities where the project operates. The commissioner shall report to the legislature by January 15, 1997, on the effectiveness of the program initiatives, with recommendations regarding expansion of the pilot project.

Sec. 66. [OUT-OF-STATE PLACEMENT; TRANSITION.]

An out-of-state facility subject to certification under section 27 that has preadjudicated delinquents, adjudicated delinquents, or convicted extended jurisdiction juveniles in residence on July 1, 1994, shall be considered certified for purposes of that section until July 1, 1995, or until the facility is evaluated and certification is granted or denied, whichever is earlier.

Sec. 67. [APPROPRIATIONS.]

Subdivision 1. [APPROPRIATIONS.] The sums shown in the column marked "APPROPRIATIONS" are appropriated from the general fund to the agencies and for the purposes specified, to be available for the fiscal year ending June 30, 1995.

APPROPRIATIONS

GENERAL FUND TOTAL	\$ 13,864,000
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Subd. 2. Corrections

Total General Fund Appropriation	\$ 1,322,000
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Of this appropriation, \$50,000 is for a plan for extended jurisdiction juveniles to provide programming that is culturally sensitive to the juveniles who are served and implements restorative justice principles. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$50,000 is to conduct the survey of existing juvenile programming, jointly with the commissioner of human services. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$12,000 is for rule-making. This appropriation shall not be

included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$100,000 is to develop and implement a plan for extended jurisdiction juveniles. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$50,000 is to ensure that the race and cultural heritage of juvenile programming staff reflect the characteristics of the juvenile offender population.

Of this appropriation, \$1,000,000 is to be used to hire or fund the use of additional state and county probation officers and of community corrections officers under Minnesota Statutes, chapter 401. The funds shall be allocated by the commissioner for probation officers for offenders under age 21 based on weighted caseloads determined by the commissioner after consultation with those entities receiving the funds. The distributions shall be reported by the commissioner annually to the chairs of the senate crime prevention and house judiciary finance committees.

Of this appropriation, \$60,000 is to expand the sentencing to service program to include work crews whose primary function is the removal of graffiti and other defacing signs or symbols from public property and from the property of requesting private property owners.

Subd. 3. Board of Public Defense

Total General Fund Appropriation

\$ 2,650,000

(a) \$2,650,000 is appropriated to the state board of public defense from the general fund for the provision of counsel for juveniles charged with delinquency, for the period January 1, 1995, to June 30, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

(b) Of this amount, \$1,000,000 is a six-month appropriation for the assumption of the cost of public defender services for juveniles in the first, fifth, seventh, ninth, and tenth judicial districts beginning January 1, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

(c) Of this amount, \$200,000 is a six-month appropriation for the provision of appellate services for juveniles beginning January 1, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

(d) Of this amount, \$1,450,000 is a six-month appropriation for the provision of counsel for juveniles in the second, third, fourth, sixth, and eighth judicial districts beginning January 1, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

Subd. 4. Education

Total General Fund Appropriation

\$ 4,900,000

Of this appropriation, \$1,000,000 is for violence prevention education grants under Minnesota Statutes, section 126.78. One hundred percent of this appropriation must be paid according to the process established in Minnesota Statutes, section 124.195, subdivision 9. Up to five percent of this appropriation may be used for auditing, monitoring, and administration of the programs funded by this appropriation.

Of this appropriation, \$1,500,000 is for learning readiness programs under Minnesota Statutes, sections 121.831 and 124.2615. This amount is added to the appropriation for learning readiness in Laws 1991, chapter 224, article 4, section 44, subdivision 16. Notwithstanding Minnesota Statutes, section 124.195, subdivision 10, 100 percent of the appropriation in this paragraph must be paid in fiscal year 1995. This additional appropriation is available in fiscal year 1995 only.

Of this appropriation, \$2,200,000 is for high risk youth violence prevention grants. Up to five percent of this appropriation may be used for administration and evaluation of the programs funded in this subdivision. These grants may be for periods of up to two years.

Of this appropriation, \$100,000 is for grants to organizations representing communities of color, neighborhoods, or small nonprofits to assist in local, grassroots collaboration efforts. Up to 2.5 per-

cent of this appropriation may be used for administration of the programs funded in this subdivision.

Of this appropriation, \$100,000 is for implementation of the community-based truancy action projects which shall be equitably distributed throughout the state. Of this amount, \$50,000 is for the model school for chronic truants in Blue Earth county. Funds shall not be used to replace existing funding, but may be used to supplement it.

The money appropriated in this subdivision shall not be included in the budget base for the 1996-1997 biennium.

Subd. 5. Public Safety

Total General Fund Appropriation

\$ 2,495,000

Of this appropriation, \$2,225,000 is for community crime reduction grants under Minnesota Statutes, section 299A.35. Up to five percent of this appropriation may be used for administration and evaluation of the programs funded by this appropriation. These grants may be for periods of up to two years. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$250,000 is appropriated to the commissioner of public safety, bureau of criminal apprehension, from the general fund for the costs of performing initial analysis and design work for the juvenile criminal history system, including extended jurisdiction juvenile data, the statewide misdemeanor system, including violent and enhanceable crimes, and the domestic abuse orders for protection tracking system. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$20,000 is to operate the statewide school-related crime telephone line and to pay rewards for information received over the statewide telephone line. Any unexpended funds in fiscal year 1995 do not cancel and carry forward to fiscal year 1996.

Subd. 6. Attorney General

Total General Fund Appropriation

\$ 10,000

This appropriation is to conduct training for county attorneys on juvenile laws and on the provisions of this act. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Subd. 7. District Courts

Total General Fund Appropriation

\$ 372,000

Of this appropriation, \$372,000 is to be used to fund four additional district court judgeships beginning March 1, 1995. The supreme court, in consultation with the state court administrator and the conference of chief judges, shall determine the districts in which these judgeships will be located, based on increased court case-loads resulting from the provisions of this act.

Subd. 8. Supreme Court

Total General Fund Appropriation

\$ 245,000

This appropriation is for the costs of performing initial analysis and design work for the juvenile criminal history system, including extended jurisdiction juvenile data, the statewide misdemeanor system, and the tracking system for domestic abuse orders for protection. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Subd. 9. Human Services

Total General Fund Appropriation

\$ 700,000

Of this appropriation, \$50,000 is for the survey of existing juvenile programming jointly with the commissioner of corrections.

Of this appropriation, \$50,000 is to provide grants to agencies that conduct interdisciplinary training of criminal justice officials who deal with victims and perpetrators of violence, including training in interviewing children who report being sexually abused or perpetrators of violence.

Of this appropriation, \$50,000 is for a grant to an Indian child welfare defense corporation to promote compliance with the Indian family preservation act and the Indian Child Welfare Act under Minne-

sota Statutes, section 257.3571, subdivision 2a.

Of this appropriation, \$500,000 is for the mental health screening of juveniles under Minnesota Statutes, section 260.152.

Of this appropriation, \$50,000 is for a grant to a nonprofit, statewide child abuse prevention organization whose primary focus is parent self-help and support.

The appropriations in this subdivision shall not be included in the budget base for the 1996-1997 biennium.

Subd. 10. Jobs and Training

Total General Fund Appropriation

\$ 1,170,000

Of this appropriation, \$20,000 is for the pilot project through a community corrections department for early intervention to serve juvenile offenders.

Of this appropriation, \$1,150,000 is to be used to award grants to cities for creating and expanding curfew enforcement, truancy prevention, and after-school and summer recreational programs for children and youth.

Any after-school programs created under this paragraph shall ensure that program participants learn necessary workplace skills consistent with the provisions in Minnesota Statutes, section 268.31.

The appropriations in this subdivision shall not be included in the budget base for the 1996-1997 biennium.

Sec. 68. [EFFECTIVE DATE.]

Sections 62 to 64 are effective the day following final enactment. Sections 1, 2, 5 to 8, 18, 27, 37 to 44, 54, 59, 60, 61, 65, and 66 are effective July 1, 1994. Sections 46 to 49 and 57 are effective August 1, 1994, and apply to violations occurring on or after that date. Sections 3, 4, 9 to 17, 19 to 26, 28 to 36, 45, 50 to 53, 55 and 56 are effective January 1, 1995."

Delete the title and insert:

"A bill for an act relating to crime prevention; juvenile justice; providing for adult court jurisdiction over juveniles alleged to have committed first degree murder after age 16; providing for presumptive certification to adult court for juveniles over age 16 alleged to have committed other prison-level felonies or any felony while using a firearm; authorizing the court or the prosecutor to designate a juvenile an extended jurisdiction juvenile; authorizing adult felony sentences for extended jurisdiction juveniles; extending

juvenile court jurisdiction to age 21 for extended jurisdiction juveniles; limiting certification to adult court to felony offenses; extending a right to jury trial to extended jurisdiction juveniles; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home delinquency placement is proposed; providing for adult court jurisdiction over juveniles alleged to have committed DWI-related traffic offenses after age 16; requiring parents to attend delinquency hearings; requiring county attorneys to establish juvenile diversion programs; providing mandatory minimum sentences for drive-by shooting crimes; expanding the crime relating to the possession of dangerous weapons on school property; increasing penalties for certain firearms offenses involving youth; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 126.78, by adding a subdivision; 242.31; 242.32; 257.3571, subdivision 3, and by adding a subdivision; 257.3572; 257.3579; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.121, subdivision 3; 260.125; 260.131, by adding a subdivision; 260.132; 260.145; 260.152; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a and 2; 260.181, subdivision 4; 260.185, subdivision 3, and by adding subdivisions; 260.193, subdivisions 1, 3, 4, 6, and by adding a subdivision; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 268.31; 609.055, subdivision 2; 609.49, subdivision 3, and by adding a subdivision; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 260.155, subdivision 1; 260.161, subdivision 1; 299A.35, subdivisions 1 and 2; 299C.65, subdivision 1; 401.065, subdivision 1, and by adding a subdivision; 609.11, subdivision 9; 609.66, subdivision 1d; 624.713, subdivisions 1 and 3; 624.7132, subdivision 15; and 624.7181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 126; 260; 299A; and 388."

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

House Conferees: (Signed) Wesley J. "Wes" Skoglund, Mary Murphy, Thomas Pugh, Phil Carruthers, Bill Macklin

Senate Conferees: (Signed) Jane B. Ranum, Allan H. Spear, Tracy L. Beckman, Patrick D. McGowan, Gary W. Laidig

Ms. Ranum moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2074 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.

Ms. Ranum moved that H.F. No. 2074 and the Conference Committee Report thereon be laid on the table. The motion prevailed.

CONFIRMATION

Mr. Solon moved that the report from the Committee on Commerce and Consumer Protection, reported March 7, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Solon moved that the foregoing report be now adopted. The motion prevailed.

Mr. Solon moved that in accordance with the report from the Committee on Commerce and Consumer Protection, reported March 7, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF INVENTION

Joseph Alvite, 353 Aspen Rd. N.E., Wyoming, Chisago County, effective November 6, 1993, for a term expiring on the first Monday in January, 1995.

Penny Becker, P.O. Box 71, Redwood Falls, Redwood County, effective November 4, 1993, for a term expiring on the first Monday in January, 1995.

Henry Buchwald, 6808 Margaret's Ln., Edina, Hennepin County, effective November 4, 1993, for a term expiring on the first Monday in January, 1997.

Daniel Ferber, 49 Inner Dr., St. Paul, Ramsey County, effective November 4, 1993, for a term expiring on the first Monday in January, 1997.

Philip M. Goldman, 1926 South Ln., Mendota Heights, Dakota County, effective November 4, 1993, for a term expiring on the first Monday in January, 1996.

Steven Levinson, Rt. 1, Box 223, Newfolden, Marshall County, effective November 4, 1993, for a term expiring on the first Monday in January, 1998.

Donna J. McBrian, 7398 Tempo Terr. N.E., Fridley, Anoka County, effective November 4, 1993, for a term expiring on the first Monday in January, 1995.

Janet Robb, 1754 W. Millwood Ave., Roseville, Ramsey County, effective November 4, 1993, for a term expiring on the first Monday in January, 1996.

Patsy Sherman, 9300 - 11th Ave. S., Bloomington, Hennepin County, effective November 4, 1993, for a term expiring on the first Monday in January, 1996.

Lyle Stevermer, 12 Main St. S., Winnebago, Faribault County, effective December 11, 1993, for a term expiring on the first Monday in January, 1997.

Milton Toratti, 820 N. 9th St., Virginia, St. Louis County, effective November 4, 1993, for a term expiring on the first Monday in January, 1998.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Solon moved that the report from the Committee on Commerce and Consumer Protection, reported March 9, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Solon moved that the foregoing report be now adopted. The motion prevailed.

Mr. Solon moved that in accordance with the report from the Committee on Commerce and Consumer Protection, reported March 9, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF COMMERCE COMMISSIONER

James E. Ulland, 1600 W. 22nd St., Minneapolis, Hennepin County,

effective September 1, 1993, for a term expiring on the first Monday in January, 1995.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Berg moved that the reports from the Committee on Gaming Regulation, reported March 3, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Berg moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Berg moved that in accordance with the reports from the Committee on Gaming Regulation, reported March 3, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

GAMBLING CONTROL BOARD

John Breon, 3017 Brooks Ln., Wayzata, Hennepin County, effective July 6, 1993, for a term expiring on June 30, 1997.

Clarence S. Carter, 6150 Park Ave. S., Minneapolis, Hennepin County, effective July 29, 1992, for a term expiring on June 30, 1996.

Dennis Flaherty, 100 S.E. 2nd St., Minneapolis, Hennepin County, effective September 1991, for a term expiring on June 30, 1995.

Allan E. Fonfara, 1117 Kingsley Cir. S., Mendota Heights, Dakota County, effective July 6, 1993, for a term expiring on June 30, 1994.

Mary K. McLeod, 4532 Dupont Ave. S., Minneapolis, Hennepin County, effective July 29, 1992, for a term expiring on June 30, 1996.

Laura Schupp, 3872 Kennet Cir., Eagan, Dakota County, effective December 16, 1991, for a term expiring on June 30, 1995.

MINNESOTA RACING COMMISSION

Joseph Friedberg, 16141 McGinty Rd., Minnetonka, Hennepin County, effective July 31, 1993, for a term expiring on June 30, 1999.

Mary B. Magnuson, 1326 Fairmount Ave., St. Paul, Ramsey County, effective July 31, 1993, for a term expiring on June 30, 1999.

Camille J. McArdle, D.V.M., 12913 - 5th Ave. S., Burnsville, Dakota County, effective July 31, 1993, for a term expiring on June 30, 1999.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Marty moved that the report from the Committee on Ethics and Campaign Reform, reported March 30, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Marty moved that the foregoing report be now adopted. The motion prevailed.

Mr. Marty moved that in accordance with the report from the Committee on Ethics and Campaign Reform, reported March 30, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

STATE ETHICAL PRACTICES BOARD

Vanne Owens Hayes, 4253 - 27th Ave. S., Minneapolis, Hennepin County, effective March 9, 1994, for a term expiring on the first Monday in January, 1998.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Ms. Piper moved that the report from the Committee on Family Services, reported March 18, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Ms. Piper moved that the foregoing report be now adopted. The motion prevailed.

Ms. Piper moved that in accordance with the report from the Committee on Family Services, reported March 18, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF HUMAN SERVICES COMMISSIONER

Maria R. Gomez, 8400 Indian Blvd., Cottage Grove, Washington County, effective December 13, 1993, for a term expiring on the first Monday in January, 1995.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

With the unanimous consent of the Senate, pursuant to Rule 54, Mr. Metzen moved that the reports from the Committee on Governmental Operations and Reform, reported April 29, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Metzen moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Metzen moved that in accordance with the reports from the Committee on Governmental Operations and Reform, reported April 29, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF ADMINISTRATION COMMISSIONER

Debra Rae Anderson, 1146 Ivy Hill Dr., Mendota Heights, Dakota County, effective August 9, 1993, for a term expiring on the first Monday in January, 1995.

STATE OFFICE OF ADMINISTRATIVE HEARINGS
CHIEF ADMINISTRATIVE LAW JUDGE

Kevin E. Johnson, 1654 Eleanor Ave., St. Paul, Ramsey County, effective July 30, 1993, for a term expiring June 30, 1999.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Bertram moved that the report from the Committee on Agriculture and Rural Development, reported March 7, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Bertram moved that the foregoing report be now adopted. The motion prevailed.

Mr. Bertram moved that in accordance with the report from the Committee on Agriculture and Rural Development, reported March 7, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA RURAL FINANCE AUTHORITY

Vivian Evans, Rt. 3, Box 9, Montevideo, Chippewa County, effective February 13, 1992, for a term expiring on the first Monday in January, 1996.

Marlene H. Malstrom, S. Melissa Dr., Rt. 5, Box 344, Detroit Lakes, Becker County, effective September 23, 1991, for a term expiring on the first Monday in January, 1994.

Curtis J. Pietz, R.R. 3, Box 79, Lakefield, Jackson County, effective September 23, 1991, for a term expiring on the first Monday in January, 1995.

Christopher J. Skaalen, 235 W. Center St., Harmony, Fillmore County, effective September 23, 1991, for a term expiring on the first Monday in January, 1993.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Vickerman moved that the reports from the Committee on Veterans and General Legislation, reported March 10, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Vickerman moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Vickerman moved that in accordance with the reports from the Committee on Veterans and General Legislation, reported March 10, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF THE ARTS

Caroline Baillon, 2567 Itasca Ave. S., Lakeland, Washington County, effective June 29, 1993, for a term expiring on the first Monday in January, 1997.

Robert E. Powless, 4911 Wyoming St., Duluth, St. Louis County, effective May 18, 1993, for a term expiring on the first Monday in January, 1997.

Stephen George Shank, 330 Peavey Ln., Wayzata, Hennepin County, effective May 18, 1993, for a term expiring on the first Monday in January, 1997.

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

Harvey C. Aaron, M.D., 325 Otis Ave., St. Paul, Ramsey County, effective January 31, 1994, for a term expiring on the first Monday in January, 1998.

Robert Hansen, 1955 Oakdale Ave., West St. Paul, Ramsey County, effective January 31, 1994, for a term expiring on the first Monday in January, 1998.

Susan Kiley, 1514 Selby Ave., St. Paul, Ramsey County, effective February 23, 1993, for a term expiring on the first Monday in January, 1997.

Stephen J. O'Connor, R.R. 3, Box 28B, Spring Valley, Fillmore County, effective February 23, 1993, for a term expiring on the first Monday in January, 1997.

Michas Ohnstad, 727 - 10th Ave., North Branch, Chisago County, effective February 23, 1993, for a term expiring on the first Monday in January, 1997.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Mondale, for Mrs. Adkins, moved that the reports from the Committee on Metropolitan and Local Government, reported March 9, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Mondale, for Mrs. Adkins, moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Mondale, for Mrs. Adkins, moved that in accordance with the reports from the Committee on Metropolitan and Local Government, reported March 9, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

METROPOLITAN COUNCIL

Roger Scherer, 12001 Bass Lake Rd., Plymouth, Hennepin County, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Bill Schreiber, 10001 Zane Ave. N., Brooklyn Park, Hennepin County, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Mary Smith, 515 N. Ferndale Rd., Wayzata, Hennepin County, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Julius Smith, 3200 Highpoint Dr., Chaska, Carver County, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Martha Head, 1616 W. 22nd St., Minneapolis, Hennepin County, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Carol A. Kummer, 4818 - 30th Ave. S., Minneapolis, Hennepin County, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

David Hartley, 14633 Bowers Dr., Ramsey, Anoka County, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Patrick Leung, 1598 - 23rd Ave. N.W., New Brighton, Ramsey County, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Esther Newcome, 2374 Joy Ave., White Bear Lake, Ramsey County, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

E. Craig Morris, 16412 - 7th St. LNS, Lakeland, Washington County, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Diane "Dede" Wolfson, 1117 Goodrich Ave., St. Paul, Ramsey County, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Stephen Wellington, Jr., 2257 Gordon Ave., St. Paul, Ramsey County, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Kevin Howe, 1763 Lansford Ln., Mendota Heights, Dakota County, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Terrence Flower, 13875 Mississippi Trl., Hastings, Dakota County, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

METROPOLITAN TRANSIT COMMISSION

Allyson Hartle, 1489 W. Minnehaha Ave., St. Paul, Ramsey County, effective August 1, 1992, for a term expiring August 1, 1995.

Todd Paulson, 3216 Poe Rd., Brooklyn Center, Hennepin County, effective August 12, 1991, for a term expiring on August 1, 1994.

Frank Snowden, 1404 E. Minnehaha Pky., Minneapolis, Hennepin County, effective August 17, 1993, for a term expiring August 1, 1996.

REGIONAL TRANSIT BOARD

Sharon Feess, 5301 Hamilton Ln., Brooklyn Park, Hennepin County, effective August 26, 1993, for a term ending the first Monday in January, 1995.

N. Harry Mares, 2592 Crown Hill Ct., White Bear Lake, Ramsey County, effective August 26, 1993, for a term ending the first Monday in January, 1995.

Gary Humphrey, 1063 Ramsdell Dr., Apple Valley, Dakota County, effective August 26, 1993, for a term ending the first Monday in January, 1995.

Michael Beard, 8434 Horizon Dr., Shakopee, Scott County, effective August 26, 1993, for a term ending the first Monday in January, 1997.

Ruby Hunt, 1148 Edgcumbe Rd., St. Paul, Ramsey County, effective August 26, 1993, for a term ending the first Monday in January, 1997.

Morgan Grant, 114 - 5th St. S.E., Minneapolis, Hennepin County, effective April 19, 1993, for a term expiring on the first Monday in January, 1997.

REGIONAL TRANSIT BOARD CHAIR

Sally Evert, 550 S. Grove, Stillwater, Washington County, effective December 22, 1993, for a term expiring on the first Monday in January, 1997.

Mr. Merriam requested that the names of Allyson Hartle, Frank Snowden and Todd Paulson, appointees to the Metropolitan Transit Commission, and the name of Roger Scherer, appointee to the Metropolitan Council, be divided out.

The question was taken on the confirmation of the remainder of the appointments. The motion prevailed. So the appointments were confirmed.

The question was taken on the adoption of the motion of Mr. Mondale to confirm the appointment of Todd Paulson.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the appointment of Todd Paulson was confirmed.

The question was taken on the adoption of the motion of Mr. Mondale to confirm the appointment of Frank Snowden.

The roll was called, and there were yeas 50 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Day	Krentz	Murphy	Riveness
Beckman	Dille	Kroening	Neuville	Robertson
Belanger	Flynn	Laidig	Novak	Runbeck
Benson, D.D.	Frederickson	Langseth	Oliver	Samuelson
Benson, J.E.	Hanson	Lesewski	Olson	Spear
Berglin	Hottinger	Lessard	Pappas	Stevens
Bertram	Johnson, D.E.	Luther	Pariseau	Stumpf
Betzold	Johnson, D.J.	Marty	Price	Terwilliger
Chandler	Johnston	Moe, R.D.	Ranum	Vickerman
Cohen	Knutson	Mondale	Reichgott Junge	Wiener

Those who voted in the negative were:

Berg	Johnson, J.B.	Larson	Morse	Piper
Finn	Kiscaden	Merriam		

The motion prevailed. So the appointment of Frank Snowden was confirmed.

The question was taken on the adoption of the motion of Mr. Mondale to confirm the appointment of Allyson Hartle.

The roll was called, and there were yeas 44 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Laidig	Novak	Robertson
Belanger	Frederickson	Langseth	Oliver	Runbeck
Benson, D.D.	Hottinger	Larson	Olson	Sams
Benson, J.E.	Johnson, D.E.	Lesewski	Pappas	Stevens
Bertram	Johnson, D.J.	Lessard	Pariseau	Stumpf
Betzold	Johnston	McGowan	Price	Terwilliger
Cohen	Kiscaden	Mondale	Ranum	Vickerman
Day	Knutson	Murphy	Reichgott Junge	Wiener
Dille	Kroening	Neuville	Riveness	

Those who voted in the negative were:

Beckman	Chandler	Krentz	Merriam	Samuelson
Berg	Finn	Luther	Morse	Spear
Berglin	Johnson, J.B.	Marty	Piper	

The motion prevailed. So the appointment of Allyson Hartle was confirmed.

The question was taken on the adoption of the motion of Mr. Mondale to confirm the appointment of Roger Scherer to the Metropolitan Council.

The roll was called, and there were yeas 36 and nays 21, as follows:

Those who voted in the affirmative were:

Belanger	Dille	Knutson	Mondale	Runbeck
Benson, D.D.	Frederickson	Kroening	Neuville	Stevens
Benson, J.E.	Hanson	Laidig	Oliver	Terwilliger
Berg	Hottinger	Langseth	Olson	Wiener
Bertram	Johnson, D.E.	Larson	Pappas	
Betzold	Johnson, D.J.	Lesewski	Price	
Chmielewski	Johnston	Lessard	Reichgott Junge	
Day	Kiscaden	McGowan	Robertson	

Those who voted in the negative were:

Anderson	Finn	Marty	Ranum	Vickerman
Beckman	Flynn	Merriam	Sams	
Berglin	Johnson, J.B.	Morse	Samuelson	
Chandler	Kelly	Novak	Spear	
Cohen	Luther	Piper	Stumpf	

The motion prevailed. So the appointment of Roger Scherer was confirmed.

CONFIRMATION

Mr. Mondale, for Mrs. Adkins, moved that the report from the Committee on Metropolitan and Local Government, reported March 9, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Mondale, for Mrs. Adkins, moved that the foregoing report be now adopted. The motion prevailed.

Mr. Mondale, for Mrs. Adkins, moved that in accordance with the report from the Committee on Metropolitan and Local Government, reported March 9, 1994, the Senate, having given its advice, do not now consent to and do not confirm the appointment of:

METROPOLITAN TRANSIT COMMISSION

Robert Mairs, 234B So. Exchange St., St. Paul, Ramsey County, effective August 12, 1991, for a term expiring on August 1, 1994.

The question was taken on the adoption of the motion.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the appointment was not confirmed.

CONFIRMATION

Mr. Novak moved that the reports from the Committee on Jobs, Energy and Community Development, reported April 22, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Novak moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Novak moved that in accordance with the reports from the Committee on Jobs, Energy and Community Development, reported April 22, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA HOUSING FINANCE AGENCY

Bruce Bakken, 4825 Babcock Trl., Inver Grove Heights, Dakota County, effective March 16, 1994, for a term expiring on the first Monday in January, 1995.

Michael Finch, 5713 Garfield Ave. S., Minneapolis, Hennepin County, effective February 2, 1994, for a term expiring on the first Monday in January, 1998.

Jo Van Hovel, Rt. 1, Box 113, Campbell, Wilkin County, effective May 18, 1993, for a term expiring on the first Monday in January, 1996.

MINNESOTA PUBLIC FACILITIES AUTHORITY

Duncan Baird, 2144 Charlton, Sunfish Lake, Dakota County, effective May 18, 1993, for a term expiring on the first Monday in January, 1997.

PUBLIC UTILITIES COMMISSION

R. Marshall Johnson, 25 Merritt Dr., Virginia, St. Louis County, effective August 9, 1993, for a term expiring on the first Monday in January, 1996.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Ms. Anderson, for Mr. Spear, moved that the report from the Committee on Crime Prevention, reported February 28, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Ms. Anderson, for Mr. Spear, moved that the foregoing report be now adopted. The motion prevailed.

Ms. Anderson, for Mr. Spear, moved that in accordance with the report from the Committee on Crime Prevention, reported February 28, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF CORRECTIONS
COMMISSIONER

Frank W. Wood, 2164 - 15th Ave. E., North St. Paul, Ramsey County, effective September 9, 1993, for a term expiring on the first Monday in January, 1995.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Lessard moved that the reports from the Committee on Environment and Natural Resources, reported February 28, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Lessard moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Lessard moved that in accordance with the reports from the Committee on Environment and Natural Resources, reported February 28, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF WATER AND SOIL RESOURCES
CHAIR

D. James Nielsen, 1815 Meadowwoods Trl., Long Lake, Hennepin County, effective June 28, 1991, for a term expiring on the first Monday in January, 1995.

ENVIRONMENTAL TRUST FUND CITIZENS' ADVISORY COMMITTEE

Arlan H. Anderson, Box 7, Argyle, Marshall County, effective May 26, 1992, for a term expiring on the first Monday in January, 1996.

Ty Bischoff, 21167 Elk Lake Rd., Elk River, Sherburne County, effective May 26, 1992, for a term expiring on the first Monday in January, 1996.

Nancy Gibson, 2712 Glenhurst Ave., St. Louis Park, Hennepin County, effective May 26, 1992, for a term expiring on the first Monday in January, 1996.

Jack LaVoy, 5023 Idlewild St., Duluth, St. Louis County, effective July 5, 1993, for a term expiring on the first Monday in January, 1997.

Jean Sanford, 626 Desnoyer Ave., St. Paul, Ramsey County, effective July 5, 1993, for a term expiring on the first Monday in January, 1997.

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Bruce Bomier, 3430 Rum River Dr., Anoka, Anoka County, effective January 3, 1994, for a term expiring on the first Monday in January, 1998.

Deanna Fairbanks, R.R. 2, Box 227, Cass Lake, Beltrami County, effective June 17, 1992, for a term expiring on the first Monday in January, 1996.

Paul Toren, 805 Park Ave., Mahtomedi, Washington County, effective April 19, 1993, for a term expiring on the first Monday in January, 1997.

MINNESOTA POLLUTION CONTROL AGENCY

Daniel D. Foley, M.D., 1581 Tamberwood Trl., Woodbury, Washington County, effective April 25, 1993, for a term expiring on the first Monday in January, 1997.

Edward A. Garvey, 33 Summit Ct., St. Paul, Ramsey County, effective June 30, 1991, for a term expiring on the first Monday in January, 1995.

Keith H. Langmo, 105 E. Depot St., Litchfield, Meeker County, effective March 24, 1992, for a term expiring on the first Monday in January, 1996.

OFFICE OF WASTE MANAGEMENT DIRECTOR

John R. Chell, 4780 Centerville Rd., White Bear Lake, Ramsey County, effective June 16, 1993, for a term expiring on the first Monday in January, 1995.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Lessard moved that the report from the Committee on Environment and Natural Resources, reported March 21, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Lessard moved that the foregoing report be now adopted. The motion prevailed.

Mr. Lessard moved that in accordance with the report from the Committee on Environment and Natural Resources, reported March 21, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA POLLUTION CONTROL AGENCY

William A. Urseth, 2028 Kenwood Pky., Minneapolis, Hennepin County,

effective February 25, 1992, for a term expiring on the first Monday in January, 1996.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Lessard moved that the report from the Committee on Environment and Natural Resources, reported April 8, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Lessard moved that the foregoing report be now adopted. The motion prevailed.

Mr. Lessard moved that in accordance with the report from the Committee on Environment and Natural Resources, reported April 8, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA POLLUTION CONTROL AGENCY

Russell B. Kirby, Jr., 13270 - 4th St. N., Stillwater, Washington County, effective June 30, 1991, for a term expiring on the first Monday in January, 1995.

The question was taken on the adoption of the motion of Mr. Lessard.

The roll was called, and there were yeas 31 and nays 28, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Kroening	Novak	Stumpf
Benson, D.D.	Hanson	Laidig	Oliver	Terwilliger
Benson, J.E.	Johnson, D.E.	Larson	Olson	Vickerman
Berg	Johnson, D.J.	Lesewski	Pariseau	
Chmielewski	Johnston	Lessard	Robertson	
Day	Kiscaden	McGowan	Runbeck	
Dille	Knutson	Neuville	Stevens	

Those who voted in the negative were:

Anderson	Cohen	Luther	Morse	Riveness
Beckman	Finn	Marty	Pappas	Sams
Berglin	Flynn	Merriam	Piper	Speier
Bertram	Hottinger	Metzen	Price	Wiener
Betzold	Johnson, J.B.	Moe, R.D.	Ranum	
Chandler	Kelly	Mondale	Reichgott Junge	

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Ms. Berglin moved that the report from the Committee on Health Care, reported April 11, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Ms. Berglin moved that the foregoing report be now adopted. The motion prevailed.

Ms. Berglin moved that in accordance with the report from the Committee on Health Care, reported April 11, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF HEALTH
COMMISSIONER

Mary Jo O'Brien, 251 Summit Ave., St. Paul, Ramsey County, effective August 31, 1993, for a term expiring on the first Monday in January, 1995.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Ranum moved that H.F. No. 2074 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

H.F. No. 2074: A bill for an act relating to crime prevention; juvenile justice; providing for adult court jurisdiction over juveniles alleged to have committed first degree murder or first degree criminal sexual conduct after age 16; providing for presumptive certification to adult court for juveniles alleged to have committed other prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 23; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home delinquency placement is proposed; providing for adult court jurisdiction over juveniles alleged to have committed nonfelony-level traffic offenses after age 16; authorizing the juvenile court to require parents to attend delinquency hearings; providing for the sharing of certain data collected or maintained on juveniles; requiring county attorneys to establish juvenile diversion programs; providing mandatory minimum sentences for drive-by shooting crimes; expanding the crime relating to the possession of dangerous weapons on school property; increasing penalties for certain firearms offenses involving youth; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 13.99, subdivision 79; 242.31, subdivision 1; 242.32; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.121, subdivision 3; 260.125; 260.131, by adding a subdivision; 260.132; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a, 2, and by adding a subdivision; 260.181, subdivision 4; 260.185, subdivision 3; 260.193, subdivisions 1, 3, 4, 6, and by adding a subdivision; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 268.31; 609.055, subdivision 2; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 144.651, subdivisions 2, 21, and 26; 253B.03, subdivisions 3 and 4; 260.155, subdivision 1; 260.161, subdivisions 1 and 3; 299A.35, subdivisions 1 and 2; 299C.65, subdivision 1; 401.065, subdivision 1, and by adding a subdivision; 609.11, subdivision 9; 609.66, subdivision 1d; 624.713, subdivision 1; 624.7132, subdivision 15; and 624.7181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 260; 299A; 388; and 609; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

H.F. No. 2074 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

RECONSIDERATION

Mr. Berg moved that the vote whereby H.F. No. 392 was passed by the Senate on April 28, 1994, be now reconsidered.

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

CALL OF THE SENATE

Ms. Wiener imposed a call of the Senate for the balance of the proceedings on H.F. No. 392. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion of Mr. Berg.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Mondale	Pariseau	Stevens
Berg	Flynn	Morse	Robertson	Stumpf
Berglin	Krentz	Neuville	Runbeck	Wiener
Chmielewski	Larson	Oliver	Samuelson	
Cohen	Lessard	Olson	Solo	
Day	Merriam	Pappas	Spear	

Those who voted in the negative were:

Beckman	Frederickson	Kiscaden	McGowan	Reichgott Junge
Belanger	Hanson	Knutson	Metzen	Riveness
Benson, D.D.	Hottinger	Kroening	Moe, R.D.	Sams
Benson, J.E.	Johnson, D.E.	Laidig	Murphy	Terwilliger
Bertram	Johnson, D.J.	Langseth	Novak	Vickerman
Betzold	Johnson, J.B.	Lesewski	Piper	
Chandler	Johnston	Luther	Price	
Finn	Kelly	Marty	Ranum	

The motion did not prevail. So the vote was not reconsidered.

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 the passage by the House of the following Senate File, herewith returned: S.F. No. 309.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 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. 1948: A bill for an act relating to agriculture; providing for family farm limited liability companies and authorized farm limited liability companies; removing limitation on number of shareholders or partners for authorized farm corporations and partnerships; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

Senate File No. 1948 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 1994

Mr. Berg moved that the Senate do not concur in the amendments by the House to S.F. No. 1948, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

MOTIONS AND RESOLUTIONS – CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2493 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2493: A bill for an act relating to agriculture; changing the law on nuisance liability of agricultural operations; amending Minnesota Statutes 1992, section 561.19, subdivisions 1 and 2.

Mr. Benson, D.D. moved to amend H.F. No. 2493, as amended pursuant to Rule 49, adopted by the Senate April 11, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2247.)

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1992, section 18B.07, subdivision 3, is amended to read:

Subd. 3. [POSTING.] (a) If the pesticide labels prescribe specific hourly or daily intervals for human reentry following application, the person applying the pesticide must post sites, buildings, or areas where the pesticide has been applied. The posting must be done with placards in accordance with label requirements and rules adopted under this section.

(b) Sites being treated with pesticides through irrigation systems must be posted throughout the period of pesticide treatment. The posting must be done in accordance with labeling and rules adopted under this chapter.

(c) *If federal worker protection standards are not applicable, soil applied insecticides are exempt from posting requirements.*"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend H.F. No. 2493, as amended pursuant to Rule 49, adopted by the Senate April 11, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2247.)

Page 1, after line 6, insert:

"Section 1. [17.136] [ANIMAL FEEDLOTS; POLLUTION CONTROL; FEEDLOT AND MANURE MANAGEMENT ADVISORY COMMITTEE.]

(a) *The commissioner of agriculture and the commissioner of the pollution control agency shall establish a feedlot and manure management advisory committee to identify needs, goals, and suggest policies for research, monitoring, and regulatory activities regarding feedlot and manure management. In establishing the committee, the commissioner shall give first consideration to members of the existing feedlot advisory group.*

(b) *The committee must include representation from beef, dairy, pork, chicken, and turkey producer organizations. The committee shall not exceed 18 members, but must include representatives from at least three environmental organizations, eight livestock producers, and four experts in soil and water science, nutrient management, and animal husbandry, one member from an organization representing local units of government, one member from the senate, and one member from the house of representatives. In addition, the department of agriculture, the pollution control agency, board of water and soil resources, soil and water conservation districts, the federal Soil Conservation Service, the association of Minnesota counties, and the Agricultural Stabilization and Conservation Service shall serve on the committee as ex-officio nonvoting members.*

(c) *The advisory committee shall elect a chair from its members. The department and the agency shall provide staff support to the committee.*

(d) *The commissioner of agriculture and the commissioner of the pollution control agency shall consult with the advisory committee during the develop-*

ment of any policies, rules, or funding proposals or recommendations relating to feedlots or feedlot-related manure management.

(e) The commissioner of agriculture shall consult with the advisory committee on establishing a list of manure management research needs and priorities.

(f) The advisory committee shall advise the commissioners on other appropriate matters.

(g) Nongovernment members of the advisory committee shall receive expenses, in accordance with section 15.059, subdivision 6. The advisory committee expires on June 30, 1997.

Sec. 2. [17.138] [MANURE MANAGEMENT RESEARCH AND MONITORING PRIORITIES; COORDINATION OF RESEARCH.]

Subdivision 1. [PRIORITIES.] (a) The commissioner, in consultation with the commissioner of the pollution control agency and the feedlot and manure management advisory committee, shall develop and maintain a list of manure management research and monitoring needs and priorities.

(b) The commissioner shall solicit the needs and ideas of livestock producers and consult with producers in developing the list.

(c) The commissioner shall also consult with agricultural and environmental researchers, state and federal agencies, and other appropriate organizations to identify current efforts as well as to assist in the development of research and monitoring needs and priorities.

Subd. 2. [COORDINATION OF RESEARCH.] The commissioner shall coordinate manure management research and monitoring and make recommendations on manure management research and monitoring funding priorities to the legislature and other funding bodies.

Sec. 3. [17.139] [MEMORANDUM OF AGREEMENT AMONG STATE AGENCIES ON INSPECTIONS OF AGRICULTURAL OPERATIONS.]

The commissioner shall develop memorandums of agreement among all state and federal agencies that have authority to inspect property in agricultural use, as defined in section 17.81, subdivision 4, to ensure that reasonable and effective protocols are followed when inspecting sites in agricultural use. The memorandum shall specify procedures that address, but are not limited to, the following:

(1) when appropriate, advance notice to the agricultural use landowner or operator;

(2) procedures for notification of the inspection results or conclusions to the owner or operator; and

(3) special procedures as might be necessary, such as to prevent the introduction of diseases.

Sec. 4. Minnesota Statutes 1992, section 41B.02, is amended by adding a subdivision to read:

Subd. 10a. [LIVESTOCK EXPANSION.] "Livestock expansion" means improvements to a livestock operation, including the purchase and construction or installation of improvements to land, buildings, and other permanent

structures, including equipment incorporated in or permanently affixed to the land, buildings, or structures, which are useful for and intended to be used for the purpose of raising livestock.

Sec. 5. Minnesota Statutes 1993 Supplement, section 41B.03, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY FOR BEGINNING FARMER LOANS.] (a) In addition to the requirements under subdivision 1, a prospective borrower for a beginning farm loan in which the authority holds an interest, must:

(1) have sufficient education, training, or experience in the type of farming for which the loan is desired;

(2) have a total net worth, including assets and liabilities of the borrower's spouse and dependents, of less than \$200,000 in 1991 and an amount in subsequent years which is adjusted for inflation by multiplying \$200,000 by the cumulative inflation rate as determined by the United States All-Items Consumer Price Index;

(3) demonstrate a need for the loan;

(4) demonstrate an ability to repay the loan;

(5) certify that the agricultural land to be purchased will be used by the borrower for agricultural purposes;

(6) certify that farming will be the principal occupation of the borrower;

(7) agree to participate in a farm management program approved by the commissioner of agriculture for at least the first five years of the loan, if an approved program is available within 45 miles from the borrower's residence. The commissioner may waive this requirement for any of the programs administered by the authority if the participant requests a waiver and has either a four-year degree in an agricultural program or certification as an adult farm management instructor; and

(8) agree to file an approved soil and water conservation plan with the soil conservation service office in the county where the land is located.

(b) If a borrower fails to participate under paragraph (a), clause (7), the borrower is subject to penalty as determined by the authority.

Sec. 6. [41B.045] [LIVESTOCK EXPANSION LOAN PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] *The authority may establish, adopt rules for, and implement a loan program to finance livestock expansions in the state.*

Subd. 2. [LOAN PARTICIPATION.] *The authority may participate in a livestock expansion loan with an eligible lender to a livestock farmer who meets the requirements of section 41B.03, subdivision 1, clauses (1) and (2), and who are actively engaged in a livestock operation. Participation is limited to 45 percent of the principal amount of the loan or \$200,000, whichever is less. The interest rates and repayment terms of the authority's participation interest may be different from the interest rates and repayment terms of the lender's retained portion of the loan.*

Subd. 3. [SPECIFICATIONS.] *No loan may be made to refinance an*

existing debt. Each loan participation must be secured by a mortgage on real property and such other security as the authority may require.

Subd. 4. [APPLICATION AND ORIGATION FEE.] *The authority may impose a reasonable nonrefundable application fee for each application for a loan participation and an origination fee for each loan issued under the livestock expansion loan program. The origination fee initially shall be set at 1.5 percent and the application fee at \$50. The authority may review the fees annually and make adjustments as necessary. The fees must be deposited in the state treasury and credited to an account in the special revenue fund. Money in this account is appropriated to the commissioner for administrative expenses of the livestock expansion loan program.*

Subd. 5. [INTEREST RATE.] *The interest rate per annum on the livestock expansion loan participation must be at the rate of interest determined by the authority to be necessary to provide for the timely payment of principal and interest when due on bonds or other obligations of the authority issued under this chapter, to provide financing for loan participations made under the livestock expansion loan program, and to provide for reasonable and necessary costs of issuing, carrying, administering, and securing the bonds or notes and to pay the costs incurred and to be incurred by the authority in the implementation of the livestock expansion loan program.*

Sec. 7. Minnesota Statutes 1992, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

~~(a)~~ (1) the distribution to applicants of forms provided by the pollution control agency;

~~(b)~~ (2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards; or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

~~(c)~~ (3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board:

~~(d)~~ issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board is final, subject to appeal as provided in chapter 14.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the Soil Conservation Service and the Agricultural Stabilization and Conservation Service, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county."

Page 3, after line 2, insert:

"Sec. 10. [1994 and 1995 DEMONSTRATION PROGRAM; RESTRICTIONS.]

(a) During the years 1994 and 1995, loan participations under Minnesota Statutes, section 41B.045, must comply with the restrictions in this section.

(b) To the extent that herd health will not be jeopardized, farms receiving assistance from the authority must be available for tours within the first two years after completion of the expansion.

(c) All livestock expansion loans must be for expansions that include some of the most up-to-date, efficient systems available. Projects must be approved by a University of Minnesota extension livestock specialist prior to approval by the authority.

Sec. 11. [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."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

SUSPENSION OF RULES

Mr. Merriam moved that Senate Rule 35 be suspended as to the Dille amendment. The motion prevailed.

The question was taken on the adoption of the amendment.

The motion prevailed. So the amendment was adopted.

H.F. No. 2493 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2625 and that the rules of the Senate be so far suspended as to give H.F. No. 2625, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

H.F. No. 2625: A bill for an act relating to the metropolitan waste control commission; reducing the salary range of the chair; providing for a part-time chair; applying the uniform municipal contracting law to the metropolitan waste control commission; amending Minnesota Statutes 1992, sections 15A.081, subdivision 7; 473.503; and 473.523, subdivisions 1 and 2.

Ms. Flynn moved to amend H.F. No. 2625, as amended pursuant to Rule 49, adopted by the Senate April 29, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2256.)

Delete everything after the enacting clause and insert:

“ARTICLE 1

METROPOLITAN COUNCIL ORGANIZATION

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

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

Salary Range

Effective

July 1, 1987

\$57,500-\$78,500

Commissioner of finance;
Commissioner of education;
Commissioner of transportation;
Commissioner of human services;
Commissioner of revenue;
Commissioner of public safety;
Executive director, state board of investment;

\$50,000-\$67,500

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

Executive director, state retirement system;

~~Chair, metropolitan council;~~

Chair, regional transit board;

\$42,500-\$60,000

Commissioner of human rights;

Commissioner, department of public service;

Commissioner of veterans affairs;

Commissioner, bureau of mediation services;

Commissioner, public utilities commission;

Member, transportation regulation board;

Ombudsman for corrections;

Ombudsman for mental health and retardation.

Sec. 2. Minnesota Statutes 1992, section 15A.082, subdivision 3, is amended to read:

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

(b) *The council shall also submit to the speaker of the house of representatives and the president of the senate recommendations for the salaries of members of the metropolitan council. The recommended salary takes effect July 1 of that year, with no more than one adjustment, to take effect on July 1 of the year after that, unless modified or rejected by law before its effective date.*

Sec. 3. Minnesota Statutes 1993 Supplement, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. [COVERAGE.] (a) Employees enumerated in paragraph (b), if they are in the unclassified service of the state or metropolitan council and are eligible for coverage under the general state employees retirement plan under chapter 352, are participants in the unclassified program under this chapter unless the employee gives notice to the executive director of the Minnesota state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the general state employees retirement plan. For the purposes

of this chapter, an employee who does not file notice with the executive director is deemed to have exercised the option to participate in the unclassified plan.

(b) Enumerated employees are:

(1) an employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, or an employee of the state board of investment;

(2) the head of a department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or an employee enumerated in section 15A.081, subdivision 1 or 15A.083, subdivision 4;

(3) a permanent, full-time unclassified employee of the legislature or a commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system;

(4) a person other than an employee of the state board of technical colleges who is employed in a position established under section 43A.08, subdivision 1, clause (3), or subdivision 1a, or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level;

(5) the chair, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission; the chair, executive director, and not to exceed three positions at the division director or assistant to the chair level of the regional transit board; a chief administrator who is an employee of the metropolitan transit commission; and the chair, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations may be made without approval of the board of directors of the Minnesota state retirement system;

(6) the executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board before January 1, 1992, or subsequently redesignated with the approval of the board of directors of the Minnesota state retirement system, unless the person has elected coverage by the individual retirement account plan under chapter 354B;

(7) the clerk of the appellate courts appointed under article VI, section 2, of the Constitution of the state of Minnesota;

(8) the chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of human services;

(9) an employee whose principal employment is at the state ceremonial house;

(10) an employee of the Minnesota educational computing corporation;

- (11) an employee of the world trade center board;
- (12) an employee of the state lottery board who is covered by the managerial plan established under section 43A.18, subdivision 3;
- (13) an employee of the state board of technical colleges employed in a position established under section 43A.08, subdivision 1, clause (3), or 1a, unless the person has elected coverage by the individual retirement account plan under chapter 354B; and
- (14) an employee of the higher education board in a position established under section 136E.04, subdivision 2, unless the person has elected coverage by the individual retirement account plan under chapter 354B.

Sec. 4. Minnesota Statutes 1992, section 473.123, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] A metropolitan council with jurisdiction in the metropolitan area is ~~created~~ *established as a public corporation and political subdivision of the state*. It shall be under the supervision and control of ~~47~~ 16 members, all of whom shall be residents of the metropolitan area.

Sec. 5. Minnesota Statutes 1992, section 473.123, subdivision 2a, is amended to read:

Subd. 2a. [TERMS.] Following each apportionment of council districts, as provided under subdivision 3a, council members must be appointed from newly drawn districts as provided in subdivision 3a. *Each council member must reside in the council district represented. Each council district must be represented by one member of the council.* The terms of members are as follows: ~~members representing even-numbered districts for terms ending the first Monday in January of the year ending in the numeral "7"; members representing odd-numbered districts for terms ending the first Monday in January of the year ending in the numeral "5."~~ Thereafter the term of each member is four years, with terms ending the first Monday in January ~~end with the term of the governor~~, except that all terms expire on the effective date of the next apportionment. *A member serves at the pleasure of the governor.* A member shall continue to serve the member's district until a successor is appointed and qualified; except that, following each apportionment, the member shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under subdivision 3a; to serve terms as provided under this section. The appointment to the council must be made by the first Monday in March of the year in which the term ends.

Sec. 6. Minnesota Statutes 1992, section 473.123, subdivision 4, is amended to read:

Subd. 4. [CHAIR, APPOINTMENT, OFFICERS, SELECTION; DUTIES AND COMPENSATION.] (a) The chair of the metropolitan council shall be appointed by the governor as the 17th voting member thereof by and with the advice and consent of the senate to serve at the pleasure of the governor. Senate confirmation shall be as provided by section 45.066. *The chair shall be a person experienced in the field of municipal and urban affairs with administrative training and executive ability elected by and from among the members of the council at the first meeting of the council after the first Monday of January each year and serves for a term of one year.* (b) The chair of the metropolitan council shall preside at the meetings of the metropolitan

council and shall act as principal executive officer, if present, and shall perform all other duties assigned by the council or by law. The chair shall organize the work of the metropolitan council; appoint all officers and employees thereof, subject to the approval of the metropolitan council, and be responsible for carrying out all policy decisions of the metropolitan council. The chair's salary shall be as provided in section 15A.081. The chair shall be eligible for expenses in the same manner and amount as state employees.

(b) The metropolitan council shall elect such officers; in addition to the chair, as it deems necessary for the conduct of its affairs. The additional officers are elected for the same one-year term as the chair. A secretary and treasurer need not be members of the metropolitan council. Meeting times and places shall be fixed by the metropolitan council and special meetings may be called by a majority of the members of the metropolitan council or by the chair. Each metropolitan council member shall be paid a salary as set by the compensation council under section 15A.082 and shall be reimbursed for actual and necessary expenses. The annual budget of the council shall provide as a separate account anticipated expenditures for compensation, travel, and associated expenses for members, and compensation or reimbursement shall be made to the members only when budgeted.

(c) In the performance of its duties the metropolitan council may adopt policies and procedures governing its operation, establish committees, and, when specifically authorized by law, make appointments to other governmental agencies and districts.

Sec. 7. [TRANSITIONAL SALARIES OF MEMBERS.]

The members of the metropolitan council appointed to serve terms beginning the first Monday in January 1995 shall receive salaries of \$35,000 per year until otherwise set by the compensation council as provided in Minnesota Statutes, section 15A.082.

Sec. 8. [METROPOLITAN COUNCIL EXECUTIVE DIRECTOR.]

The executive director of the metropolitan council, appointed as provided in Minnesota Statutes 1992, section 473.123, subdivision 6, shall serve as the regional administrator at the pleasure of the council.

Sec. 9. [REPEALER.]

Minnesota Statutes 1992, section 473.123, subdivisions 3, 5, and 6, are repealed.

Sec. 10. [APPLICATION.]

This article applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 11. [EFFECTIVE DATES.]

This article is effective the first Monday in January 1995.

ARTICLE 2

REGIONAL ADMINISTRATOR; TRANSITIONAL ORGANIZATION

Section 1. [473.125] [REGIONAL ADMINISTRATOR.]

The metropolitan council shall appoint a regional administrator to serve at the council's pleasure as the principal executive officer for the metropolitan council. Except as otherwise expressly provided in this chapter, the regional administrator shall organize the work of the council staff, appoint all employees, and discipline and discharge them in accordance with the council's personnel policy. The regional administrator must see that all policy decisions of the council are carried out. The regional administrator may be chosen from among the citizens of the nation at large, and shall be selected on the basis of training and experience in public administration.

Sec. 2. [TRANSITIONAL ORGANIZATION.]

Subdivision 1. [PERIOD OF EFFECT.] Except as otherwise expressly provided in this section, this section is effective June 1, 1994, and expires the first Monday in January 1996.

Subd. 2. [DIVISIONS.] The metropolitan council has four divisions:

- (1) transportation;
- (2) environmental;
- (3) community development; and
- (4) administration.

Subd. 3. [REGIONAL ADMINISTRATOR AND MANAGEMENT TEAM.] (a) The regional administrator must recommend for council approval persons to serve in the positions enumerated in this paragraph:

- (1) the director of the transportation division;
- (2) the director of the environmental division;
- (3) the director of the community development division;
- (4) the director of the administration division;
- (5) the manager of transit operations;
- (6) the manager of wastewater services; and
- (7) general counsel.

(b) Persons appointed to the positions enumerated in paragraph (a) serve at the pleasure of the council.

(c) The regional administrator is the head of the metropolitan council's senior management team made up of the regional administrator and at least the persons serving in the positions enumerated in paragraph (a).

(d) The management team shall advise the regional administrator on the overall operation of the metropolitan council.

(e) This subdivision is effective the first Monday in January 1995.

Subd. 4. [COUNCIL COMMITTEES.] The council must have a transportation division committee, an environmental division committee, a community development committee, and other committees it considers appropriate. Each division committee must meet regularly to oversee the operations of its respective division and recommend policy to the full council with respect to its division.

Subd. 5. [INTERAGENCY MONEY TRANSFERS.] Except to reimburse the council for costs incurred by the council in the discharge of its responsibilities relating to the office of wastewater services or the office of transit operations, no money may be transferred from a fund or account of a metropolitan agency abolished by section 3 or its successor fund or account, to a fund or account of another agency abolished by section 3, or its successor fund or account, or to a fund or account of the metropolitan council during the period this section is effective without ten days' written notice of the proposed action to each council member and approval of three-fourths of the full membership of the council.

Sec. 3. [ABOLISHED AGENCIES, SUCCESSORS, PERSONNEL.]

Subdivision 1. [REGIONAL TRANSIT BOARD.] The terms of the regional transit board members and chair expire on the effective date of this section. Permanent or regular staff employed as of March 1, 1994, by the regional transit board may not be terminated by discharge, except for cause, or by layoff before the first Monday in January 1995. The regional transit board described in Minnesota Statutes 1992, section 473.373, is abolished. Its duties and responsibilities are transferred to the metropolitan council. Its activities are assumed by the transportation division of the metropolitan council. Policy with respect to those activities must be recommended by the transportation division committee of the metropolitan council to the full council. The metropolitan council is the successor entity to the regional transit board with respect to all of the board's property, interests, and obligations.

Subd. 2. [METROPOLITAN TRANSIT COMMISSION.] The terms of the metropolitan transit commission members expire on the effective date of this section. Permanent or regular staff employed as of March 1, 1994, by the metropolitan transit commission may not be terminated by discharge, except for cause, or by layoff before the first Monday in January 1996. The metropolitan transit commission described in Minnesota Statutes 1992, section 473.404, is abolished. Its duties and responsibilities are transferred to the metropolitan council. Its activities are assumed by the transportation division of the metropolitan council. Policy with respect to those activities must be recommended by the transportation division committee of the metropolitan council to the full council. The metropolitan council is the successor entity to the metropolitan transit commission with respect to all of the commission's property, interests, and obligations. All of the operations managed by the commission are transferred to the office of transit operations of the transportation division of the metropolitan council.

Subd. 3. [METROPOLITAN WASTE CONTROL COMMISSION.] The terms of the metropolitan waste control commission members and chair expire on the effective date of this section. Permanent or regular staff employed as of March 1, 1994, by the metropolitan waste control commission may not be terminated by discharge, except for cause, or by layoff before the first Monday in January 1996. The metropolitan waste control commission described in Minnesota Statutes 1992, section 473.503, is abolished. Its duties and responsibilities are transferred to the metropolitan council. Its activities are assumed by the environmental division of the metropolitan council. Policy with respect to those activities must be recommended by the environmental division committee of the metropolitan council to the full council. The metropolitan council is the successor entity to the metropolitan waste control commission with respect to all the commission's property, interests, obligations, and rules. All of the operations managed by the commission are

transferred to the office of wastewater services of the environmental division of the metropolitan council.

Subd. 4. [UNION RIGHTS PRESERVED.] This act does not abrogate or change any rights enjoyed by employees of agencies abolished by this section under the terms of a collective bargaining agreement that is authorized by Minnesota Statutes, section 179A.20 and that is in effect on March 1, 1994.

Sec. 4. [APPLICATION.]

This article applies in the counties of Anoka, Carver, Dakota, Ramsey, Scott, and Washington.

Sec. 5. [EFFECTIVE DATES.]

Section 1 is effective the first Monday in January 1995. Section 2 is effective as provided in section 2. Section 3 is effective June 1, 1994.

ARTICLE 3

CLARIFYING AND CONFORMING CHANGES

Section 1. Minnesota Statutes 1992, section 6.76, is amended to read:

6.76 [LOCAL GOVERNMENTAL EXPENDITURES FOR LOBBYISTS.]

On or before January 31, 1990, and each year thereafter, all counties, cities, school districts, metropolitan agencies, regional railroad authorities, and the ~~regional transit board~~ *metropolitan council* shall report to the state auditor, on forms prescribed by the auditor, their estimated expenditures paid for the previous calendar year to a lobbyist as defined in section 10A.01, subdivision 11, and to any staff person not registered as a lobbyist, over 25 percent of whose time is spent during the legislative session on legislative matters.

Sec. 2. Minnesota Statutes 1993 Supplement, section 10A.01, subdivision 18, is amended to read:

Subd. 18. "Public official" means any:

- (a) member of the legislature;
- (b) constitutional officer in the executive branch and the officer's chief administrative deputy;
- (c) member, chief administrative officer or deputy chief administrative officer of a state board or commission which has at least one of the following powers: (i) the power to adopt, amend or repeal rules, or (ii) the power to adjudicate contested cases or appeals;
- (d) commissioner, deputy commissioner, or assistant commissioner of any state department as designated pursuant to section 15.01;
- (e) individual employed in the executive branch who is authorized to adopt, amend or repeal rules or adjudicate contested cases;
- (f) executive director of the state board of investment;
- (g) executive director of the Indian affairs intertribal board;
- (h) commissioner of the iron range resources and rehabilitation board;
- (i) commissioner of mediation services;

(j) deputy of any official listed in clauses (e) to (i);

(k) judge of the workers' compensation court of appeals;

(l) administrative law judge or compensation judge in the state office of administrative hearings or referee in the department of jobs and training;

(m) solicitor general or deputy, assistant or special assistant attorney general;

(n) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the office of senate counsel and research or house research;

(o) ~~member or chief administrative officer, regional administrator, division director, general counsel, or operations manager of the metropolitan council, regional transit board, metropolitan transit commission, metropolitan waste control commission, metropolitan parks and open spaces commission, metropolitan airports commission or metropolitan sports facilities commission;~~

(p) the director of the racing commission, the director of the gambling control board, the director of the state lottery, and the deputy director of the state lottery;

(q) director of the division of gambling enforcement in the department of public safety;

(r) member or executive director of the higher education facilities authority;
or

(s) member of the board of directors or president of the Minnesota world trade center corporation; or

(t) *member or chief administrator of a metropolitan agency.*

Sec. 3. Minnesota Statutes 1992, section 15.0597, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them.

(a) "Agency" means (1) a state board, commission, council, committee, authority, task force, including an advisory task force created under section 15.014 or 15.0593, or other similar multimember agency created by statute and having statewide jurisdiction; and (2) the metropolitan council, ~~regional transit board, metropolitan airports commission, metropolitan parks and open space commission, metropolitan sports facilities commission, metropolitan waste control commission~~ *metropolitan agency*, capitol area architectural and planning board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(b) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position; provided that "vacancy" shall not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, or (2) a vacancy to be filled by a person required to have a specific title or position.

(c) "Secretary" means the secretary of state.

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

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

Salary Range

Effective

July 1, 1987

\$57,500-\$78,500

Commissioner of finance;
Commissioner of education;
Commissioner of transportation;
Commissioner of human services;
Commissioner of revenue;
Commissioner of public safety;
Executive director, state board of investment;

\$50,000-\$67,500

Commissioner of administration;
Commissioner of agriculture;
Commissioner of commerce;
Commissioner of corrections;
Commissioner of jobs and training;
Commissioner of employee relations;
Commissioner of health;
Commissioner of labor and industry;
Commissioner of natural resources;
Commissioner of trade and economic development;
Chief administrative law judge; office of administrative hearings;
Commissioner, pollution control agency;
Director, office of waste management;
Commissioner, housing finance agency;
Executive director, public-employees retirement association;

Executive director, teacher's retirement association;

Executive director, state retirement system;

Chair, metropolitan council;

Chair, regional transit board;

\$42,500-\$60,000

Commissioner of human rights;

Commissioner, department of public service;

Commissioner of veterans affairs;

Commissioner, bureau of mediation services;

Commissioner, public utilities commission;

Member, transportation regulation board;

Ombudsman for corrections;

Ombudsman for mental health and retardation.

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

Subd. 7. [METROPOLITAN OFFICERS.] The governor shall set the salary rate within the range set forth below for the following positions, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

Effective
July 1, 1987

Chair, metropolitan airports
commission

\$15,000-\$25,000

Chair, metropolitan waste control
commission

\$25,000-\$67,500

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

Sec. 6. Minnesota Statutes 1992, section 16B.58, subdivision 7, is amended to read:

Subd. 7. [SURCHARGE FOR VEHICLES OCCUPIED BY ONE PERSON.] The commissioner shall impose a surcharge of 25 percent for vehicles occupied by only one person parking in a state parking facility in the capitol area, as described by section 15.50, subdivision 2. The revenue from this additional charge shall be placed by the commissioner in a special account. For the benefit of employees employed in the capitol area, the money in the account is appropriated to the commissioner and shall be used by the commissioner in the following order of priority: (1) to acquire or lease commuter vans pursuant to section 16B.56; (2) within limits and upon conditions the commissioner determines to be necessary, to reimburse state agencies for all costs resulting from agreements with the metropolitan transit commission, or its successor, or other operators pursuant to section 473.409,

including costs related to employees employed outside the capitol area; and (3) to be used for maintaining and improving parking lots or facilities owned or operated by the state. The commissioner may adopt rules necessary to administer the provisions of this subdivision, subdivision 5, and section 473.409. The rules may exempt from the surcharge vehicles operated by persons whom the commissioner determines have job requirements that make car pooling impractical.

Sec. 7. Minnesota Statutes 1993 Supplement, section 115.54, is amended to read:

115.54 [TECHNICAL ADVISORY COMMITTEE.]

The agency shall adopt and revise rules governing waste water treatment control under this chapter or chapter 116 only with the advice of a technical advisory committee of seven members. One member of the committee shall be selected by each of the following: the state Consulting Engineers Council, the Minnesota chapter of the Central States Water Pollution Control Federation, the Association of Minnesota Counties, the state Wastewater Treatment Plant Operators Association, the metropolitan ~~waste control commission created by section 473.503~~ council, the state Association of Small Cities, and the League of Minnesota Cities. The technical advisory committee may review and advise the agency on any rule or technical requirements governing the wastewater treatment grant or loan program and may review the work of other professional persons working on a wastewater treatment project and make recommendations to those persons, the agency, and the concerned municipality, in order for the agency to ensure that water quality treatment standards will be met. The committee shall meet at least once a year, or at the call of the chair, and shall elect its chair. The agency must provide staff support for the committee, prepare committee minutes, and provide information to the committee it may request. A quorum is a simple majority and official action must be by a majority vote of the quorum. The committee expires as provided in section 15.059, subdivision 5.

Sec. 8. Minnesota Statutes 1992, section 116.16, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] In this section and sections 116.17 and 116.18:

(1) Agency means the Minnesota pollution control agency created by this chapter;

(2) Municipality means any county, city, and town, the ~~metropolitan waste control commission established in chapter 473 and the metropolitan council when acting under the provisions of that chapter~~, or an Indian tribe or an authorized Indian tribal organization, and any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state;

(3) Water pollution control program means the Minnesota state water pollution control program created by subdivision 1;

(4) Bond account means the Minnesota state water pollution control bond account created in the state bond fund by section 116.17, subdivision 4;

(5) Terms defined in section 115.01 have the meanings therein given them;

(6) The eligible cost of any municipal project, except as otherwise provided in clause (7), includes (a) preliminary planning to determine the economic,

engineering, and environmental feasibility of the project; (b) engineering, architectural, legal, fiscal, economic, sociological, project administrative costs of the agency and the municipality, and other investigations and studies; (c) surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the planning, design, and construction of the project; (d) erection, building, acquisition, alteration, remodeling, improvement, and extension of disposal systems; (e) inspection and supervision of construction; and (f) all other expenses of the kinds enumerated in section 475.65;

(7) For state grants under the state independent grants program, the eligible cost includes the acquisition of land for stabilization ponds, the construction of collector sewers for totally unsewered statutory and home rule charter cities and towns described under section 368.01, subdivision 1 or 1a, that are in existence on January 1, 1985, and the provision of reserve capacity sufficient to serve the reasonable needs of the municipality for 20 years in the case of treatment works and 40 years in the case of sewer systems. For state grants under the state independent grants program, the eligible cost does not include the provision of service to seasonal homes, or cost increases from contingencies that exceed three percent of as-bid costs or cost increases from unanticipated site conditions that exceed an additional two percent of as-bid costs;

(8) Authority means the Minnesota public facilities authority established in section 446A.03.

Sec. 9. Minnesota Statutes 1992, section 116.182, subdivision 1, is amended to read:

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

(b) "Agency" means the pollution control agency.

(c) "Authority" means the public facilities authority established in section 446A.03.

(d) "Commissioner" means the commissioner of the pollution control agency.

(e) "Essential project components" means those components of a wastewater disposal system that are necessary to convey or treat a municipality's existing wastewater flows and loadings, and future wastewater flows and loadings based on the projected residential growth of the municipality for a 20-year period.

(f) "Municipality" means a county, home rule charter or statutory city, or town; the metropolitan waste control commission established in chapter 473; the metropolitan council when acting under the provisions of chapter 473; an Indian tribe or an authorized Indian tribal organization; or any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state.

Sec. 10. Minnesota Statutes 1992, section 161.173, is amended to read:

161.173 [SUBMISSION OF CORRIDOR PROPOSAL.]

The commissioner shall submit to the governing body of each municipality wherein a trunk highway is proposed to be constructed or improved, and to the

governing body of each municipality adjacent to any such municipality, a report containing: a statement of the need for this proposed construction or improvement, a description of alternate routes which were considered by the commissioner and an explanation of the advantages and disadvantages in the selection of any route considered. The report shall also contain for each alternate, the following information: general alignment and profile, approximate points of access, highway classification, an approximate cost estimate, relation to existing and planned regional and local development and to other transportation routes and facilities, and a statement of the expected general effect on present and future use of the property within the corridor. Where a state trunk highway is proposed to be constructed or improved within the metropolitan area, a copy of the report shall also be submitted to the metropolitan council and the regional transit board established by chapter 473. In all areas of the state a copy of the report shall be sent to established regional, county and municipal planning commissions in the area affected by the highway project. Not less than 45 nor more than 90 days, or as otherwise mutually agreed, after the report has been submitted, the commissioner shall hold a public hearing on the proposed highway construction or improvement at such time and place within any municipality wherein a portion of the proposed construction or improvement is located, as the commissioner shall determine. Not less than 30 days before the hearing the commissioner shall mail notice thereof to the governing body of each municipality or agency entitled to receive a copy of the report, and shall cause notice of the hearing to be published at least once each week for two successive weeks in a newspaper or newspapers having general circulation in such municipalities, the second publication to be not less than five days before the date of the hearing. The notice shall state the date, time, place and purpose of the hearing, shall describe the proposed or actual general location of the highway to be constructed or improved, and shall state where the report may be inspected prior to the hearing by any interested person. The hearing shall be conducted by the commissioner or the commissioner's designee, and shall be transcribed and a record thereof mailed to each municipality or agency entitled to receive a copy of the report. All interested persons shall be permitted to present their views on the proposed highway construction or improvement. The hearing may be continued as often as necessary. Within 120 days after the hearing is completed, the governing body of each municipality or agency entitled to receive a copy of the report shall submit to the commissioner its approval or disapproval of the report. If all or any part of the report is disapproved, the municipality or agency shall state the reasons for such disapproval and suggested changes in the report. The commissioner shall, before preparing additional plans for the proposed highway construction or improvement, submit to the governing body of each municipality or agency disapproving the report, a statement accepting or rejecting any suggested changes and the reasons for acceptance or rejection.

Sec. 11. Minnesota Statutes 1992, section 161.174, is amended to read:

161.174 [SUBMISSION OF LAYOUT PLANS.]

The commissioner shall submit to the governing body of each municipality wherein a highway is proposed to be constructed or improved, a proposed layout plan for the highway construction or improvement containing: the proposed location, elevation, width and geometrics of the construction or improvement, together with a statement of the reasons therefor. Said plan shall also contain: approximate right-of-way limits; a tentative schedule for

right-of-way acquisition, if known; proposed access points; frontage roads; separation structures and interchanges; location of utilities, when known; landscaping, illumination, a tentative construction schedule, if known; and the estimated cost of the construction or improvement. The commissioner shall submit more than one layout plan. Each such plan shall also be submitted to the metropolitan council and the regional transit board if any portion of the proposed highway construction or improvement is located in the metropolitan area. In all areas of the state a copy of the layout plan shall be sent to established regional, county and municipal planning commissions in the area affected by the highway project. Not less than 90 nor more than 120 days after said plan has been submitted, the commissioner shall hold a public hearing on the proposed highway construction or improvement at such time and place within any municipality wherein a portion of the construction or improvement is located, as the commissioner shall determine. The hearing shall be noticed, held and conducted in the manner provided in section 161.173, except that the commissioner shall mail notice of the hearing only to those municipalities and agencies entitled to receive a copy of the layout plan. The hearing shall be transcribed and a record thereof made available to each municipality or agency entitled to receive a copy of said plan. Within 180 days after the hearing is completed, the commissioner shall formally adopt a layout plan. A copy of the layout plan as adopted shall be submitted to each municipality or agency entitled to receive a copy of the proposed plan, together with the reasons for any change in the plan as presented at the hearing. Within 120 days after the receipt of the adopted layout plan, each such municipality or agency shall submit to the commissioner its approval or disapproval of the layout plan and the reasons for such disapproval, and proposed alternatives, which may include a recommendation of no highway. Such alternatives submitted by a municipality located within the metropolitan area shall, upon request of the municipality, be reviewed by the metropolitan council in order to determine whether such alternatives are likely to meet minimum federal requirements. The metropolitan council is authorized to provide whatever assistance it deems advisable to the submitting municipality in order to assist it in arriving at an alternative which meets minimum federal requirements. If said plan or any part thereof is not disapproved within such period, the commissioner may proceed to prepare final construction plans and specifications for the highway construction or improvement consistent with the adopted layout plan, and may acquire the necessary right-of-way. If the layout plan or any part thereof is disapproved by any municipality or agency, and the commissioner determines to proceed with the plan without modifications, the commissioner shall proceed in the manner provided in section 161.175. On determining to proceed with the plan with modifications, the commissioner shall submit the modified layout plan to the municipalities and agencies entitled to receive the original layout plan in the manner described above, for approval or disapproval by each such municipality or agency within 60 days after receipt of the modified layout plan. If the modified layout plan or any part thereof is not disapproved by any municipality or agency within 60 days after its receipt, the commissioner may proceed to prepare final construction plans and specifications consistent with the modified layout plan, and may acquire the necessary right-of-way. If the modified plan is disapproved by any municipality and the commissioner determines to proceed with the plan without additional modification, the commissioner shall proceed in the manner provided in section 161.175. If the layout plan is disapproved, either as originally submitted or as modified and the commissioner does not act pursuant to section 161.175, within one year from the date of the completion of the hearing, any objecting

municipality entitled to receive a copy of the layout plan by virtue of this section may invoke the appellate procedure pursuant to section 161.175, in the same manner as the same might be invoked by the commissioner. In the event the appellate procedure is invoked by either the commissioner or the municipality, the commissioner shall hold a public hearing prior to the appointment of an appeal board. Such hearing shall be limited to the proposed alternative layout plans.

Sec. 12. Minnesota Statutes 1992, section 169.781, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of sections 169.781 to 169.783:

(a) "Commercial motor vehicle" means:

(1) a commercial motor vehicle as defined in section 169.01, subdivision 75, paragraph (a); and

(2) each vehicle in a combination of more than 26,000 pounds.

"Commercial motor vehicle" does not include (1) a school bus displaying a certificate under section 169.451, (2) a bus operated by the metropolitan ~~transit commission~~ *council* or by a local transit commission created in chapter 458A, or (3) a motor vehicle with a gross weight of not more than 26,000 pounds, carrying in bulk tanks a total of not more than 200 gallons of petroleum products or liquid fertilizer or pesticide.

(b) "Commissioner" means the commissioner of public safety.

(c) "Owner" means a person who owns, or has control, under a lease of more than 30 days' duration, of one or more commercial motor vehicles.

(d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store property at a location not on a street or highway, (2) does not contain any load when moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked on each side of the semitrailer "storage only" in letters at least six inches high.

(e) "Building mover vehicle" means a vehicle owned or leased by a building mover as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for moving buildings.

Sec. 13. Minnesota Statutes 1992, section 169.791, subdivision 5, is amended to read:

Subd. 5. [EXEMPTIONS.] Buses or other commercial vehicles operated by the metropolitan ~~transit commission~~ *council*, commercial vehicles required to file proof of insurance pursuant to chapter 221, and school buses as defined in section 171.01, subdivision 21, are exempt from this section.

Sec. 14. Minnesota Statutes 1992, section 169.792, subdivision 11, is amended to read:

Subd. 11. [EXEMPTIONS.] Buses or other commercial vehicles operated by the metropolitan ~~transit commission~~ *council*, commercial vehicles required to file proof of insurance pursuant to chapter 221, and school buses as defined in section 171.01, subdivision 21, are exempt from this section.

Sec. 15. Minnesota Statutes 1993 Supplement, section 174.32, subdivision 2, is amended to read:

Subd. 2. [TRANSIT ASSISTANCE FUND; DISTRIBUTION.] The transit assistance fund receives money distributed under section 297B.09. Eighty percent of the receipts of the fund must be placed into a metropolitan account for distribution to recipients located in the metropolitan area and 20 percent into a separate account for distribution to recipients located outside of the metropolitan area. Except as otherwise provided in this subdivision, the ~~regional transit board created by section 473.373~~ *metropolitan council* is responsible for distributing assistance from the metropolitan account, and the commissioner is responsible for distributing assistance from the other account.

Sec. 16. Minnesota Statutes 1993 Supplement, section 216C.15, subdivision 1, is amended to read:

Subdivision 1. [PRIORITIES AND REQUIREMENTS.] The commissioner shall maintain an emergency conservation and allocation plan. The plan shall provide a variety of strategies and staged conservation measures to reduce energy use and in the event of an energy supply emergency, shall establish guidelines and criteria for allocation of fuels to priority users. The plan shall contain alternative conservation actions and allocation plans to reasonably meet various foreseeable shortage circumstances and allow a choice of appropriate responses. The plan shall be consistent with requirements of federal emergency energy conservation and allocation laws and regulations, shall be based on reasonable energy savings or transfers from scarce energy resources and shall:

(a) give priority to individuals, institutions, agriculture, businesses, and public transit under contract with the commissioner of transportation or the ~~regional transit board~~ *metropolitan council* which demonstrate they have engaged in energy-saving measures and shall include provisions to insure that:

(1) immediate allocations to individuals, institutions, agriculture, businesses, and public transit be based on needs at energy conservation levels;

(2) successive allocations to individuals, institutions, agriculture, businesses, and public transit be based on needs after implementation of required action to increase energy conservation; and

(3) needs of individuals, institutions, and public transit are adjusted to insure the health and welfare of the young, old and infirm;

(b) insure maintenance of reasonable job safety conditions and avoid environmental sacrifices;

(c) establish programs, controls, standards, priorities or quotas for the allocation, conservation and consumption of energy resources; and for the suspension and modification of existing standards and the establishment of new standards affecting or affected by the use of energy resources, including those related to the type and composition of energy sources, and to the hours and days during which public buildings, commercial and industrial establishments, and other energy consuming facilities may or are required to remain open;

(d) establish programs to control the use, sale or distribution of commodities, materials, goods or services;

(e) establish regional programs and agreements for the purpose of coordinating the energy resources, programs and actions of the state with those of the federal government, of local governments, and of other states and localities;

(f) determine at what level of an energy supply emergency situation the pollution control agency shall be requested to ask the governor to petition the president for a temporary emergency suspension of air quality standards as required by the Clean Air Act, United States Code, title 42, section 7410f; and

(g) establish procedures for fair and equitable review of complaints and requests for special exemptions regarding emergency conservation measures or allocations.

Sec. 17. Minnesota Statutes 1992, section 221.022, is amended to read:

221.022 [EXCEPTION.]

The powers granted to the board under sections 221.011 to 221.296 do not include the power to regulate any service or vehicles operated by the metropolitan ~~transit commission~~ *council* or to regulate passenger transportation service provided under contract to the department or the ~~regional transit board~~ *metropolitan council*. A provider of passenger transportation service under contract to the department or the ~~regional transit board~~ *metropolitan council* may not provide charter service without first having obtained a permit to operate as a charter carrier.

Sec. 18. Minnesota Statutes 1993 Supplement, section 221.025, is amended to read:

221.025 [EXEMPTIONS.]

The provisions of this chapter requiring a certificate or permit to operate as a motor carrier do not apply to the intrastate transportation described below:

(a) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451;

(b) the transportation of solid waste, as defined in section 116.06, subdivision 22, including recyclable materials and waste tires, except that the term "hazardous waste" has the meaning given it in section 221.011, subdivision 31;

(c) a commuter van as defined in section 221.011, subdivision 27;

(d) authorized emergency vehicles as defined in section 169.01, subdivision 5, including ambulances; and tow trucks equipped with proper and legal warning devices when picking up and transporting (1) disabled or wrecked motor vehicles or (2) vehicles towed or transported under a towing order issued by a public employee authorized to issue a towing order;

(e) the transportation of grain samples under conditions prescribed by the board;

(f) the delivery of agricultural lime;

(g) the transportation of dirt and sod within an area having a 50-mile radius from the home post office of the person performing the transportation;

(h) the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile and the mortar mix to be used with the concrete blocks or tile, or crushed rock to or from the point of loading or a

place of gathering within an area having a 50-mile radius from that person's home post office or a 50-mile radius from the site of construction or maintenance of public roads and streets;

(i) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark from the place where the products are produced to the point where they are to be used or shipped;

(j) the transportation of fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting potatoes, sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;

(k) the transportation of property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities except as provided in section 221.296;

(l) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;

(m) the transportation of agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25-mile radius from the person's home post office and the carrier may transport other commodities within the 25-mile radius if the destination of each haul is a farm;

(n) passenger transportation service that is not charter service and that is under contract to and with operating assistance from the department or the ~~regional transit board~~ *metropolitan council*; and

(o) the transportation of newspapers, as defined in section 331A.01, subdivision 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle weight of 10,000 pounds or less.

The exemptions provided in this section apply to a person only while the person is exclusively engaged in exempt transportation.

Sec. 19. Minnesota Statutes 1993 Supplement, section 221.031, subdivision 3a, is amended to read:

Subd. 3a. [CONTRACTORS OR RECIPIENTS OF TRANSPORTATION ASSISTANCE.] Notwithstanding subdivision 3, providers of passenger transportation service under contract to and with operating assistance from the department or the ~~regional transit board~~ *metropolitan council* must comply with rules for driver qualifications; driving of motor vehicles; parts and accessories necessary for safe operation; hours of service of drivers; inspection, repair, and maintenance; and the rules adopted in section 221.0314, subdivision 8, for accident reporting.

This subdivision does not apply to (1) a local transit commission, (2) a transit authority created by the legislature, (3) special transportation service certified by the commissioner under section 174.30, or (4) special transportation service defined in section 174.29, subdivision 1, when provided by a volunteer driver operating a private passenger vehicle defined in section 169.01, subdivision 3a.

Sec. 20. Minnesota Statutes 1992, section 221.041, subdivision 4, is amended to read:

Subd. 4. [NONAPPLICABILITY.] This section does not apply to any regular-route passenger transportation being performed with operating assistance provided by the ~~regional transit board~~ *metropolitan council*.

Sec. 21. Minnesota Statutes 1992, section 221.071, subdivision 1, is amended to read:

Subdivision 1. [CONSIDERATIONS; TEMPORARY CERTIFICATES; AMENDING.] If the board finds from the evidence that the petitioner is fit and able to properly perform the services proposed and that public convenience and necessity require the granting of the petition or a part of the petition, it shall issue a certificate of public convenience and necessity to the petitioner. In determining whether a certificate should be issued, the board shall give primary consideration to the interests of the public that might be affected, to the transportation service being furnished by a railroad which may be affected by the granting of the certificate, and to the effect which the granting of the certificate will have upon other transportation service essential to the communities which might be affected by the granting of the certificate. The board may issue a certificate as applied for or issue it for a part only of the authority sought and may attach to the authority granted terms and conditions as in its judgment public convenience and necessity may require. If the petitioner is seeking authority to operate regular-route transit service wholly within the seven-county metropolitan area with operating assistance provided by the ~~regional transit board~~ *metropolitan council*, the board shall consider only whether the petitioner is fit and able to perform the proposed service. The operating authority granted to such a petitioner must be the operating authority for which the petitioner is receiving operating assistance from the ~~regional transit board~~ *metropolitan council*. A carrier receiving operating assistance from the ~~regional transit board~~ *metropolitan council* may amend the certificate to provide for additional routes by filing a copy of the amendment with the board, and approval of the amendment by the board is not required if the additional service is provided with operating assistance from the ~~regional transit board~~ *metropolitan council*.

The board may grant a temporary certificate, ex parte, valid for a period not exceeding 180 days, upon a showing that no regular route common carrier or petroleum carrier is then authorized to serve on the route sought, that no other petition is on file with the board covering the route, and that a need for the proposed service exists.

A certificate may be amended by the board on ex parte petition and payment of a \$25 fee to the commissioner, to grant an additional or alternate route if there is no other means of transportation over the proposed additional route or between its termini, and the proposed additional route does not exceed ten miles in length.

Sec. 22. Minnesota Statutes 1992, section 221.295, is amended to read:

221.295 [NOTICE TO ~~REGIONAL TRANSIT BOARD~~ *METROPOLITAN COUNCIL*.]

Notwithstanding any provision of any statute to the contrary, the ~~regional transit board~~ *metropolitan council* must be notified by the commissioner of any matter affecting public transit or an existing or proposed transit system

within the seven-county metropolitan area, which matter is formally or informally before the commissioner or board for action or which is under study, including the initiation of any request for action or study and prior to any hearings on other proceedings, whether ex parte or otherwise. Notification must in all cases be given in a manner, at such time, and with such information and data available to the commissioner or board as to enable the ~~regional transit board~~ *metropolitan council* to meaningfully evaluate, participate in, and comment upon the matter. The commissioner or board shall not approve, deny, or otherwise attempt to resolve or act upon the matter until receipt of the comments and advice of the ~~regional transit board~~ *metropolitan council* with respect thereto, but if none are received they may act within 30 days after demand of the ~~regional transit board~~ *metropolitan council*, or otherwise by mutual agreement. If the commissioner or board takes action in any way contrary to or different from the comments and advice of the ~~regional transit board~~ *metropolitan council*, they shall specifically state the reasons and factual data for the action.

Sec. 23. Minnesota Statutes 1993 Supplement, section 275.065, subdivision 3, is amended to read:

Subd. 3. [NOTICE OF PROPOSED PROPERTY TAXES.] (a) The county auditor shall prepare and the county treasurer shall deliver after November 10 and on or before November 24 each year, by first class mail to each taxpayer at the address listed on the county's current year's assessment roll, a notice of proposed property taxes and, in the case of a town, final property taxes.

(b) The commissioner of revenue shall prescribe the form of the notice.

(c) The notice must inform taxpayers that it contains the amount of property taxes each taxing authority other than a town proposes to collect for taxes payable the following year and, for a town, the amount of its final levy. It must clearly state that each taxing authority, including regional library districts established under section 134.201, and including the metropolitan taxing districts as defined in paragraph (i), but excluding all other special taxing districts and towns, will hold a public meeting to receive public testimony on the proposed budget and proposed or final property tax levy, or, in case of a school district, on the current budget and proposed property tax levy. It must clearly state the time and place of each taxing authority's meeting and an address where comments will be received by mail. For 1993, the notice must clearly state that each taxing authority holding a public meeting will describe the increases or decreases of the total budget, including employee and independent contractor compensation in the prior year, current year, and the proposed budget year.

(d) The notice must state for each parcel:

(1) the market value of the property as determined under section 273.11, and used for computing property taxes payable in the following year and for taxes payable in the current year; and, in the case of residential property, whether the property is classified as homestead or nonhomestead. The notice must clearly inform taxpayers of the years to which the market values apply and that the values are final values;

(2) by county, city or town, school district excess referenda levy, remaining school district levy, regional library district, if in existence, the total of the metropolitan special taxing districts as defined in paragraph (i) and the sum of the remaining special taxing districts, and as a total of the taxing authorities,

including all special taxing districts, the proposed or, for a town, final net tax on the property for taxes payable the following year and the actual tax for taxes payable the current year. In the case of the city of Minneapolis, the levy for the Minneapolis library board and the levy for Minneapolis park and recreation shall be listed separately from the remaining amount of the city's levy. In the case of a parcel where tax increment or the fiscal disparities areawide tax applies, the proposed tax levy on the captured value or the proposed tax levy on the tax capacity subject to the areawide tax must each be stated separately and not included in the sum of the special taxing districts; and

(3) the increase or decrease in the amounts in clause (2) from taxes payable in the current year to proposed or, for a town, final taxes payable the following year, expressed as a dollar amount and as a percentage.

(e) The notice must clearly state that the proposed or final taxes do not include the following:

(1) special assessments;

(2) levies approved by the voters after the date the proposed taxes are certified, including bond referenda, school district levy referenda, and levy limit increase referenda;

(3) amounts necessary to pay cleanup or other costs due to a natural disaster occurring after the date the proposed taxes are certified;

(4) amounts necessary to pay tort judgments against the taxing authority that become final after the date the proposed taxes are certified;

(5) any additional amount levied in lieu of a local sales and use tax, unless this amount is included in the proposed or final taxes; and

(6) the contamination tax imposed on properties which received market value reductions for contamination.

(f) Except as provided in subdivision 7, failure of the county auditor to prepare or the county treasurer to deliver the notice as required in this section does not invalidate the proposed or final tax levy or the taxes payable pursuant to the tax levy.

(g) If the notice the taxpayer receives under this section lists the property as nonhomestead and the homeowner provides satisfactory documentation to the county assessor that the property is owned and has been used as the owner's homestead prior to June 1 of that year, the assessor shall reclassify the property to homestead for taxes payable in the following year.

(h) In the case of class 4 residential property used as a residence for lease or rental periods of 30 days or more, the taxpayer must either:

(1) mail or deliver a copy of the notice of proposed property taxes to each tenant, renter, or lessee; or

(2) post a copy of the notice in a conspicuous place on the premises of the property.

(i) For purposes of this subdivision, subdivisions 5a and 6, "metropolitan special taxing districts" means the following taxing districts in the seven-county metropolitan area that levy a property tax for any of the specified purposes listed below:

(1) metropolitan council under section 473.132, 473.167, 473.249, 473.325, 473.446, 473.521, 473.547, or 473.834;

(2) metropolitan airports commission under section 473.667, 473.671, or 473.672; and

(3) regional transit board under section 473.446; and

(4) metropolitan mosquito control commission under section 473.711.

For purposes of this section, any levies made by the regional rail authorities in the county of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington under chapter 398A shall be included with the appropriate county's levy and shall be discussed at that county's public hearing.

The notice must be mailed or posted by the taxpayer by November 27 or within three days of receipt of the notice, whichever is later. A taxpayer may notify the county treasurer of the address of the taxpayer, agent, caretaker, or manager of the premises to which the notice must be mailed in order to fulfill the requirements of this paragraph.

Sec. 24. Minnesota Statutes 1993 Supplement, section 275.065, subdivision 5a, is amended to read:

Subd. 5a. [PUBLIC ADVERTISEMENT.] (a) A city that has a population of more than 1,000, county, a metropolitan special taxing district as defined in subdivision 3, paragraph (i), a regional library district established under section 134.201, or school district shall advertise in a newspaper a notice of its intent to adopt a budget and property tax levy or, in the case of a school district, to review its current budget and proposed property taxes payable in the following year, at a public hearing. The notice must be published not less than two business days nor more than six business days before the hearing.

The advertisement must be at least one-eighth page in size of a standard-size or a tabloid-size newspaper. The advertisement must not be placed in the part of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in an official newspaper of general circulation in the taxing authority. The newspaper selected must be one of general interest and readership in the community, and not one of limited subject matter. The advertisement must appear in a newspaper that is published at least once per week.

For purposes of this section, the metropolitan special taxing district's advertisement must only be published in the Minneapolis Star and Tribune and the St. Paul Pioneer Press.

(b) The advertisement must be in the following form, except that the notice for a school district may include references to the current budget in regard to proposed property taxes.

"NOTICE OF
PROPOSED PROPERTY TAXES

(City/County/School District/Metropolitan Special Taxing District/Regional Library District) of

The governing body of will soon hold budget hearings and vote on the

property taxes for (city/county/metropolitan special taxing district/regional library district services that will be provided in 199_/school district services that will be provided in 199_ and 199_).

NOTICE OF PUBLIC HEARING:

All concerned citizens are invited to attend a public hearing and express their opinions on the proposed (city/county/school district/metropolitan special taxing district/regional library district) budget and property taxes; or in the case of a school district, its current budget and proposed property taxes, payable in the following year. The hearing will be held on (Month/Day/Year) at (Time) at (Location, Address)."

(c) A city with a population of 1,000 or less must advertise by posted notice as defined in section 645.12, subdivision 1. The advertisement must be posted at the time provided in paragraph (a). It must be in the form required in paragraph (b).

(d) For purposes of this subdivision, the population of a city is the most recent population as determined by the state demographer under section 4A.02.

(e) The commissioner of revenue, subject to the approval of the chairs of the house and senate tax committees, shall prescribe the form and format of the advertisement.

(f) For calendar year 1993, each taxing authority required to publish an advertisement must include on the advertisement a statement that information on the increases or decreases of the total budget, including employee and independent contractor compensation in the prior year, current year, and proposed budget year will be discussed at the hearing.

(g) Notwithstanding paragraph (f), for 1993, the commissioner of revenue shall prescribe the form, format, and content of an advertisement comparing current and proposed expense budgets for the metropolitan council, the metropolitan airports commission, and the metropolitan mosquito control commission; and the regional transit board. The expense budget must include occupancy, personnel, contractual and capital improvement expenses. The form, format, and content of the advertisement must be approved by the chairs of the house and senate tax committees prior to publication.

Sec. 25. Minnesota Statutes 1992, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. [GENERAL FUND SHARE.] (a) Money collected and received under this chapter must be deposited in the state treasury and credited to the general fund. The amounts collected and received shall be credited as provided in this subdivision, and transferred from the general fund on July 15 and February 15 of each fiscal year. The commissioner of finance must make each transfer based upon the actual receipts of the preceding six calendar months and include the interest earned during that six-month period. The commissioner of finance may establish a quarterly or other schedule providing for more frequent payments to the transit assistance fund if the commissioner determines it is necessary or desirable to provide for the cash flow needs of the recipients of money from the transit assistance fund.

(b) Twenty-five percent of the money collected and received under this chapter after June 30, 1990, and before July 1, 1991, must be transferred to the highway user tax distribution fund and the transit assistance fund for apportionment as follows: 75 percent must be transferred to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund, and the remaining 25 percent of the money must be transferred to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the ~~regional transit board~~ metropolitan council.

(c) The distributions under this subdivision to the highway user tax distribution fund until June 30, 1991, and to the trunk highway fund thereafter, must be reduced by the amount necessary to fund the appropriation under section 41A.09, subdivision 1. For the fiscal years ending June 30, 1988, and June 30, 1989, the commissioner of finance, before making the transfers required on July 15 and January 15 of each year, shall estimate the amount required to fund the appropriation under section 41A.09, subdivision 1, for the six-month period for which the transfer is being made. The commissioner shall then reduce the amount transferred to the highway user tax distribution fund by the amount of that estimate. The commissioner shall reduce the estimate for any six-month period by the amount by which the estimate for the previous six-month period exceeded the amount needed to fund the appropriation under section 41A.09, subdivision 1, for that previous six-month period. If at any time during a six-month period in those fiscal years the amount of reduction in the transfer to the highway user tax distribution fund is insufficient to fund the appropriation under section 41A.09, subdivision 1 for that period, the commissioner shall transfer to the general fund from the highway user tax distribution fund an additional amount sufficient to fund the appropriation for that period, but the additional amount so transferred to the general fund in a six-month period may not exceed the amount transferred to the highway user tax distribution fund for that six-month period.

Sec. 26. Minnesota Statutes 1993 Supplement, section 352.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] (a) "State employee" includes:

- (1) employees of the Minnesota historical society;
- (2) employees of the state horticultural society;
- (3) employees of the Disabled American Veterans, Department of Minnesota, Veterans of Foreign Wars, Department of Minnesota, if employed before July 1, 1963;
- (4) employees of the Minnesota crop improvement association;
- (5) employees of the adjutant general who are paid from federal funds and who are not covered by any federal civilian employees retirement system;
- (6) employees of the state universities employed under the university activities program;
- (7) currently contributing employees covered by the system who are temporarily employed by the legislature during a legislative session or any currently contributing employee employed for any special service as defined in clause (8) of subdivision 2b;
- (8) employees of the armory building commission;

(9) permanent employees of the legislature and persons employed or designated by the legislature or by a legislative committee or commission or other competent authority to conduct a special inquiry, investigation, examination, or installation;

(10) trainees who are employed on a full-time established training program performing the duties of the classified position for which they will be eligible to receive immediate appointment at the completion of the training period;

(11) employees of the Minnesota safety council;

(12) ~~employees of the transit operating division of the metropolitan transit commission~~ and any employees on authorized leave of absence from the transit operating division *of the former metropolitan transit commission* who are employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division;

(13) employees of the metropolitan council, metropolitan parks and open space commission, ~~regional transit board, metropolitan transit commission, metropolitan waste control commission,~~ metropolitan sports facilities commission or the metropolitan mosquito control commission unless excluded or covered by another public pension fund or plan under section 473.141, subdivision 12, or 473.415, subdivision 3;

(14) judges of the tax court; and

(15) personnel employed on June 30, 1992, by the University of Minnesota in the management, operation, or maintenance of its heating plant facilities, whose employment transfers to an employer assuming operation of the heating plant facilities, so long as the person is employed at the University of Minnesota heating plant by that employer or by its successor organization.

(b) Employees specified in paragraph (a), clause (15), are included employees under paragraph (a) providing that employer and employee contributions are made in a timely manner in the amounts required by section 352.04. Employee contributions must be deducted from salary. Employer contributions are the sole obligation of the employer assuming operation of the University of Minnesota heating plant facilities or any successor organizations to that employer.

Sec. 27, Minnesota Statutes 1993 Supplement, section 352.01, subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] "State employee" does not include:

(1) elective state officers;

(2) students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board, or the state board for community colleges, as the case may be;

(3) employees who are eligible for membership in the state teachers retirement association except employees of the department of education who have chosen or may choose to be covered by the Minnesota state retirement system instead of the teachers retirement association;

(4) employees of the University of Minnesota who are excluded from coverage by action of the board of regents;

(5) officers and enlisted personnel in the national guard and the naval militia who are assigned to permanent peacetime duty and who under federal law are or are required to be members of a federal retirement system;

(6) election officers;

(7) persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;

(8) officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;

(9) receivers, jurors, notaries public, and court employees who are not in the judicial branch as defined in section 43A.02, subdivision 25, except referees and adjusters employed by the department of labor and industry;

(10) patient and inmate help in state charitable, penal, and correctional institutions including the Minnesota veterans home;

(11) persons employed for professional services where the service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(12) employees of the Sibley House Association;

(13) the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of those boards if their compensation is \$5,000 or less per year, or, if they are legally prohibited from serving more than three years; and the board of managers of the state agricultural society and its treasurer unless the treasurer is also its full-time secretary;

(14) state troopers;

(15) temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of that year; and persons employed at any time by the state fair administration for special events held on the fairgrounds;

(16) emergency employees in the classified service; except that if an emergency employee, within the same pay period, becomes a provisional or probationary employee on other than a temporary basis, the employee shall be considered a "state employee" retroactively to the beginning of the pay period;

(17) persons described in section 352B.01, subdivision 2, clauses (2) to (5);

(18) temporary employees in the classified service, temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one-year period and seasonal help in the classified service employed by the department of revenue;

(19) trainee employees, except those listed in subdivision 2a, clause (10);

(20) persons whose compensation is paid on a fee basis;

(21) state employees who in any year have credit for 12 months service as teachers in the public schools of the state and as teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(22) employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(23) chaplains and nuns who are excluded from coverage under the federal Old Age, Survivors, Disability, and Health Insurance Program for the performance of service as specified in United States Code, title 42, section 410(a)(8)(A), as amended, if no irrevocable election of coverage has been made under section 3121(r) of the Internal Revenue Code of 1954, as amended;

(24) examination monitors employed by departments, agencies, commissions, and boards to conduct examinations required by law;

(25) members of appeal tribunals, exclusive of the chair, to which reference is made in section 268.10, subdivision 4;

(26) persons appointed to serve as members of fact-finding commissions or adjustment panels, arbitrators, or labor referees under chapter 179;

(27) temporary employees employed for limited periods under any state or federal program for training or rehabilitation including persons employed for limited periods from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(28) full-time students employed by the Minnesota historical society intermittently during part of the year and full-time during the summer months;

(29) temporary employees, appointed for not more than six months, of the metropolitan council and of any of its statutory boards, if the board members are appointed by the metropolitan council;

(30) persons employed in positions designated by the department of employee relations as student workers;

(31) members of trades employed by the *successor to the* metropolitan waste control commission with trade union pension plan coverage under a collective bargaining agreement first employed after June 1, 1977;

(32) persons employed in subsidized on-the-job training, work experience, or public service employment as enrollees under the federal Comprehensive Employment and Training Act after March 30, 1978, unless the person has as of the later of March 30, 1978, or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Employment and Training Act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution;

(33) off-duty peace officers while employed by the metropolitan transit

commission under section 629.40, subdivision 5, or comparable statutory authority council;

(34) persons who are employed as full-time police officers by the metropolitan transit commission council and as police officers are members of the public employees police and fire fund;

(35) persons who are employed as full-time firefighters by the department of military affairs and as firefighters are members of the public employees police and fire fund; and

(36) foreign citizens with a work permit of less than three years, or an H-1b/JV visa valid for less than three years of employment, unless notice of extension is supplied which allows them to work for three or more years as of the date the extension is granted, in which case they are eligible for coverage from the date extended.

Sec. 28. Minnesota Statutes 1992, section 352.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP OF BOARD; ELECTION; TERM.] The policy-making function of the system is vested in a board of 11 members, who must be known as the board of directors. This board shall consist of three members appointed by the governor, one of whom must be a constitutional officer or appointed state official and two of whom must be public members knowledgeable in pension matters, four state employees elected by state employees covered by the system excluding employees in categories specifically authorized to designate or elect a member by this subdivision, one employee of the transit operating division of the metropolitan transit commission or its successor agency designated by the executive committee of the labor organization that is the exclusive bargaining agent representing employees of the transit division, one member of the state patrol retirement fund elected by members of that fund at a time and in a manner fixed by the board, one employee covered by the correctional employees plan elected by employees covered by that plan, and one retired employee elected by disabled and retired employees of all plans administered by the system at a time and in a manner to be fixed by the board. Two state employee members, whose terms of office begin on the first Monday in May after their election, must be elected biennially. Elected members and the appointed transit operating division member of the metropolitan council's office of transit operations hold office for a term of four years, except the retired member whose term is two years, and until their successors are elected or appointed, and have qualified. An employee of the system is not eligible for membership on the board of directors. A state employee on leave of absence is not eligible for election or reelection to membership on the board of directors. The term of any board member who is on leave for more than six months automatically ends on expiration of this period.

Sec. 29. Minnesota Statutes 1992, section 352.75, is amended to read:

352.75 [TRANSFER OF PENSION COVERAGE SAVINGS CLAUSE; INCREASE IN EXISTING ANNUITIES AND BENEFITS.]

Subdivision 1. [EXISTING EMPLOYEES.] Notwithstanding any law to the contrary, as of July 1, 1978, all active employees of the transit operating division of the former metropolitan transit commission and all employees on authorized leaves of absence from the transit operating division who are

employed on July 1, 1978, by a labor organization which is the exclusive bargaining agent representing employees of the transit operating division shall cease to be members of the *former* metropolitan transit commission-transit operating employees retirement fund and shall cease to have any accrual of service credit, rights, or benefits under that retirement fund. After July 1, 1978, those employees become members of the Minnesota state retirement system, are considered state employees for purposes of this chapter, unless specifically excluded by section 352.01, subdivision 2b, and shall have past service with the transit operating division of the *former* metropolitan transit commission credited by the Minnesota state retirement system in accordance with section 352.01, subdivision 11, clause (10). Any employees on authorized leaves of absence from the transit operating division of the *former* metropolitan transit commission who become employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division after July 1, 1978, shall be entitled to be members of the Minnesota state retirement system under section 352.029.

Subd. 2. [NEW EMPLOYEES.] All persons first employed by the *former* metropolitan transit commission as employees of the transit operating division on or after July 1, 1978, are members of the Minnesota state retirement system and are considered state employees for purposes of this chapter unless specifically excluded under section 352.01, subdivision 2b.

Subd. 3. [EXISTING RETIRED MEMBERS AND BENEFIT RECIPIENTS.] As of July 1, 1978, the liability for all retirement annuities, disability benefits, survivorship annuities, and survivor of deceased active employee benefits paid or payable by the *former* metropolitan transit commission-transit operating division employees retirement fund is transferred to the Minnesota state retirement system, and is no longer the liability of the *former* metropolitan transit commission-transit operating division employees retirement fund. The required reserves for retirement annuities, disability benefits, and optional joint and survivor annuities in effect on June 30, 1978, and the required reserves for the increase in annuities and benefits provided under subdivision 6 must be determined using a five percent interest assumption and the applicable Minnesota state retirement system mortality table and shall be transferred by the Minnesota state retirement system to the Minnesota postretirement investment fund on July 1, 1978, but shall be considered transferred as of June 30, 1978. The annuity or benefit amount in effect on July 1, 1978, including the increase granted under subdivision 6, must be used for adjustments made under section 11A.18. For persons receiving benefits as survivors of deceased former retirement annuitants, the benefits must be considered as having commenced on the date on which the retirement annuitant began receiving the retirement annuity.

Subd. 4. [EXISTING DEFERRED RETIREES.] Any former member of the *former* metropolitan transit commission-transit operating division employees retirement fund is entitled to a retirement annuity from the Minnesota state retirement system if the employee:

- (1) is not an active employee of the transit operating division of the *former* metropolitan transit commission on July 1, 1978; (2) has at least ten years of active continuous service with the transit operating division of the *former* metropolitan transit commission as defined by the *former* metropolitan transit commission-transit operating division employees retirement plan document in effect on December 31, 1977; (3) has not received a refund of contributions; (4) has not retired or begun receiving an annuity or benefit from the *former*

metropolitan transit commission-transit operating division employees retirement fund; (5) is at least 55 years old; and (6) submits a valid application for a retirement annuity to the executive director of the Minnesota state retirement system.

The person is entitled to a retirement annuity in an amount equal to the normal old age retirement allowance calculated under the *former* metropolitan transit commission-transit operating division employees retirement fund plan document in effect on December 31, 1977, subject to an early retirement reduction or adjustment in amount on account of retirement before the normal retirement age specified in that *former* metropolitan transit commission-transit operating division employees retirement fund plan document.

The deferred retirement annuity of any person to whom this subdivision applies must be augmented. The required reserves applicable to the deferred retirement annuity, determined as of the date the allowance begins to accrue using an appropriate mortality table and an interest assumption of five percent, must be augmented by interest at the rate of five percent per year compounded annually from January 1, 1978, to January 1, 1981, and three percent per year compounded annually from January 1, 1981, to the first day of the month in which the annuity begins to accrue. Upon the commencement of the retirement annuity, the required reserves for the annuity must be transferred to the Minnesota postretirement investment fund in accordance with subdivision 2 and section 352.119. On applying for a retirement annuity under this subdivision, the person is entitled to elect a joint and survivor optional annuity under section 352.116, subdivision 3.

Subd. 5. [SAVINGS CLAUSE FOR CERTAIN EXISTING EMPLOYEES.] Any person who is a member of the *former* metropolitan transit commission-transit operating division employees retirement fund on July 1, 1978, is entitled to retain past and prospective rights under the retirement benefit formula, normal retirement age, and early reduced retirement age provisions of the *former* metropolitan transit commission-transit operating division employees retirement fund plan document in effect on July 1, 1978, in lieu of the provisions in sections 352.115; 352.116; 352.22, subdivisions 3 to 11; and 356.30.

Subd. 6. [INCREASE IN EXISTING ANNUITIES AND BENEFITS.] All persons receiving retirement allowances or annuities, disability benefits, survivorship annuities and survivor of deceased active employee benefits from the *former* metropolitan transit commission-transit operating division employees retirement fund on December 31, 1977, and on July 1, 1978, are entitled to have the allowances, annuities, or benefits increased by an amount equal to \$20 per month. Notwithstanding section 356.18, increases in payments under this subdivision must be made automatically unless the intended recipient files written notice with the executive director of the Minnesota state retirement system requesting that the increase not be made. If any actuarial reduction or adjustment was applied to the retirement allowance or annuity, disability benefit, survivorship annuity, or survivor of deceased active employee benefit, the increase specified in this subdivision must be similarly reduced or adjusted. Upon the death of any person receiving an annuity or benefit if the person elected a joint and survivor optional annuity the survivor is entitled to the continued receipt of the increase provided for under this subdivision, but the increase must be reduced or adjusted in accordance with the optional annuity election.

Sec. 30, Minnesota Statutes 1993 Supplement, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. [COVERAGE.] (a) Employees enumerated in paragraph (b), if they are in the unclassified service of the state *or metropolitan council* and are eligible for coverage under the general state employees retirement plan under chapter 352, are participants in the unclassified program under this chapter unless the employee gives notice to the executive director of the Minnesota state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the general state employees retirement plan. For the purposes of this chapter, an employee who does not file notice with the executive director is deemed to have exercised the option to participate in the unclassified plan.

(b) Enumerated employees are:

(1) an employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, or an employee of the state board of investment;

(2) the head of a department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or an employee enumerated in section 15A.081, subdivision 1 or 15A.083, subdivision 4;

(3) a permanent, full-time unclassified employee of the legislature or a commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system;

(4) a person other than an employee of the state board of technical colleges who is employed in a position established under section 43A.08, subdivision 1, clause (3), or subdivision 1a, or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level;

(5) ~~the chair, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission; the chair, executive director, and not to exceed three positions at the division director or assistant to the chair level of the regional transit board; a chief administrator who is an employee of the metropolitan transit commission; the regional administrator, or executive director of the metropolitan council, general counsel, division directors, operations managers, and other positions as designated by the council, all of which may not exceed 27 positions at the council, and the chair, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council;~~ provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations may be made without approval of the board of directors of the Minnesota state retirement system;

(6) the executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board before January 1, 1992, or subsequently redesignated with the approval of the board

of directors of the Minnesota state retirement system, unless the person has elected coverage by the individual retirement account plan under chapter 354B;

(7) the clerk of the appellate courts appointed under article VI, section 2, of the Constitution of the state of Minnesota;

(8) the chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of human services;

(9) an employee whose principal employment is at the state ceremonial house;

(10) an employee of the Minnesota educational computing corporation;

(11) an employee of the world trade center board;

(12) an employee of the state lottery board who is covered by the managerial plan established under section 43A.18, subdivision 3;

(13) an employee of the state board of technical colleges employed in a position established under section 43A.08, subdivision 1, clause (3), or 1a, unless the person has elected coverage by the individual retirement account plan under chapter 354B; and

(14) an employee of the higher education board in a position established under section 136E.04, subdivision 2, unless the person has elected coverage by the individual retirement account plan under chapter 354B.

Sec. 31. Minnesota Statutes 1993 Supplement, section 353.64, subdivision 7a, is amended to read:

Subd. 7a. [PENSION COVERAGE FOR CERTAIN METROPOLITAN TRANSIT COMMISSION POLICE OFFICERS.] A person who is employed as a full-time police officer on or after the first day of the first payroll period after July 1, 1993, by the metropolitan ~~transit commission~~ *council* and who is not eligible for coverage under the agreement with the Secretary of the federal Department of Health and Human Services making the provisions of the federal Old Age, Survivors, and Disability Insurance Act because the person's position is excluded from application under United States Code, sections 418(d)(5)(A) and 418(d)(8)(D), and under section 355.07, is a member of the public employees police and fire fund and is considered to be a police officer within the meaning of this section. The metropolitan ~~transit commission~~ *council* shall deduct the employee contribution from the salary of each full-time police officer as required by section 353.65, subdivision 2, shall make the employer contribution for each full-time police officer as required by section 353.65, subdivision 3, and shall meet the employer recording and reporting requirements in section 353.65, subdivision 4.

Sec. 32. Minnesota Statutes 1993 Supplement, section 400.08, subdivision 3, is amended to read:

Subd. 3. [SERVICE CHARGES.] The county may establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by others under contract with the county. The ordinance may obligate the owners, lessees, or occupants of property, or any or all of them, to pay charges for solid waste management services to their properties, including properties owned,

leased, or used by the state or a political subdivision of the state, ~~including the regional transit board established in section 473.373,~~ the metropolitan airports commission established in section 473.603, the state agricultural society established in section 37.01, a local government unit, and any other political subdivision, and may obligate the user of any facility to pay a reasonable charge for the use of the facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of the service, including but not limited to depreciation and payment of principal and interest on money borrowed by the county for the acquisition or betterment of facilities. A notice of intention to enact an ordinance, published pursuant to section 375.51, subdivision 2, shall provide for a public hearing prior to the meeting at which the ordinance is to be considered.

Sec. 33. Minnesota Statutes 1992, section 422A.01, subdivision 9, is amended to read:

Subd. 9. "Public corporation" includes metropolitan airports commission, metropolitan ~~waste control commission~~ *council* and municipal employees retirement fund.

Sec. 34. Minnesota Statutes 1992, section 422A.101, subdivision 2a, is amended to read:

Subd. 2a. [CONTRIBUTIONS BY METROPOLITAN AIRPORTS COMMISSION AND METROPOLITAN ~~WASTE CONTROL COMMISSION COUNCIL.~~] The metropolitan airports commission and the ~~waste control commission~~ *metropolitan council* shall pay to the Minneapolis employees retirement fund annually in installments as specified in subdivision 3 the share of the additional support rate required for full amortization of the unfunded actuarial accrued liabilities by June 30, 2020, that is attributable to *employees of airport commission or former metropolitan waste control commission employees* who are members of the fund. The amount of the payment shall be determined as if the airport and ~~waste control commissions'~~ *metropolitan council's* employer contributions determined under subdivision 2 had also included a proportionate share of a \$1,000,000 annual employer amortization contribution. The amount of this \$1,000,000 annual employer amortization contribution that would have been allocated to ~~each the commission or council~~ would have been based on the share of the fund's unfunded actuarial accrued liability attributed to ~~each the commission or council~~ compared to the total unfunded actuarial accrued liability attributed to all employers under subdivisions 1a and 2. The determinations required under this subdivision must be based on the most recent actuarial valuation prepared by the actuary retained by the legislative commission on pensions and retirement.

Sec. 35. Minnesota Statutes 1992, section 471A.02, subdivision 8, is amended to read:

Subd. 8. [MUNICIPALITY.] "Municipality" means a home rule charter or statutory city, county, sanitary district, or other governmental subdivision or public corporation, including the metropolitan council ~~and the metropolitan waste control commission.~~

Sec. 36. Minnesota Statutes 1992, section 473.121, subdivision 5a, is amended to read:

Subd. 5a. [METROPOLITAN AGENCY.] "Metropolitan agency" means the metropolitan parks and open space commission, ~~regional transit board, metropolitan transit commission, metropolitan waste control commission,~~ metropolitan airports commission, and metropolitan sports facilities commission.

Sec. 37. Minnesota Statutes 1992, section 473.121, subdivision 24, is amended to read:

Subd. 24. [METROPOLITAN DISPOSAL SYSTEM.] "Metropolitan disposal system" means any or all of the interceptors or treatment works owned or operated by the metropolitan ~~waste control commission council.~~

Sec. 38. Minnesota Statutes 1992, section 473.123, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] A metropolitan council with jurisdiction in the metropolitan area is ~~created~~ *established as a public corporation and political subdivision of the state.* It shall be under the supervision and control of 17 members, all of whom shall be residents of the metropolitan area.

Sec. 39. Minnesota Statutes 1992, section 473.129, is amended to read:

473.129 [ADMINISTRATION POWERS OF METROPOLITAN COUNCIL.]

Subdivision 1. [GENERAL POWERS.] The metropolitan council shall have and exercise all powers which may be necessary or convenient to enable it to perform and carry out the duties and responsibilities now existing or which may hereafter be imposed upon it by law. Such powers include the specific powers enumerated in this section.

Subd. 2. [OFFICERS AND EMPLOYEES.] The metropolitan council ~~may~~ *shall* prescribe all terms and conditions for the employment of its officers, employees, and agents including, but not limited to the fixing of, *adopting a* compensation, ~~their and~~ classification, benefits, and the filing of performance and fidelity bonds and such policies of insurance as it may deem advisable, the premium for which, however, shall be paid for by the district. Officers and *plan for its employees.* Employees of the metropolitan council, however, are public employees. ~~The compensation and other conditions of employment of such officers and employees shall not be governed by any rule applicable to state employees in the classified service nor to any of the provisions of chapter 15A, unless the council so provides. Those employed by the metropolitan council and are members of the Minnesota state retirement system. Those employed by a predecessor of the metropolitan council and transferred to it may at their option become members of the Minnesota state retirement system or may continue as members of the public retirement association to which they belonged as employees of the predecessor of the metropolitan council. The metropolitan council shall make the employer's contributions to pension funds of its employees.~~

Subd. 3. [CONSULTING CONTRACTS.] The metropolitan council may contract for the services of consultants who perform engineering, legal, or services of a professional nature. Such contracts shall not be subject to the requirements of any law relating to public bidding.

Subd. 4. [GIFTS AND APPROPRIATIONS.] The metropolitan council may accept gifts, apply for and use grants or loans of money or other property

from the United States, the state, or any person for any metropolitan council purpose and may enter into agreements required in connection therewith and may hold, use, and dispose of such moneys or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto. All moneys of the metropolitan council received pursuant to this subdivision or any other provision of law shall be deposited in the state treasury and the amount thereof is appropriated annually to the metropolitan council for the purposes of carrying out its duties and responsibilities.

Subd. 5. [LOCAL GOVERNMENTAL PARTICIPATION.] The metropolitan council may (1) participate as a party in any proceedings originating before the Minnesota municipal board under chapter 414, if the proceedings involve the change in a boundary of a governmental unit in the metropolitan area, and (2) conduct studies of the feasibility of annexing, enlarging, or consolidating units in the metropolitan area; (3) furnish space and other necessary assistance to a metropolitan expediter assigned to the metropolitan area or any part thereof under the Federal Demonstration City Act of 1966, on condition that such expediter files monthly reports with the metropolitan council concerning the expediter's activities.

Subd. 6. [PARTICIPATION IN METROPOLITAN AREA COMMISSIONS AND BOARDS.] (a) The metropolitan council shall appoint from its membership a member to serve with the metropolitan airports commission, a member to serve with the mosquito control commission, a member to serve on the Minneapolis-St. Paul sanitary district or any successor thereof, and may appoint a member to serve on any each metropolitan area commission or board authorized by law agency. Each member of the metropolitan council so appointed on each of such commissions agencies shall serve without a vote.

(b) The metropolitan council shall also appoint individuals to the governing body of the cable communications metropolitan interconnected regional channel entity under section 238.43, subdivision 5.

Subd. 7. [PROPERTY.] The council may acquire, own, hold, use, improve, operate, maintain, lease, exchange, transfer, sell, or otherwise dispose of personal or real property, franchises, easements, or property rights or interests of any kind.

Subd. 8. [INSURANCE.] The council may provide for self-insurance or otherwise provide for insurance relating to any of its property, rights, or revenue, workers' compensation, public liability, or any other risk or hazard arising from its activities, and may provide for insuring any of its officers or employees against the risk or hazard at the expense of the council. If the council provides for self-insurance, against its liability and the liability of its officers, employees, and agents for damages resulting from its torts and those of its officers, employees, and agents, including its obligation to pay basic economic loss benefits under sections 65B.41 to 65B.71, it shall be entitled to deduct from damages and basic economic loss benefits all money paid or payable to the persons seeking damages and benefits from all governmental entities providing medical, hospital, and disability benefits except for payments made under the aid to families with dependent children or medical assistance programs.

Subd. 9. [INVESTIGATIONS.] When necessary and proper to the performance of its duties, the council may enter in a reasonable manner upon any premises for the purpose of making any reasonably necessary or proper investigations and examinations. The entry is not a trespass. The council is

liable for any actual and consequential loss, injury, or damage from the entry. When necessary and proper to the performance of its duties, the council or its authorized agents may require the production of accounts, books, records, memoranda, correspondence, and other documents and papers of a person receiving financial assistance from the council, may inspect and copy them, and may have access to and may inspect the lands, buildings, facilities, or equipment of the person.

Sec. 40. Minnesota Statutes 1993 Supplement, section 473.13, subdivision 1, is amended to read:

Subdivision 1. [BUDGET.] (a) On or before December 20 of each year the council, after the public hearing required in section 275.065, shall adopt a final budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. The budget shall state in detail the expenditures for each program to be undertaken, including the expenses for salaries, consultant services, overhead, travel, printing, and other items. The budget shall state in detail the capital expenditures of the council for the budget year, based on a five-year capital program adopted by the council and transmitted to the legislature. ~~After adoption of the budget, an increase of over \$10,000 in the council's budget, a program or department budget, or a budget item, must be approved by the council before the increase is allowed or the funds obligated.~~ After adoption of the budget and no later than five working days after December 20, the council shall certify to the auditor of each metropolitan county the share of the tax to be levied within that county, which must be an amount bearing the same proportion to the total levy agreed on by the council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter may not exceed the limits set by sections 473.167 and 473.249.

(b) Each even-numbered year the council shall prepare for its transit programs a financial plan for the succeeding three calendar years, in half-year segments. The financial plan must contain the elements specified in section 473.1623, subdivision 3. The financial plan must contain schedules of user charges and any changes in user charges planned or anticipated by the council during the period of the plan. The financial plan must contain a proposed request for state financial assistance for the succeeding biennium.

(c) In addition, the budget must show for each year:

(1) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service;

(2) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year, all in such detail and form as the council may prescribe; and

(3) the estimated source and use of pass-through funds.

Sec. 41. Minnesota Statutes 1992, section 473.13, subdivision 4, is amended to read:

Subd. 4. [ACCOUNTS; AUDITS.] The council shall keep an accurate account of its receipts and disbursements. Disbursements of council money

must be made by check, signed by the chair or vice-chair of the council, and countersigned by its ~~director or assistant director~~ *regional administrator or designee* after whatever auditing and approval of the expenditure may be ~~provided by rules of required by~~ the council. The state auditor shall audit the books and accounts of the council once each year, or as often as funds and personnel of the state auditor permit. The council shall pay to the state the total cost and expenses of the examination, including the salaries paid to the auditors while actually engaged in making the examination. The general fund must be credited with all collections made for any examination.

Sec. 42. Minnesota Statutes 1992, section 473.146, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] The council shall adopt a long-range comprehensive policy plan for ~~each metropolitan agency required to prepare an implementation plan under section 473.161~~ *transportation, airports, and wastewater treatment*. The plans must substantially conform to all policy statements, purposes, goals, standards, and maps in the development guide developed and adopted by the council under this chapter. Each policy plan must include, to the extent appropriate to the functions, services, and systems covered, the following:

(1) forecasts of changes in the general levels and distribution of population, households, employment, land uses, and other relevant matters, for the metropolitan area and appropriate subareas; ~~to be used in preparing the implementation plan of the affected metropolitan agency;~~

(2) a statement of issues, problems, needs, and opportunities with respect to the functions, services, and systems covered;

(3) a statement of the council's goals, objectives, and priorities with respect to the functions, services, and systems covered, addressing areas and populations to be served, the levels, distribution, and staging of services; a general description of the facility systems required to support the services, and other similar matters;

(4) a statement of policies to effectuate the council's goals, objectives, and priorities;

(5) a statement of the fiscal implications of the council's plan, including a statement of: (i) the resources available under existing fiscal policy; (ii) the adequacy of resources under existing fiscal policy and any shortfalls and unattended needs; (iii) additional resources, if any, that are or may be required to effectuate the council's goals, objectives, and priorities; and (iv) any changes in existing fiscal policy, on regional revenues and intergovernmental aids respectively, that are expected or that the council has recommended or may recommend;

(6) ~~a statement of the standards, criteria, and procedures that the council will use in monitoring and evaluating the implementation of the plan;~~

(7) ~~a statement of the matters that must be addressed in the implementation plan of the affected metropolitan agency;~~

(8) a statement of the relationship of the policy plan to other policy plans and chapters of the metropolitan development guide;

(9) (7) a statement of the relationships to local comprehensive plans prepared under sections 473.851 to 473.872; and

(10) (8) additional general information as may be necessary to develop the policy plan or as may be required by the laws relating to the metropolitan agency and function covered by the policy plan.

Sec. 43. Minnesota Statutes 1992, section 473.146, subdivision 4, is amended to read:

Subd. 4. [TRANSPORTATION PLANNING.] The metropolitan council is the designated planning agency for any long-range comprehensive transportation planning required by section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and other federal transportation laws. The council shall assure administration and coordination of transportation planning with appropriate state, regional and other agencies, counties, and municipalities, and shall establish an advisory body consisting of *citizens*, representatives of ~~the regional transit board, citizens,~~ municipalities, counties, and state agencies in fulfillment of the planning responsibilities of the council and ~~the transit board.~~

Sec. 44. Minnesota Statutes 1992, section 473.149, subdivision 3, is amended to read:

Subd. 3. [PREPARATION AND ADOPTION.] The solid waste policy plan shall be prepared, adopted, and amended in accordance with section 473.146, subdivision 2, provided that the procedural duties and responsibilities established therein for the affected metropolitan agency shall extend to, after consultation with the metropolitan counties and the pollution control agency. In addition to the requirements of section 473.146, subdivision 2, the council shall send notice of any hearing to the pollution control agency and the governing body of each metropolitan county and each local governmental unit, as defined in section 473.801, wherein a solid waste facility is or may be located in accordance with the plan. Any comprehensive plan adopted by the council shall remain in force and effect while new or amended plans are being prepared and adopted by the council. By October 1, 1976, the council shall adopt either interim policies or amendments to the existing comprehensive plan establishing standards and criteria for the review under section 473.823 of permit applications for solid waste facilities used primarily for resource recovery. For permit applications received by the council prior to October 1, 1976, the council may extend the time period provided for review under section 473.823 until 60 days after the adoption of the interim policies or amendments. No metropolitan county, local government unit, commission, or person shall acquire, construct, improve or operate any solid waste facility in the metropolitan area except in accordance with the council's plan and section 473.823, provided that no solid waste facility in use when a plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such facilities.

Sec. 45. Minnesota Statutes 1992, section 473.1623, subdivision 2, is amended to read:

Subd. 2. [FINANCIAL REPORTING AND MANAGEMENT ADVISORY COMMITTEE.] A financial reporting and management advisory committee is created, consisting of the chairs of the council and the following metropolitan agencies: the waste control commission, transit board, transit commission, metropolitan airports commission, and sports facilities commission. The committee is established to assist and advise the council and other governing boards in meeting the requirements of this section. Staff and administrative

services for the committee must be provided by the council and the member agencies. Other agencies shall make financial information available upon request.

Sec. 46. Minnesota Statutes 1993 Supplement, section 473.1623, subdivision 3, is amended to read:

Subd. 3. [FINANCIAL REPORT.] By ~~February~~ *December* 15 of even-numbered years, the council, in consultation with the advisory committee, shall publish a consolidated financial report for the council and all metropolitan agencies and their functions, services, and systems. The financial report must cover the calendar year in which the report is published and the ~~three~~ *two* years preceding and ~~two~~ *three* years succeeding that year. The financial report must contain the following information, for each agency, function, or system, respectively, and in the aggregate, in a consistent format that allows comparison over time and among agencies in expenditure and revenue categories:

- (1) financial policies, goals, and priorities;
- (2) levels and allocation of public expenditure, including capital, debt, operating, and pass-through funds, stated in the aggregate and by appropriate functional, programmatic, administrative, and geographic categories, and the changes in expenditure levels and allocations that the report represents;
- (3) the resources available under existing fiscal policy;
- (4) additional resources, if any, that are or may be required;
- (5) changes in council or agency policies on regional sources of revenue and in levels of debt, user charges, and taxes;
- (6) other changes in existing fiscal policy, on regional revenues and intergovernmental aids respectively, that are expected or that have been or may be recommended by the council or the respective agencies;
- (7) an analysis that links, as far as practicable, the uses of funds and the sources of funds, by appropriate categories and in the aggregate;
- (8) a description of how the fiscal policies effectuate current policy and implementation plans of the council and agencies concerned; and
- (9) a summary of significant changes in council and agency finance and an analysis of fiscal trends.

The council shall present the report for discussion and comment at a public meeting in the metropolitan area and request, in writing, an opportunity to make presentations on the report before appropriate committees of the legislature.

Sec. 47. Minnesota Statutes 1992, section 473.164, is amended to read:

473.164 [PAYMENT OF METROPOLITAN COUNCIL COSTS.]

Subdivision 1. The metropolitan ~~parks and open space commission, the regional transit board, the metropolitan waste control sports facilities commission, and the metropolitan airports commission~~ shall annually reimburse the council for costs incurred by the council in the discharge of its responsibilities relating to the commission ~~or board~~. The costs may be charged

against any revenue sources of the commission ~~or board~~ as determined by the commission ~~or board~~.

Subd. 2. On or before May 1 of each year, the council shall transmit to each commission ~~or board~~ an estimate of the costs which the council will incur in the discharge of its responsibilities related to the commission ~~or board~~ in the next budget year including, without limitation, costs in connection with the preparation, review, implementation and defense of plans, programs and budgets of the commission ~~or board~~. Each commission ~~or board~~ shall include the estimates in its budget for the next budget year and may transmit its comments concerning the estimated amount to the council during the budget review process. Prior to December 15 of each year, the amount budgeted by each commission ~~or board~~ for the next budget year may be changed following approval by the council. During each budget year, the commission ~~or board~~ shall transfer budgeted funds to the council in advance when requested by the council.

Subd. 3. At the conclusion of each budget year, the council, in cooperation with each commission ~~or board~~, shall adopt a final statement of costs incurred by the council for each commission or board. Where costs incurred in the budget year have exceeded the amount budgeted, each commission ~~or board~~ shall transfer to the council the additional moneys needed to pay the amount of the costs in excess of the amount budgeted, and shall include a sum in its next budget. Any excess of budgeted costs over actual costs may be retained by the council and applied to the payment of budgeted costs in the next year. ~~Costs incurred during 1976 shall be reimbursed to the council on or before December 31, 1976, following receipt and in accordance with a statement of costs transmitted by the council. Notwithstanding the provisions of this section, after July 1, 1981, the metropolitan council shall not charge the regional transit board for any costs incurred by the council for the study of light rail transit unless the study plan and budget have been approved by the board.~~

Sec. 48. Minnesota Statutes 1993 Supplement, section 473.167, subdivision 1, is amended to read:

Subdivision 1. [CONTROLLED ACCESS HIGHWAYS AND TRANSIT FIXED-GUIDEWAYS; COUNCIL APPROVAL.] Before acquiring land for or constructing a controlled access highway or transit fixed-guideway in the area, the state transportation department or local government unit proposing the acquisition or construction shall submit to the council a statement describing the proposed project. The statement must be in the form and detail required by the council. ~~Immediately upon receipt of the statement, the council shall transmit a copy to the regional transit board, which shall review and evaluate the project in relationship to the board's implementation plan and report its recommendations and comments to the council. The council shall also review the statement to ascertain its consistency with its policy plan and the development guide. No project may be undertaken unless the council determines that it is consistent with the policy plan and implementation plan. This approval is in addition to the requirements of any other statute, ordinance or rule.~~

Sec. 49. Minnesota Statutes 1992, section 473.168, subdivision 2, is amended to read:

Subd. 2. The metropolitan council ~~in consultation with the regional transit board~~ may require that any freeway constructed in the metropolitan area on

which actual construction has not been commenced by April 12, 1974 include provisions for exclusive lanes for buses and, as the council may determine, other forms of multipassenger transit. The council, in making its determination, must demonstrate that the exclusive lanes are necessary to implement the transportation policy plan of the development guide.

Sec. 50. Minnesota Statutes 1992, section 473.173, subdivision 3, is amended to read:

Subd. 3. In developing the rules, the council and the advisory metropolitan land use committee, as defined in section 473.852, shall give consideration to all factors deemed relevant including but not limited to the following:

(1) The impact a proposed matter will have on the orderly, economical development, public and private, of the metropolitan area and its consistency with the metropolitan development guide;

(2) The relationship a proposed matter will have to the policy statement goals, standards, programs, and other applicable provisions of the development guide;

(3) The impact a proposed matter will have on policy plans adopted by the council ~~and on the implementation plans and functions performed and to be performed by a metropolitan agency that is subject to section 473.161;~~

(4) Functions of municipal governments in respect to control of land use as provided for under the municipal planning act.

Sec. 51. Minnesota Statutes 1992, section 473.173, subdivision 4, is amended to read:

Subd. 4. The rules shall include, without limitation, provisions to effectuate and comply with the following powers and requirements:

(1) No applicant shall be required to submit a proposed matter for review more than once unless it is materially altered.

(1a) A public hearing shall be held prior to the final determination with regard to a proposed matter.

(2) The council shall be empowered to suspend action on a proposed matter during the period of review and for a period not to exceed 12 months following the issuance of its final determination. In its final determination, the council may prescribe appropriate conditions with regard to a proposed matter which, if incorporated or complied with, would cause the council to remove the suspension.

(3) The council's recommendation or determination concerning a proposed matter, including the determination as to its metropolitan significance, shall be issued within 90 days following its receipt of a proposal accompanied by adequate supporting information, unless all parties consent in writing to an extension. The council shall extend the time to complete the proceeding by an additional 30 days if the council determines that a fair hearing cannot be completed in the time allowed. To avoid duplication, the review may be suspended for not more than 90 days to await completion of review of a matter by another public agency.

(4) The council shall be required to review a proposed matter upon request of an affected local governmental unit ~~or metropolitan agency that is subject~~

to section 473.161. The rules shall include a procedure for review of a proposed matter upon petition by a specified number of residents of the metropolitan area 18 years of age or older.

(5) The council shall be empowered to review all proposed matters of metropolitan significance regardless of whether the council has received a request from an affected body to conduct that review.

(6) The council shall review all proposed matters determined to be of metropolitan significance as to their consistency with and effect upon metropolitan system plans as defined in section 473.852 and their adverse effects on other local governmental units.

(7) ~~Previously~~ The council's approved policy plans and implementation plans and areas of operational authority of metropolitan agencies that are subject to section 473.161 shall not be subject to review under this section, except as specifically provided in section 473.171.

(8) When announcing the scope of a significance review in the notice commencing the review, the council shall state with particularity, with respect to each issue identified in the scoping document, the policies, provisions, statements, or other elements in metropolitan development guide chapters or policy plans and any other criteria or standards that will be considered or relied on in assessing and determining the metropolitan significance of the proposed project. The statement may be amended by notice to all parties given at least seven days before the public hearing. The statement does not preclude council comment on the consistency of the proposed project with any plans or policies of the council.

(9) Hearings must be conducted in accordance with the following procedures, unless waived in writing by the parties:

- (a) The parties have the right to counsel.
- (b) All testimony must be under oath.
- (c) A complete and accurate record of all proceedings must be maintained.
- (d) Any party or witness may be questioned by the hearing committee or judge, or by other parties.
- (e) The burden of proof that a matter is of metropolitan significance is on the council.
- (f) Decisions of the council on the metropolitan significance of a project must be based on a fair preponderance of the relevant evidence contained in the record and on written findings.

Sec. 52. Minnesota Statutes 1992, section 473.223, is amended to read:

473.223 [FEDERAL AID.]

For the purposes of this section the term "governmental subdivision" includes municipalities, counties and other political subdivisions generally. If federal aid for transportation programs and projects is otherwise unavailable to an existing agency or governmental subdivision, the metropolitan council may cooperate with the government of the United States and any agency or department thereof and the affected agency or other governmental subdivision in establishing metropolitan area eligibility to receive federal aid, and may comply with the provisions of the laws of the United States and any rules and

regulations made thereunder for the expenditure of federal moneys upon such projects as are proposed for federal assistance. ~~If necessary to meet federal requirements, the council, the regional transit board, and the metropolitan transit commission may be considered a single eligible unit to carry out their respective responsibilities.~~ The metropolitan council may accept federal aid and other aid, either public or private, for and in behalf of the metropolitan area or any governmental subdivision of the state, for transportation programs and projects within the metropolitan area upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and is authorized to act as agent of any governmental subdivision of the state with jurisdiction in the metropolitan area upon request of such subdivision in accepting the aid in its behalf for such programs or projects financed either in whole or in part by federal aid. The governing body of any such subdivision is authorized to designate the metropolitan council as its agent for such purposes and to enter into an agreement with the council prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations. The metropolitan council is authorized to designate an appropriate state agency as its agent for such purposes and to enter into an agreement with such agency prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations.

Nothing contained herein shall limit any separate authority of agencies or governmental subdivisions of the state to contract for and receive federal aid.

Sec. 53. Minnesota Statutes 1992, section 473.303, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP; APPOINTMENTS.] ~~The commission shall consist of eight members, plus a chair appointed as provided in subdivision 3. The metropolitan council shall appoint the eight members in accordance with the provisions of section 473.141.~~ (a) *The agency consists of eight members, plus a chair appointed as provided in subdivision 3. The metropolitan council shall appoint the eight members on a nonpartisan basis after consultation with the members of the legislature from the district for which the member is to be appointed. The consultation with legislators in the affected district must include informing each legislator of the name, address, and background of each candidate for appointment and soliciting and reporting to the appointments committee the recommendation of each legislator on the appointment.*

(b) *In addition to the notice required in section 15.0597, subdivision 4, notice of vacancies and expiration of terms must be published in newspapers of general circulation in the metropolitan area and the appropriate districts. The council shall notify in writing the governing bodies of the statutory and home rule charter cities, counties, and towns having territory in the district for which the member is to be appointed. The notices must describe the appointment process and invite participation and recommendations on the appointment.*

(c) *The council shall establish an appointments committee, composed of members of the council, to screen and review candidates. Following the submission of member applications to the metropolitan council as provided under section 15.0597, subdivision 5, the appointments committee shall conduct public meetings, following appropriate notice, to accept statements from or on behalf of persons who have applied or been nominated for appointment and to allow consultation with and secure the advice of the*

public and local elected officials. The committee shall hold the meeting on each appointment in the district or in a reasonably convenient and accessible location in the part of the metropolitan area in which the district is located. The committee may consolidate meetings. Following the meetings, the committee shall submit to the council a written report that lists the persons who have applied or been nominated or recommended for the position, along with a description of the background and qualifications of each. In making its recommendation, the committee specifically shall consider evidence of the candidate's commitment to regularly communicate on issues before the agency with metropolitan council members, legislators and local elected officials in the district, and the committee shall report its findings on this subject in its written report to the council.

(d) One member shall be appointed from each of the following agency districts:

- (1) district A, consisting of council districts 1 and 2;
- (2) district B, consisting of council districts 3 and 4;
- (3) district C, consisting of council districts 5 and 6;
- (4) district D, consisting of council districts 7 and 8;
- (5) district E, consisting of council districts 9 and 10;
- (6) district F, consisting of council districts 11 and 12;
- (7) district G, consisting of council districts 13 and 14; and
- (8) district H, consisting of council districts 15 and 16.

Sec. 54. Minnesota Statutes 1992, section 473.303, subdivision 3a, is amended to read:

Subd. 3a. [MEMBERS; DUTIES.] ~~Members have the duties imposed by section 473.141, subdivision 3a. Each member shall communicate regularly with metropolitan council members, legislators, and local government officials in the district the member represents.~~

Sec. 55. Minnesota Statutes 1992, section 473.303, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the commission district for which appointed and shall not during terms of office as a commission member hold the office of metropolitan council member, or be a member of ~~the metropolitan transit commission, metropolitan waste control commission, or metropolitan airports commission; or any other metropolitan agency, board, or commission hereafter established by the legislature or hold any judicial office.~~

Sec. 56. Minnesota Statutes 1992, section 473.303, subdivision 4a, is amended to read:

Subd. 4a. [TERMS.] Following each apportionment of metropolitan council districts, as provided under section 473.123, subdivision 3a, ~~the metropolitan council appointed as provided in section 473.123, subdivision 3a,~~ shall appoint a chair and eight commission members from newly drawn districts. The terms of members and chairs are as follows: members representing commission districts A, B, C, and D, and the chair of the commission, for

terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5." Thereafter the term of each member and the chair is four years, with terms ending the first Monday in January, except that all terms expire on the effective date of the next apportionment. The chair shall continue to serve until a successor is appointed and qualified. A member shall continue to serve the commission district until a successor is appointed and qualified; except that, following each apportionment, the member shall continue to serve at large until the metropolitan council appointed pursuant to section 473.123, subdivision 3a appoints eight commission members as provided under subdivision 2, to serve terms as provided under this subdivision. The appointments to the commission must be made by the first Monday in May of the year in which the term ends.

Sec. 57. Minnesota Statutes 1992, section 473.303, subdivision 5, is amended to read:

Subd. 5. [VACANCIES; REMOVAL.] If the office of any commission member or the chair becomes vacant, the vacancy shall be filled by appointment in the same manner the original appointment was made. Members, other than the chair, may be removed by the council only for cause in the manner specified in chapter 351. The chair may be removed at the pleasure of the council.

Sec. 58. Minnesota Statutes 1992, section 473.303, subdivision 6, is amended to read:

Subd. 6. [COMPENSATION.] Members and the chair shall be compensated as provided in section 473.141, subdivision 7 paid \$50 for each day when the member or chair attends one or more meetings, or provides other services, as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties.

Sec. 59. Minnesota Statutes 1992, section 473.371, subdivision 1, is amended to read:

Subdivision 1. [POLICY.] The legislature finds that, for the provision of essential mobility and transportation options in the metropolitan area, for the encouragement of alternatives to the single-occupant vehicle and for the development of transportation service designed to meet public needs efficiently and effectively, there is a need for the creation of regional transit programs and agencies with the powers and duties prescribed by law in the metropolitan area.

Sec. 60. Minnesota Statutes 1992, section 473.375, subdivision 11, is amended to read:

Subd. 11. [RIDESHARING.] Upon certification by the board, after June 30, 1985, that it has adopted an approved interim implementation plan and is ready to assume responsibilities for the program, the board shall assume the responsibilities identified by the board that are imposed on the commissioner of transportation, the metropolitan council, or the transit commission pursuant to section 174.257 and other applicable provisions of law for the establishment and implementation of a ridesharing program in the metropolitan area, except for the statewide vanpool leasing program conducted by the commissioner. The commissioner, the council, and the commission shall cooperate

~~with the board in the transfer of these duties and~~ The council shall administer a ridesharing program in the metropolitan area, except for the statewide vanpool leasing program conducted by the commissioner of transportation and shall cooperate with the commissioner in the conduct of ridesharing activities in areas where the commissioner's programs and the board's council's program overlap. The ~~board~~ council shall establish a rideshare advisory committee to advise it in carrying out the program. The ~~board~~ council may contract for services in operating the program.

Sec. 61. Minnesota Statutes 1992, section 473.375, subdivision 12, is amended to read:

Subd. 12. [ASSISTANCE.] The ~~board~~ council shall offer, use, and apply its services to assist and advise transit providers in the metropolitan transit area in the planning, promotion, development, operation, and evaluation of programs and projects which are undertaken or proposed to be undertaken by contract with the ~~board~~ council, and shall seek out and select recipients of this assistance and advice.

Sec. 62. Minnesota Statutes 1992, section 473.375, subdivision 13, is amended to read:

Subd. 13. [FINANCIAL ASSISTANCE.] The ~~board~~ council may provide financial assistance to the ~~commission~~ and other providers as provided in sections 473.371 to 473.449 ~~in furtherance of and in conformance with the implementation plan of the board.~~ The ~~board~~ council may not use the proceeds of bonds issued by the ~~council~~ under section 473.39 to provide capital assistance to private, for-profit operators of public transit.

No political subdivision within the metropolitan area may apply for federal transit assistance unless its application has been submitted to and approved by the council.

Sec. 63. Minnesota Statutes 1992, section 473.375, subdivision 14, is amended to read:

Subd. 14. [COORDINATION.] The ~~board~~ council shall coordinate transit operations within the metropolitan area and shall establish a transit information program to provide transit users with accurate information on transit schedules and service.

Sec. 64. Minnesota Statutes 1992, section 473.375, subdivision 15, is amended to read:

Subd. 15. [PERFORMANCE STANDARDS.] The ~~board~~ council may establish performance standards for recipients of financial assistance.

Sec. 65. Minnesota Statutes 1992, section 473.382, is amended to read:

473.382 [LOCAL PLANNING AND DEVELOPMENT PROGRAM.]

In preparing and amending its implementation plan pursuant to section 473.377, The ~~transit board~~ council shall establish a program to ensure participation by representatives of local government units and the coordination of the planning and development of transit by local government units. The ~~board~~ council shall encourage the establishment of local transit planning and development boards by local governments for the purpose of:

(a) ~~assisting and advising the transit board in preparing the implementation plan, including the identification of~~ identifying service needs and objectives;

(b) preparing, or advising and assisting local units of government in preparing the transit study and service plan required by section 473.384;

(c) preparing or advising the ~~transit board~~ council in the review of applications for assistance under section 473.384.

The ~~board~~ council may provide local boards with whatever assistance it deems necessary and appropriate.

Sec. 66. Minnesota Statutes 1992, section 473.384, subdivision 1, is amended to read:

Subdivision 1. [CONTRACTS REQUIRED.] The ~~transit board~~ council shall make contracts with eligible recipients for financial assistance to transit service within the metropolitan area. The ~~board~~ council may not give financial assistance to ~~a another~~ transit provider ~~other than the commission~~ without first having executed a contract. The provisions of this section do not apply to contracts made under sections 473.386 and 473.388.

Sec. 67. Minnesota Statutes 1992, section 473.384, subdivision 3, is amended to read:

Subd. 3. [APPLICATIONS.] The ~~board~~ council shall establish procedures and standards for review and approval of applications for financial assistance under this section ~~consistent with its approved implementation plan~~. An applicant must provide the ~~board~~ council with the financial and other information the ~~board~~ council requires to carry out its duties. The ~~board~~ council may specify procedures, including public hearing requirements, to be followed by applicants that are cities, towns, or counties or combinations thereof in conducting transit studies and formulating service plans under subdivisions 4 and 5.

Sec. 68. Minnesota Statutes 1992, section 473.384, subdivision 4, is amended to read:

Subd. 4. [TRANSIT STUDY.] The ~~board~~ council shall require that prior to applying for financial assistance by contract under clause (a) of subdivision 2, the applicant must prepare and submit a transit study which includes the following elements:

(a) a determination of existing and future transit needs within the area to be served, and an assessment of the adequacy of existing service to meet the needs;

(b) an assessment of the level and type of service required to meet unmet needs;

(c) an assessment of existing and future resources available for the financing of transit service; and

(d) the type or types of any new government arrangements or agreements needed to provide adequate service.

The transit study for any applicant may be done by the ~~board~~ council.

Sec. 69. Minnesota Statutes 1992, section 473.384, subdivision 5, is amended to read:

Subd. 5. [SERVICE PLAN.] The ~~board~~ *council* shall, before making a contract with an eligible recipient, require the submission of a service plan which includes the following elements:

(a) a description of the service proposed for financial assistance, including vehicles, routes, and schedules;

(b) an assessment of the extent to which the proposed service meets the needs as determined by the transit study;

(c) a description of the contract administration and review process if the operation of the proposed service is to be done by a private contractor;

(d) a description of the amount required to establish and operate the proposed service and the proposed sources of the required amount including operating revenue, other local sources, and assistance from the ~~board~~ *council* and from federal sources;

(e) the fare structure of the proposed service; and

(f) projections of usage of the system.

The ~~board~~ *council* may specify procedures, including public hearing requirements, to be followed by applicants that are cities, towns, or counties or combinations thereof in conducting transit studies and formulating service plans.

Sec. 70. Minnesota Statutes 1992, section 473.384, subdivision 6, is amended to read:

Subd. 6. [FINANCIAL ASSISTANCE FOR CERTAIN PROVIDERS.] The ~~board~~ *council* shall provide financial assistance to recipients who were receiving assistance by contract with the commissioner of transportation under Minnesota Statutes 1982, section 174.24, subdivision 3 on July 1, 1984, so that the percentage of total operating cost, as defined by the ~~board~~ *council*, paid by the recipient from all local sources of revenue, including operating revenue, does not exceed the percentage for the recipient's classification as determined by the commissioner of transportation under the commissioner's final contract with the recipient. The ~~board~~ *council* may include funds received under section 473.446, subdivision 1a, as a local source of revenue. The remainder of the total operating cost will be paid by the ~~board~~ *council* less all assistance received by the recipient for that purpose from any federal source.

If a recipient informs the ~~board~~ *council* in writing prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the ~~board~~ *council* may adjust the percentage as it deems equitable. If for any year the funds available to the ~~board~~ *council* are insufficient to allow the ~~board~~ *council* to pay its share of total operating cost for those recipients, the ~~board~~ *council* shall reduce its share in each classification to the extent necessary.

Sec. 71. Minnesota Statutes 1992, section 473.384, subdivision 7, is amended to read:

Subd. 7. [MTC TRANSIT OPERATIONS IMPACT ASSESSMENT.] Prior to entering into a contract for operating assistance with a recipient ~~other than the transit commission~~, the ~~board~~ *council* shall evaluate the effect, if any, of the contract on the ridership, routes, schedules, fares, and staffing levels of the

existing and proposed service provided by the ~~commission council~~. ~~A copy of the assessment must be provided to the commission.~~ The ~~board council~~ may enter into the contract only if it determines that the service to be assisted under the contract will not impose an undue hardship on the ridership or financial condition of ~~the commission~~ *the council's transit operations*. The requirements of this subdivision do not apply to contracts for assistance to recipients who, as part of a negotiated cost-sharing arrangement with the ~~board council~~, pay a substantial part of the cost of services that directly benefit the recipient as an institution or organization.

Sec. 72. Minnesota Statutes 1992, section 473.384, subdivision 8, is amended to read:

Subd. 8. [PARATRANSIT CONTRACTS.] In executing and administering contracts for paratransit projects, the ~~board council~~ has the powers and duties given to the commissioner of transportation in section 174.255, subdivisions 1 and 2 relating to handicapped accessibility and insurance coverage. The provisions of section 174.255, subdivision 3, apply to paratransit projects which receive assistance by contract with the ~~board council~~.

Sec. 73. Minnesota Statutes 1992, section 473.385, is amended to read:

473.385 [TRANSIT SERVICE AREAS.]

Subdivision 1. [DEFINITIONS.] (a) "Fully developed service area" means the fully developed area, as defined in the metropolitan council's development ~~investment framework guide~~, plus the cities of Mendota Heights, Maplewood, North St. Paul, and Little Canada.

(b) "Regular route transit" has the meaning given it in section 174.22, subdivision 8, except that, for purposes of this section, the term does not include services on fixed routes and schedules that are primarily intended to provide circulator service within a community or adjacent communities rather than feeder service to the system of metropolitan regular route transit operated by the ~~commission council~~.

Subd. 2. [SERVICE AREAS.] The ~~regional transit board council~~ may provide financial assistance (whether directly or through another entity) to private, for-profit operators of public transit only for the following services:

- (1) services that are not regular route services;
- (2) regular route services provided on June 2, 1989, by a private, for-profit operator under contract with the ~~board council~~ or under a certificate of convenience and necessity issued by the transportation regulation board;
- (3) regular route services outside of the fully developed service area that are not operated on June 2, 1989, by the ~~commission council~~;
- (4) regular route services provided under section 473.388;
- (5) regular route services to recipients who, as part of a negotiated cost-sharing arrangement with the ~~board council~~, pay at least 50 percent of the cost of the service that directly benefits the recipient as an institution or organization; or
- (6) regular route services that ~~the board and the commission agree are not~~ or will not be operated for a reasonable subsidy by the ~~commission council~~.

Sec. 74. Minnesota Statutes 1992, section 473.386, subdivision 1, is amended to read:

Subdivision 1. [SERVICE OBJECTIVES.] The ~~transit board~~ *council* shall implement a special transportation service, as defined in section 174.29, in the metropolitan area. The service has the following objectives:

(a) to provide greater access to transportation for the elderly, handicapped, and others with special transportation needs in the metropolitan area;

(b) to develop an integrated system of special transportation service providing transportation tailored to meet special individual needs in the most cost-efficient manner; and

(c) to use existing public, private, and private nonprofit providers of service wherever possible, to supplement rather than replace existing service, and to increase the productivity of all special transportation vehicles available in the area.

Sec. 75. Minnesota Statutes 1992, section 473.386, subdivision 2, is amended to read:

Subd. 2. [SERVICE CONTRACTS; MANAGEMENT; TRANSPORTATION ACCESSIBILITY ADVISORY COMMITTEE.] (a) The ~~board~~ *council* shall contract for services necessary for the provision of special transportation. All transportation service must be provided under a contract between the ~~board~~ *council* and the provider which specifies the service to be provided, the standards that must be met, and the rates for operating and providing special transportation services.

(b) The ~~board~~ *council* shall establish management policies for the service but shall contract with a service administrator for day-to-day administration and management of the service. The contract must delegate to the service administrator clear authority to administer and manage the delivery of the service pursuant to ~~board~~ *council* management policies and must establish performance and compliance standards for the service administrator.

(c) The ~~board~~ *council* shall ensure that the service administrator establishes a system for registering and expeditiously responding to complaints by users, informing users of how to register complaints, and requiring providers to report on incidents that impair the safety and well-being of users or the quality of the service. The ~~board~~ *council* shall annually report to the commissioner of transportation and the legislature on complaints and provider reports, the response of the service administrator, and steps taken by the ~~board~~ *council* and the service administrator to identify causes and provide remedies to recurring problems.

(d) Within 90 days following August 1, 1987, the board shall hold a public hearing on standards for provider eligibility, selection, performance, compliance, and evaluation; the terms of provider contracts and the contract with the service administrator and related contract management policies and procedures of the board; fare policies; service areas, hours, standards, and procedures; and similar matters relating to implementation of the service. Each year before renewing contracts with providers and the service administrator, the ~~board~~ *council* shall provide an opportunity for the transportation accessibility advisory committee, users, and other interested persons to testify before the ~~board~~ *council* concerning providers, contract terms, and other

matters relating to ~~board~~ *council* policies and procedures for implementing the service.

(e) The ~~board~~ *council* shall establish a transportation accessibility advisory committee. The transportation accessibility advisory committee must include elderly and handicapped persons, other users of special transportation service, representatives of persons contracting to provide special transportation services, and representatives of appropriate agencies for elderly and handicapped persons to advise the ~~board~~ *council* on management policies for the service. At least half the transportation accessibility advisory committee members must be disabled or elderly persons or the representatives of disabled or elderly persons. Two of the appointments to the transportation accessibility advisory committee shall be made by the council on disability in consultation with the chair of the ~~regional transit board~~ *council*.

Sec. 76. Minnesota Statutes 1993 Supplement, section 473.386, subdivision 2a, is amended to read:

Subd. 2a. [ELIGIBILITY CERTIFICATION.] The ~~board~~ *council* shall include the notice of penalty for fraudulent certification, and require the person certifying the applicant to sign the eligibility certification form and the applicant to sign the application form, as provided in section 174.295.

Sec. 77. Minnesota Statutes 1992, section 473.386, subdivision 3, is amended to read:

Subd. 3. [DUTIES OF ~~BOARD COUNCIL~~.] In implementing the special transportation service, the ~~board~~ *council* shall:

(a) encourage participation in the service by public, private, and private nonprofit providers of special transportation currently receiving capital or operating assistance from a public agency;

(b) contract with public, private, and private nonprofit providers that have demonstrated their ability to effectively provide service at a reasonable cost;

(c) encourage individuals using special transportation to use the type of service most appropriate to their particular needs;

(d) ensure that all persons providing special transportation service receive equitable treatment in the allocation of the ridership;

(e) encourage shared rides to the greatest extent practicable;

(f) encourage public agencies that provide transportation to eligible individuals as a component of human services and educational programs to coordinate with this service and to allow reimbursement for transportation provided through the service at rates that reflect the public cost of providing that transportation;

(g) establish criteria to be used in determining individual eligibility for special transportation services;

(h) consult with the transportation accessibility advisory committee in a timely manner before changes are made in the provision of special transportation services, including, but not limited to, changes in policies affecting the matters subject to hearing under subdivision 2;

(i) provide for effective administration and enforcement of ~~board~~ *council* policies and standards; and

(j) annually evaluate providers of special transportation service to ensure compliance with the standards established for the program.

Sec. 78. Minnesota Statutes 1992, section 473.386, subdivision 4, is amended to read:

Subd. 4. [COORDINATION REQUIRED.] The ~~board~~ *council* may not grant any financial assistance to any recipient that proposes to use any part of the grant to provide special transportation service in the metropolitan area unless the program is coordinated with the ~~board's council's~~ special transportation service in the manner determined by the ~~board council~~. The ~~board council~~ is not required to provide funding for transportation services from a residence to a service site and home again when the services are used by individuals in conjunction with their participation in human service developmental achievement center programs in which transportation to and from the program is a required and funded component of those programs.

Sec. 79. Minnesota Statutes 1992, section 473.386, subdivision 5, is amended to read:

Subd. 5. [EQUITABLE ALLOCATION AND ANNUAL REALLOCATION.] The ~~board council~~ shall distribute all available funding under this section in a manner designed to achieve an equitable allocation of special transportation services based on the proportion of the number of elderly, handicapped, disabled, or economically disadvantaged individuals with special transportation needs who actually use the special transportation service.

Sec. 80. Minnesota Statutes 1992, section 473.386, subdivision 6, is amended to read:

Subd. 6. [OPERATING AND SERVICE STANDARDS.] A person operating or assisting the operation of a vehicle may leave the vehicle to enter premises in order to help a passenger who does not require emergency ambulance service. Operators and assistants shall provide the help necessary for door-through-door service, including help in entering and leaving the vehicle and help through the exterior entrance and over any exterior steps at either departure or destination buildings, provided that both the steps and the wheelchair are in good repair. If an operator or assistant refuses help because of the condition of the steps or the wheelchair, the operator of the service shall send letters to the service administrator designated by the ~~board council~~, who shall notify the person denied service describing the corrective measures necessary to qualify for service.

Sec. 81. Minnesota Statutes 1992, section 473.387, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATION.] The ~~regional transit board~~ *council* shall design and administer the programs under this section. The ~~board council~~ may request proposals for projects to demonstrate methods of achieving the purposes of programs administered under this section. The ~~board council~~ shall design or ensure the design of programs that will provide better access for the targeted service groups to places of employment and activity throughout the metropolitan area, using regular route transit, paratransit, taxis, car or van pools, or other means of conveyance. The ~~board council~~ may organize the services by providing to individuals, directly or indirectly, reduced fares or passes on public transit or vouchers to be used to purchase transportation; by contracting with public and private providers; by arrangements with govern-

ment agencies, civic and community organizations or nonprofit groups providing assistance to the targeted service groups; by arrangements with prospective employers, with employment, education, retail, medical, or other activity centers, or with local governments; or by any other methods designed to improve service and reduce costs to the targeted service groups.

Sec. 82. Minnesota Statutes 1992, section 473.387, subdivision 3, is amended to read:

Subd. 3. [JOBSEEKERS.] The ~~board~~ *council* shall establish a program and policies to increase the availability and utility of public transit services and reduce transportation costs for persons who are seeking employment and who lack private means of transportation.

Sec. 83. Minnesota Statutes 1992, section 473.387, subdivision 4, is amended to read:

Subd. 4. [TRANSIT DISADVANTAGED.] The ~~board~~ *council* shall establish a program and policies to reduce transportation costs for persons who are, because of limited incomes, age, disability, or other reasons, especially dependent on public transit for common mobility.

Sec. 84. Minnesota Statutes 1992, section 473.388, subdivision 2, is amended to read:

Subd. 2. [REPLACEMENT SERVICE; ELIGIBILITY.] The ~~transit board~~ *council* may provide assistance under the program to a statutory or home rule charter city or town or combination thereof, that:

- (a) is located in the metropolitan transit taxing district;
- (b) is not served by the ~~transit commission~~ *council bus service* or is served only with ~~transit commission~~ *council bus routes* which begin or end within the applying city or town or combination thereof; and
- (c) has fewer than four scheduled runs of ~~metropolitan transit commission~~ *council bus service* during off-peak hours defined in section 473.408, subdivision 1.

Eligible cities or towns or combinations thereof may apply on behalf of a transit operator with whom they propose to contract for service.

The ~~board~~ *council* may not provide assistance under this section to a statutory or home rule charter city or town unless the city or town,

(i) was receiving assistance under Minnesota Statutes 1982, section 174.265 by July 1, 1984,

(ii) had submitted an application for assistance under that section by July 1, 1984, or

(iii) had submitted a letter of intent to apply for assistance under that section by July 1, 1984, and submits an application for assistance under this section by July 1, 1988. A statutory or home rule charter city or town has an additional 12-month extension if it ~~has~~ notified the *former regional transit board* before July 1, 1988, that the city or town is in the process of completing a transportation evaluation study that includes an assessment of the local transit needs of the city or town.

Sec. 85. Minnesota Statutes 1992, section 473.388, subdivision 3, is amended to read:

Subd. 3. [APPLICATION FOR ASSISTANCE.] An application for assistance under this section must:

(a) describe the existing service provided to the applicant by the ~~transit commission~~ *council*, including the estimated number of passengers carried and the routes, schedules, and fares;

(b) describe the transit service proposed for funding under the demonstration program, including the anticipated number of passengers and the routes, schedules, and fares; and

(c) indicate the total amount of available local transit funds, the portion of the available local transit funds proposed to be used to subsidize replacement services, and the amount of assistance requested for the replacement services.

Sec. 86. Minnesota Statutes 1992, section 473.388, subdivision 4, is amended to read:

Subd. 4. [FINANCIAL ASSISTANCE.] The ~~board~~ *council* may grant the requested financial assistance if it determines that the proposed service is consistent with the approved implementation plan and is intended to replace the service to the applying city or town or combination thereof by the ~~transit commission~~ *council* and that the proposed service will meet the needs of the applicant at least as efficiently and effectively as the existing service.

The amount of assistance which the ~~board~~ *council* may provide under this section may not exceed the sum of:

(a) the portion of the available local transit funds which the applicant proposes to use to subsidize the proposed service; and

(b) an amount of financial assistance bearing an identical proportional relationship to the amount under clause (a) as the total amount of financial assistance to the ~~transit commission~~ *council* bears to the total amount of taxes collected by the ~~board~~ *council* under section 473.446. The ~~board~~ *council* shall pay the amount to be provided to the recipient from the assistance the ~~board~~ *council* would otherwise pay to the ~~transit commission~~ *council*.

For purposes of this section "available local transit funds" means 90 percent of the tax revenues which would accrue to the ~~board~~ *council* from the tax it levies under section 473.446 in the applicant city or town or combination thereof.

For purposes of this section, "tax revenues" in the city or town means the sum of the following:

(1) the nondebt spread levy, which is the total of the taxes extended by application of the local tax rate for nondebt purposes on the taxable net tax capacity;

(2) the portion of the fiscal disparity distribution levy under section 473F.08, subdivision 3, attributable to nondebt purposes; and

(3) the portion of the homestead credit and agricultural credit aid and disparity reduction aid amounts under section 273.1398, subdivisions 2 and 3, attributable to nondebt purposes.

Tax revenues do not include the state feathering reimbursement under section 473.446.

Sec. 87. Minnesota Statutes 1992, section 473.388, subdivision 5, is amended to read:

Subd. 5. [OTHER ASSISTANCE.] A city or town receiving assistance under this section may also receive assistance from the ~~board~~ *council* under section 473.384. In applying for assistance under that section an applicant must describe the portion of the available local transit funds which are not obligated to subsidize replacement service and which the applicant proposes to use to subsidize additional service. An applicant which has exhausted its available local transit funds may use any other local subsidy funds to complete the required local share.

Sec. 88. Minnesota Statutes 1992, section 473.39, subdivision 1, is amended to read:

Subdivision 1. [GENERAL AUTHORITY.] The council, ~~if requested by vote of at least two-thirds of all of the members of the transit board,~~ may issue general obligation bonds subject to the volume limitations in this section to provide funds to the ~~board~~ *council* for expenditure to implement the ~~board's approved implementation plan~~ *council's transit capital improvement program* and may issue general obligation bonds not subject to the limitations for the refunding of outstanding bonds or certificates of indebtedness of the council, the ~~former regional transit board~~ *former regional transit board* or the ~~former metropolitan transit commission,~~ and judgments against the ~~former regional transit board~~ *former regional transit board* or the ~~former metropolitan transit commission or the council.~~ *The council may not unreasonably withhold the issuance of obligations for an implementation plan that has been approved by the council.* The council may not issue obligations pursuant to this subdivision, other than refunding bonds, in excess of the amount specifically authorized by law. Except as otherwise provided in sections 473.371 to 473.449, the council shall provide for the issuance, sale, and security of the bonds in the manner provided in chapter 475, and has the same powers and duties as a municipality issuing bonds under that law, except that no election is required and the net debt limitations in chapter 475 do not apply to the bonds. The obligations are not a debt of the state or any municipality or political subdivision within the meaning of any debt limitation or requirement pertaining to those entities. Neither the state, nor any municipality or political subdivision except the council ~~and board,~~ nor any member or officer or employee of the ~~board or council,~~ is liable on the obligations. The obligations may be secured by taxes levied without limitation of rate or amount upon all taxable property in the transit taxing district and transit area as provided in section 473.446, subdivision 1, clause (c). ~~The council shall certify to the transit board before October 1 of each year the amounts necessary to provide full and timely payment of the obligations.~~ As part of its levy made under section 473.446, subdivision 1, clause (c), the ~~board~~ *council* shall levy the amounts ~~certified by the council~~ *necessary to provide full and timely payment of the obligations* and transfer the proceeds to the ~~appropriate council account~~ *appropriate council account* for payment of the obligations. The taxes must be levied, certified, and collected in accordance with the terms and conditions of the indebtedness.

Sec. 89. Minnesota Statutes 1992, section 473.39, subdivision 1a, is amended to read:

Subd. 1a. [OBLIGATIONS.] (a) After August 1, 1989, the council may issue certificates of indebtedness, bonds, or other obligations under this

section in an amount not exceeding ~~\$26,000,000~~ \$30,700,000 for transit financial assistance to the commission, as prescribed in the implementation and council's capital plans of the board and the capital improvement program of the commission.

(b) After August 1, 1989, the council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$4,700,000 for other capital expenditures as prescribed in the implementation and capital plans of the board.

(c) The board shall require, As a condition of the use of transit financial assistance to the commission, that the commission make under this section, the council must make the transit facilities it constructs, acquires, or improves for I-394 with funds provided under this section available to all transit providers on a nondiscriminatory basis, as the board council defines these terms.

(d) (c) The limitation contained in this subdivision does not apply to refunding bonds issued by the council.

Sec. 90. Minnesota Statutes 1992, section 473.39, subdivision 1b, is amended to read:

Subd. 1b. [OBLIGATIONS; 1993-1996.] The council may also issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$62,000,000, of which \$44,000,000 may be used by the commission for council transit fleet replacement, transit facilities, and transit capital equipment, and \$18,000,000 may be used by the board for transit hubs, park-and-ride lots, community-based transit vehicles and replacement service program vehicles, and intelligent vehicle highway systems projects, and related costs including the cost of issuance and sale of the obligations. The council may issue \$32,000,000 of the total amount authorized under this subdivision during fiscal biennium ending 1993, \$30,000,000 during fiscal biennium ending 1995.

Sec. 91. Minnesota Statutes 1992, section 473.39, is amended by adding a subdivision to read:

Subd. 3. [TRANSIT CAPITAL IMPROVEMENT PROGRAM.] The council may not issue obligations pursuant to this section until the council adopts a three-year transit capital improvement program. The program must include a capital investment component that sets forth a capital investment strategy and estimates the fiscal and other effects of the strategy. The component must specify, to the extent practicable, the capital improvements to be undertaken. For each improvement specified, the program must describe: (1) need, function, objective, and relative priority; (2) alternatives, including alternatives not involving capital expenditures; (3) ownership and operating entity; (4) location and schedule of development; (5) environmental, social, and economic effects; (6) cost; (7) manner of finance and revenue sources, including federal and state funds, private funds, taxes, and user charges; and (8) fiscal effects, including an estimate of annual operating costs and sources of revenue to pay the costs.

Sec. 92. Minnesota Statutes 1992, section 473.391, is amended to read:

473.391 [ROUTE PLANNING AND SCHEDULING.]

The ~~regional transit board~~ *council* may contract with the ~~metropolitan transit commission~~ or other operators or local governments for route planning and scheduling services in any configuration of new or reconfiguration of existing transit services and routes, including route planning and scheduling necessary for the test marketing program, the service bidding program, and the interstate highway described in section 161.123, clause (2), commonly known as I-394. Route planning and scheduling is subject to approval by the board for conformity to the board's transit implementation plans and route, schedule, and other service standards, objectives, and policies established by the board.

Sec. 93. Minnesota Statutes 1992, section 473.392, is amended to read:

473.392 [SERVICE BIDDING.]

The ~~regional transit board~~ *council* may competitively bid transit service only in accordance with standards, procedures, and guidelines adopted by resolution of the ~~board~~ *council*. The ~~board~~ *council* shall establish a project management team to assist and advise the ~~board~~ *council* in developing and implementing standards, procedures, and guidelines. The project management team must include representatives of the ~~metropolitan transit commission~~, the Amalgamated Transit Union Local 1005, private operators, local governments, and other persons interested in the subject. At least 60 days before adopting any standards, procedures, or guidelines for competitive bidding of transit service, the ~~board~~ *council* shall hold a public hearing on the subject. The ~~board~~ *council* shall publish notice of the hearing in newspapers of general circulation in the metropolitan area not less than 15 days before the hearing. At the hearing all interested persons must be afforded an opportunity to present their views orally and in writing. Following the hearing, and after considering the testimony, the ~~board~~ *council* shall revise and adopt the standards, procedures, and guidelines.

Sec. 94. Minnesota Statutes 1992, section 473.394, is amended to read:

473.394 [BOARD COUNCIL EXEMPT FROM TAXATION.]

The properties, moneys, and other assets of the ~~transit board~~ *council*, all revenues or other income of the ~~board~~ *council*, are exempt from all taxation, licenses, fees, or charges of any kind imposed by the state or by any county, municipality, political subdivision, taxing district, or other public agency or body of the state.

Sec. 95. Minnesota Statutes 1992, section 473.399, as amended by Laws 1993, chapter 353, sections 5 and 20, is amended to read:

473.399 [LIGHT RAIL TRANSIT; REGIONAL PLAN.]

Subdivision 1. [GENERAL REQUIREMENTS.] (a) The ~~transit board~~ *council* shall adopt a regional light rail transit plan as ~~part of the implementation plan pursuant to section 473.161~~, to ensure that light rail transit facilities in the metropolitan area will be acquired, developed, owned, and capable of operation in an efficient, cost-effective, and coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities. To the extent practicable, the ~~board~~ *council* shall incorporate into its plan appropriate elements of the plans of regional railroad authorities in order to avoid duplication of effort.

(b) The regional plan required by this section must be adopted by the ~~board~~ *council* before the commissioner of transportation may begin construction of

light rail transit facilities and before the commissioner may expend funds appropriated or obtained through bonding for constructing light rail transit facilities. Following adoption of the regional plan, each regional railroad authority and the commissioner of transportation shall act in conformity with the plan. The commissioner shall prepare or amend the final design plans as necessary to make the plans consistent with the regional plan.

(c) Throughout the development and implementation of the plan, the ~~board~~ *council* shall contract for or otherwise obtain engineering services to assure that the plan adequately addresses the technical aspects of light rail transit.

Sec. 96. Minnesota Statutes 1993 Supplement, section 473.3994, subdivision 10, is amended to read:

Subd. 10. [CORRIDOR MANAGEMENT COMMITTEE.] A corridor management committee shall be established to advise the commissioner of transportation in the design and construction of light rail transit in each corridor to be constructed. The corridor management committee shall consist of the members of the light rail transit joint powers board established pursuant to section 473.3998 and one representative from each city in which the corridor is located. Additionally, the commissioner of transportation, ~~the chair and three representatives of the metropolitan council, the chair of the regional transit board, and the chair of the metropolitan transit commission~~ shall each appoint a member to the committee. For the corridor between Minneapolis and St. Paul, the University of Minnesota shall appoint one member to the committee. ~~The~~ A member representing the ~~regional transit board metropolitan council~~ shall chair the committee.

The corridor management committee shall advise the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located on issues relating to the alternatives analysis, environmental review, preliminary design, preliminary engineering, final design, implementation method, and construction of light rail transit.

Sec. 97. Minnesota Statutes 1993 Supplement, section 473.3997, is amended to read:

473.3997 [FEDERAL FUNDING; LIGHT RAIL TRANSIT.]

(a) Upon completion of the alternatives analysis and draft environmental impact statement for the central corridor transit improvement project, the ~~regional transit board council~~, the commissioner of transportation, and the affected regional rail authorities may prepare a joint application for federal assistance for light rail transit facilities in the metropolitan area. The application must be reviewed and approved by the metropolitan council before it is submitted by the ~~board council~~ and the commissioner. In reviewing the application the council must consider the information submitted to it under section 473.3994, subdivision 9. ~~The board and the commissioner must consult with the council in preparing the application.~~

(b) Until the application described in paragraph (a) is submitted, no political subdivision in the metropolitan area may on its own apply for federal assistance for light rail transit planning or construction.

Sec. 98. Minnesota Statutes 1992, section 473.405, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The ~~transit commission~~ *metropolitan council* has the powers and duties prescribed by sections 473.404 to 473.449 and all powers necessary or convenient to discharge its duties.

Sec. 99. Minnesota Statutes 1992, section 473.405, subdivision 3, is amended to read:

Subd. 3. [PROPERTY CONDEMNATION.] The ~~commission~~ *council* may ~~for transit purposes~~ acquire, own, hold, use, improve, operate, maintain, lease, exchange, transfer, sell, or otherwise dispose of property, franchises, easements, or property rights or interests of any kind. The ~~commission~~ *council* may acquire by purchase, lease, gift, or condemnation proceedings pursuant to chapter 117. Except as provided in subdivision 9, the ~~commission~~ *council* may take possession of any property for which condemnation proceedings have been commenced at any time after the filing of the petition describing the property in the proceedings. The ~~commission~~ *council* may contract with an operator or other persons for the use by the operator or person of any property under the ~~commission's~~ *council's* control.

Sec. 100. Minnesota Statutes 1992, section 473.405, subdivision 4, is amended to read:

Subd. 4. [TRANSIT SYSTEMS.] The ~~commission~~ *council* may engineer, construct, equip, and operate transit and paratransit systems, projects, or any parts thereof, including road lanes or rights of way, terminal facilities, maintenance and garage facilities, ramps, parking areas, and any other facilities useful for or related to any public transit or paratransit system or project.

Sec. 101. Minnesota Statutes 1992, section 473.405, subdivision 5, is amended to read:

Subd. 5. [ACQUISITION OF TRANSIT SYSTEMS.] The ~~commission~~ *council* may acquire by purchase, lease, gift, or condemnation proceedings any existing public transit system or any part thereof, including all or any part of the plant, equipment, shares of stock, property, real, personal, or mixed; rights in property, reserve funds, special funds, franchises, licenses, patents, permits and papers, documents and records belonging to any operator of a public transit system within the metropolitan area, and may in connection therewith assume any or all liabilities of any operator of a public transit system. The ~~commission~~ *council* may not acquire any existing public transit system until the acquisition has been approved by the transit board and the metropolitan council. The ~~commission~~ *council* may take control of and operate a system immediately following the filing and approval of the initial petition for condemnation, if the ~~commission~~ *council*, in its discretion, determines this to be necessary, and may take possession of all right, title and other powers of ownership in all properties and facilities described in the petition. Control must be taken by resolution which is effective upon service of a copy on the condemnee and the filing of the resolution in the condemnation action. In the determination of the fair value of the existing public transit system, there must not be included any value attributable to expenditures for improvements made by the ~~former metropolitan~~ *transit commission or council*.

The ~~commission~~ *council* may continue or terminate within three months of acquisition any advertising contract in existence by and between any advertiser and a transit system that the ~~commission~~ *council* has acquired. If the

~~commission~~ council determines to terminate the advertising contract, it shall acquire all of the advertiser's rights under the contract by purchase or eminent domain proceedings as provided by law.

Sec. 102. Minnesota Statutes 1992, section 473.405, subdivision 9, is amended to read:

Subd. 9. [CONDEMNATION OF PUBLIC PROPERTY OR PROPERTY OF PUBLIC SERVICE CORPORATIONS.] The fact that property is owned by or is in charge of a public agency or a public service corporation organized for a purpose specified in section 300.03, or is already devoted to a public use or to use by the corporation or was acquired therefor by condemnation may not prevent its acquisition by the ~~commission~~ council by condemnation, but if the property is in actual public use or in actual use by the corporation for any purpose of interest or benefit to the public, the taking by the ~~commission~~ council by condemnation may not be authorized unless the court finds and determines that there is greater public necessity for the proposed use by the ~~commission~~ council than for the existing use.

Sec. 103. Minnesota Statutes 1992, section 473.405, subdivision 10, is amended to read:

Subd. 10. [VOLUNTARY TRANSFER OF PUBLIC PROPERTY TO THE COMMISSION COUNCIL.] Any state department or other agency of the state government or any county, municipality, or other public agency may sell, lease, grant, transfer, or convey to the ~~commission~~ council, with or without consideration, any facilities or any part or parts thereof or any real or personal property or interest therein which may be useful to the ~~commission~~ council for any authorized purpose. In any case where the construction of a facility has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the ~~commission~~ council, with or without consideration, any existing contract for the construction of the facilities.

Sec. 104. Minnesota Statutes 1992, section 473.405, subdivision 12, is amended to read:

Subd. 12. [MANAGEMENT CONTRACTS.] Notwithstanding any of the other provisions of sections 473.404 to 473.449, the ~~commission~~ council may, in lieu of directly operating any public transit system or any part thereof, enter into contracts for management services. The contracts may provide for compensation, incentive fees, the employment of personnel, the services provided, and other terms and conditions that the ~~commission~~ council deems proper. The contracts must provide that the compensation of personnel who work full time or substantially full time providing management or other services for the ~~commission~~ council is public data under chapter 13.

The ~~commission~~ council may not permit a contract manager to supervise or manage internal audit activities. Internal audit activity must be supervised and managed directly by the ~~commission~~ council. The ~~commission~~ council shall advertise for bids and select contracts for management services through competitive bidding. The term of the contract may not be longer than two years. The contract must include clear operating objectives, stating the service policies and goals of the ~~commission~~ council in terms of the movement of various passenger groups, and performance criteria, by means of which success in achieving the operating objectives can be measured. The ~~commission~~ council shall consider and determine the feasibility and desirability of

having all its transit management services provided internally by employees of the ~~commission~~ council.

The employees of any public transit system operated pursuant to the provisions of this subdivision for the purpose of resolving any dispute arising under any existing or new collective bargaining agreement relating to the terms or conditions of their employment, may either engage in a concerted refusal to work or to invoke the processes of final and binding arbitration as provided by chapter 572, subject to any applicable provisions of the agreement not inconsistent with law.

Sec. 105. Minnesota Statutes 1992, section 473.405, subdivision 15, is amended to read:

Subd. 15. [RELOCATION OF DISPLACED PERSONS.] The ~~commission~~ council may plan for and assist in the relocation of individuals, families, business concerns, nonprofit organizations, and others displaced by operations of the ~~commission~~ council, and may make relocation payments in accordance with federal regulations.

Sec. 106. Minnesota Statutes 1993 Supplement, section 473.4051, is amended to read:

473.4051 [LIGHT RAIL TRANSIT OPERATION.]

The ~~transit commission~~ council shall operate light rail transit facilities and services upon completion of construction of the facilities and the commencement of revenue service using the facilities. The commissioner of transportation and the ~~commission~~ council may not allow the commencement of revenue service until after an appropriate period of acceptance testing to ensure satisfactory performance. In assuming the operation of the system, the ~~transit commission~~ council must comply with section 473.415. The ~~commission~~ council shall coordinate operation of the light rail transit system with bus service to avoid duplication of service on a route served by light rail transit and to ensure the widest possible access to light rail transit lines in both suburban and urban areas by means of a feeder bus system.

Sec. 107. Minnesota Statutes 1993 Supplement, section 473.407, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] The ~~metropolitan transit commission~~ council may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), and establish a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (h), known as the metropolitan transit ~~commission~~ police, to police its *transit* property and routes and to make arrests under sections 629.30 and 629.34. The jurisdiction of the law enforcement agency is limited to offenses relating to ~~commission~~ council *transit* property, equipment, employees, and passengers.

Sec. 108. Minnesota Statutes 1993 Supplement, section 473.407, subdivision 2, is amended to read:

Subd. 2. [LIMITATIONS.] The initial processing of a person arrested by the transit ~~commission~~ police for an offense within the agency's jurisdiction is the responsibility of the transit ~~commission~~ police unless otherwise directed by the law enforcement agency with primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement agency of the jurisdiction

in which the crime was committed. The transit ~~commission~~ police are not authorized to apply for a search warrant as prescribed in section 626.05.

Sec. 109. Minnesota Statutes 1993 Supplement, section 473.407, subdivision 3, is amended to read:

Subd. 3. [POLICIES.] Before the ~~commission~~ council begins to operate its law enforcement agency within a city or county with an existing law enforcement agency, the transit ~~commission~~ police shall develop, in conjunction with the law enforcement agencies, written policies that describe how the issues of joint jurisdiction will be resolved. The policies must also address the operation of emergency vehicles by transit ~~commission~~ police responding to ~~commission~~ transit emergencies. These policies must be filed with the board of peace officer standards and training by August 1, 1993. Revisions of any of these policies must be filed with the board within ten days of the effective date of the revision. The ~~commission~~ council shall train all of its peace officers regarding the application of these policies.

Sec. 110. Minnesota Statutes 1993 Supplement, section 473.407, subdivision 4, is amended to read:

Subd. 4. [CHIEF LAW ENFORCEMENT OFFICER.] The ~~commission~~ council shall appoint a peace officer employed full time to be the chief law enforcement officer and to be responsible for the management of the law enforcement agency. The person shall possess the necessary police and management experience and have the title of chief of metropolitan transit ~~commission~~ police services. All other police management and supervisory personnel must be employed full time by the ~~commission~~ council. Supervisory personnel must be on duty and available any time transit ~~commission~~ police are on duty. The ~~commission~~ council may not hire part-time peace officers as defined in section 626.84, subdivision 1, paragraph (f), except that the ~~commission~~ council may appoint peace officers to work on a part-time basis not to exceed 30 full-time equivalents.

Sec. 111. Minnesota Statutes 1993 Supplement, section 473.407, subdivision 5, is amended to read:

Subd. 5. [EMERGENCIES.] (a) The ~~commission~~ council shall ensure that all emergency vehicles used by transit ~~commission~~ police are equipped with radios capable of receiving and transmitting on the same frequencies utilized by the law enforcement agencies that have primary jurisdiction.

(b) When the transit ~~commission~~ police receive an emergency call they shall notify the public safety agency with primary jurisdiction and coordinate the appropriate response.

(c) Transit ~~commission~~ police officers shall notify the primary jurisdictions of their response to any emergency.

Sec. 112. Minnesota Statutes 1993 Supplement, section 473.407, subdivision 6, is amended to read:

Subd. 6. [COMPLIANCE.] Except as otherwise provided in this section, the transit ~~commission~~ police shall comply with all statutes and administrative rules relating to the operation and management of a law enforcement agency.

Sec. 113. Minnesota Statutes 1992, section 473.408, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] "Off-peak hours" means the time from 9:00 a.m. to 3:30 p.m. and 6:30 p.m. until the last bus on Monday through Friday of each week and all day Saturday, Sunday, and holidays designated by the ~~commission~~ council.

Sec. 114. Minnesota Statutes 1992, section 473.408, subdivision 2, is amended to read:

Subd. 2. [FARE POLICY.] (a) Fares and fare collection systems shall be established and administered to accomplish the following purposes:

(a) (1) to encourage and increase transit and paratransit ridership with an emphasis on regular ridership;

(b) (2) to restrain increases in the average operating subsidy per passenger;

(c) (3) to ensure that no riders on any route pay more in fares than the average cost of providing the service on that route;

(d) (4) to ensure that operating revenues are proportioned to the cost of providing the service so as to reduce any disparity in the subsidy per passenger on routes in the transit system; and

(e) (5) to implement the social fares as set forth in subdivision 3.

(b) *The plan must contain a statement of the policies that will govern the imposition of user charges for various types of transit service and the policies that will govern decisions by the council to change fare policy.*

Sec. 115. Minnesota Statutes 1992, section 473.408, subdivision 2a, is amended to read:

Subd. 2a. [REGULAR ROUTE FARES.] The ~~board~~ council shall establish and enforce uniform fare policies for regular route transit in the metropolitan area. ~~The policies must be stated in the board's three-year transit service implementation and financing plan.~~ The policies must be consistent with the requirements of this section and the council's transportation policy plan. The ~~commission~~ council and other operators shall charge a base fare and any surcharges for peak hours and distance of service in accordance with the ~~council's fares policies prescribed in the approved implementation plan of the transit board.~~ The ~~commission~~ and other operators council shall submit their ~~approve all fare schedules to the board for approval.~~

Sec. 116. Minnesota Statutes 1992, section 473.408, subdivision 4, is amended to read:

Subd. 4. [CIRCULATION FARES.] The ~~commission~~ council and other operators may charge a reduced fare for service on any route providing circulation service in a downtown area or community activity center. The ~~commission~~ council and other operators shall not contribute more than 50 percent of the operating deficit of any such route that is confined to a downtown area or community activity center. The boundaries of service districts eligible for reduced fares under this subdivision must be approved by the ~~board~~ council.

Sec. 117. Minnesota Statutes 1992, section 473.408, subdivision 6, is amended to read:

Subd. 6. [MONTHLY PASSES.] The ~~commission~~ council may offer monthly passes for regular route bus service for sale to the general public.

Sec. 118. Minnesota Statutes 1992, section 473.408, subdivision 7, is amended to read:

Subd. 7. [EMPLOYEE PLAN.] The ~~commission~~ *council* may offer monthly passes for regular route bus service for sale to employers at a special discount subject to the provisions of this subdivision. An employer may be eligible to purchase passes at a special discount if the employer agrees to establish a payroll deduction plan as a means for its employees to purchase the passes at a price at or below the amount charged by the ~~commission~~ *council*. The special discount on passes sold pursuant to this subdivision shall be determined by the ~~commission~~ *council*.

Sec. 119. Minnesota Statutes 1992, section 473.409, is amended to read:

473.409 [AGREEMENTS WITH COMMISSION; ENCOURAGEMENT OF TRANSIT USE.]

A state department or agency, including the legislative branch, any local governmental unit, ~~the metropolitan council~~, or ~~other~~ a metropolitan agency may enter into an agreement with the ~~transit commission~~ *council* and other operators for the purpose of encouraging the use of transit by its employees residing in the metropolitan area. The agreement may provide for, among other things: (a) the advance purchase of tokens, tickets or other devices from the ~~commission~~ *council* or other operator for use in lieu of fares on vehicles operated by the ~~commission~~ *council* or other operator; and (b) special transit service for employees to and from their place of employment, at fares to be agreed upon by the contracting parties. The tokens, tickets, or other devices or services may be made available to employees at reduced rates. Any such agreement and arrangement by a state department or agency shall be submitted to the commissioner of administration for approval before execution. Any operating deficits or subsidy resulting from such agreements shall be assumed by the contracting department, agency, governmental unit, ~~council~~, or other ~~commission~~, unless otherwise provided in an agreement approved by the ~~transit board~~ *council*.

Sec. 120. Minnesota Statutes 1992, section 473.411, subdivision 3, is amended to read:

Subd. 3. [SERVICES OF DEPARTMENT OF TRANSPORTATION.] The ~~transit commission~~ *council* may make use of engineering and other technical and professional services, including regular staff and qualified consultants, which the commissioner of transportation can furnish, upon fair and reasonable reimbursement for the cost thereof; provided, that the ~~commission~~ *council* has final authority over the employment of any services from other sources which it may deem necessary for such purposes. The commissioner of transportation may furnish all engineering, legal, and other services, if so requested by the ~~commission~~ *council* and upon fair and reasonable reimbursement for the cost thereof by the ~~commission~~ *council*, for the purposes stated in this subdivision, including the acquisition by purchase, condemnation, or otherwise in the name of the ~~commission~~ *council* of all lands, waters, easements, or other rights or interests in lands or waters required by the ~~commission~~ *council*. No purchase of service agreements may be made under this subdivision which are not included in the budget of the ~~commission~~ *council*.

Sec. 121. Minnesota Statutes 1992, section 473.411, subdivision 4, is amended to read:

Subd. 4. [STATE HIGHWAYS; JOINT USE FOR TRANSIT AND HIGHWAY PURPOSES.] Wherever the joint construction or use of a state highway is feasible in fulfilling the purposes of sections 473.404 to 473.449, the ~~transit commission~~ *council* shall enter into an agreement with the commissioner of transportation therefor, evidenced by a memorandum setting forth the terms of the agreement. Either the ~~commission~~ *council* or the commissioner of transportation may acquire any additional lands, waters, easements or other rights or interests required for joint use in accordance with the agreement, or joint acquisition may be made by condemnation as provided by section 117.016 and the provisions of sections 473.404 to 473.449. Under the agreement each party shall pay to the other party reasonable compensation for the costs of any services performed at the request of the other party which may include any costs of engineering, design, acquisition of property, construction of the facilities, and for the use thereof so far as attributable to and necessary for the purposes. The ~~commission~~ *council* may not agree to acquisitions or expenditures under this subdivision which are not included in its budget.

Sec. 122. Minnesota Statutes 1993 Supplement, section 473.411, subdivision 5, is amended to read:

Subd. 5. [USE OF PUBLIC ROADWAYS AND APPURTENANCES.] The ~~transit commission~~ *council* may use for the purposes of sections 473.404 to 473.449 upon the conditions stated in this subdivision any state highway or other public roadway, parkway, or lane, or any bridge or tunnel or other appurtenance of a roadway, without payment of any compensation, provided the use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entail any substantial additional costs for maintenance. The provisions of this subdivision do not apply to the property of any common carrier railroad or common carrier railroads. The consent of the public agency in charge of such state highway or other public highway or roadway or appurtenance is not required; except that if the ~~commission~~ *council* seeks to use a designated parkway for regular route service in the city of Minneapolis, it must obtain permission from and is subject to reasonable limitations imposed by a joint board consisting of two representatives from the ~~transit commission~~ *council*, two members of the board of park commissioners, and a fifth member jointly selected by the representatives of the ~~transit commission~~ *council* and the park board.

The board of park commissioners and the ~~transit commission~~ *council* may designate persons to sit on the joint board. In considering a request by the ~~transit commission~~ *council* to use designated parkways for additional routes or trips, the joint board consisting of the ~~transit commission~~ *council* or their designees, the board of park commissioners or their designees, and the fifth member, shall base its decision to grant or deny the request based on the criteria to be established by the joint board. The decision to grant or deny the request must be made within 45 days of the date of the request. The park board must be notified immediately by the ~~transit commission~~ *council* of any temporary route detours. If the park board objects to the temporary route detours within five days of being notified, the joint board must convene and decide whether to grant the request, otherwise the request is deemed granted. If the agency objects to the proposed use or claims reimbursement from the ~~commission~~ *council* for additional cost of maintenance, it may commence an action against the ~~commission~~ *council* in the district court of the county wherein the highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings in the action must conform to the rules of civil

procedure applicable to the district courts. The court shall sit without jury. If the court determines that the use in question interferes unreasonably with the public use or maintenance of the roadway or appurtenance, it shall enjoin the use by the ~~commission council~~. If the court determines that the use in question does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance, but that it entails substantial additional maintenance costs, the court shall award judgment to the agency for the amount of the additional costs. Otherwise the court shall award judgment to the ~~commission council~~. An aggrieved party may appeal from the judgment of the district court in the same manner as is provided for such appeals in other civil actions. The ~~commission council~~ may also use land within the right of way of any state highway or other public roadway for the erection of traffic control devices, other signs, and passenger shelters upon the conditions stated in this subdivision and subject only to the approval of the commissioner of transportation where required by statute, and subject to the express provisions of other applicable statutes and to federal requirements where necessary to qualify for federal aid.

Sec. 123. Minnesota Statutes 1992, section 473.415, subdivision 1, is amended to read:

Subdivision 1. If the ~~commission council~~ acquires an existing transit system, the ~~commission council~~ shall assume and observe all existing labor contracts and pension obligations. All employees of such system except executive and administrative officers who are necessary for the operation thereof by the ~~commission council~~ shall be transferred to and appointed as employees of the ~~commission council~~ for the purposes of the transit system, subject to all the rights and benefits of sections 473.404 to 473.449. Such employees shall be given seniority credit and sick leave, vacation, insurance, and pension credits in accordance with the records or labor agreements from the acquired transit system. The ~~commission council~~ shall assume the obligations of any transit system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. The ~~commission council~~ and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired system and the participating employees through their representatives transferred to the trust fund to be established, maintained and administered jointly by the ~~commission council~~ and the participating employees through their representatives. No employee of any acquired system who is transferred to a position with the ~~commission council~~ shall by reason of such transfer be placed in any worse position with respect to workers' compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than the employee enjoyed as an employee of such acquired system.

Sec. 124. Minnesota Statutes 1992, section 473.415, subdivision 2, is amended to read:

Subd. 2. For any employees of the *former metropolitan transit commission* who were transferred to and appointed as employees of the commission upon completion of acquisitions of transit systems which occurred prior to the effective date of Laws 1978, chapter 538, the provisions of Laws 1978, chapter 538 shall replace the provisions of subdivision 1 relating to the pension obligations which the commission is required to assume, and the pension or retirement plan and pension trust funds which the commission is

required to establish, maintain and administer. Upon compliance with the applicable provisions of Laws 1978, chapter 538, the commission shall not be deemed to have placed any employee of the commission who was transferred to and appointed as an employee of the commission upon completion of acquisitions of transit systems which occurred prior to the effective date of Laws 1978, chapter 538, in any worse position with respect to pension and related benefits than the employee of the commission enjoyed as an employee of the acquired existing transit system.

Sec. 125. Minnesota Statutes 1992, section 473.415, subdivision 3, is amended to read:

Subd. 3. For any employees of the *former metropolitan transit* commission who are transferred to and appointed as employees of the commission upon completion of acquisitions of transit systems which occur subsequent to the effective date of Laws 1978, chapter 538, those employees shall be governed by the provisions of Laws 1978, chapter 538 unless the acquisition of the transit system which employed them immediately preceding the acquisition included the acquisition of a pension trust fund under the joint control of the acquired system and the participating employees through their representatives.

Sec. 126. Minnesota Statutes 1992, section 473.416, is amended to read:

473.416 [COMMISSION; TAKING OVER PERSONNEL AND CONTRACTS OF TRANSIT SYSTEMS.]

Whenever the ~~transit commission~~ *council* directly operates any public transit system, or any part thereof, or enters into any management contract or other arrangement for the operation of a system, the ~~commission~~ *council* shall take the action necessary to extend to employees of the affected public transit systems, in accordance with seniority, the first opportunity for reasonably comparable employment in any available nonsupervisory jobs in respect to such operations for which they can qualify after a reasonable training period. The employment must not result in any worsening of the employee's position in the employee's former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits, and rights and privileges pertaining thereto. The ~~commission~~ *council* may enter into an agreement specifying fair and equitable arrangements to protect the interests of employees who may be affected if the ~~commission~~ *council* should acquire any interest in or purchase any facilities or other property of a privately owned and operated transit system, or construct, improve, or reconstruct any facilities or other property acquired from any system, or provide by contract or otherwise for the operation of transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing transit system. The agreement, specifying the terms and conditions of the protective arrangements, must comply with any applicable requirements of sections 473.404 to 473.449 *this chapter*, and with the requirements of any federal law or regulation if federal aid is involved. The agreement may provide for final and binding arbitration of any dispute.

~~The commission, upon commencing operations under sections 473.404 to 473.449, shall, so far as deemed practicable and advisable in the discretion of the commission and subject to the provisions hereof, take over and employ in corresponding positions or other suitable positions the professional, technical, and other personnel employed by the existing metropolitan transit commission, hereinafter called the joint powers transit commission, created by the joint and cooperative agreement heretofore made between certain governmen-~~

tal units of the transit area pursuant to section 471.59. The transit commission created by sections 473.401 to 473.451 shall upon like conditions take over any contracts made by the joint powers transit commission and in force on July 1, 1967 for professional or technical services, rental of office space or other facilities, or other contracts relating to any matter within the purposes of sections 473.401 to 473.451. The joint powers transit commission shall execute all instruments which may be necessary to effectuate the provisions of this section.

Sec. 127. Minnesota Statutes, 1992, section 473.418, is amended to read:

473.418 [DISABILITY AND SURVIVORSHIP COVERAGE.]

From and after the effective date of Laws 1978, chapter 538, until the effective date of this section, the former metropolitan transit commission shall provide for all active employees of the transit operating division of the metropolitan transit commission the disability and survivorship coverage described in this section. Thereafter, the council shall provide for all active employees of the office of transit operations the disability and survivorship coverage which, when added to the disability benefit or the survivorship benefit payable from the Minnesota state retirement system pursuant to section 352.113 or 352.12, subdivision 2, will at least equal the disability benefit or the survivorship benefit which that employee at the time of disability or the employee's surviving spouse at the time of the death of the employee while on active duty would have been entitled to receive under the disability benefit or survivor of active employee deceased while on active duty benefit provisions of the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on December 31, 1977. The metropolitan transit commission council shall not be required to provide any supplementary disability benefit coverage or benefit amount to replace the amount of any reduction in any disability payable from the Minnesota state retirement system due to the receipt of benefits under the workers' compensation law unless no offset of the amount of workers' compensation benefits from the amount of a disability benefit was required pursuant to the provisions of article 10 of the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on December 31, 1977. The metropolitan transit commission council may elect to provide the additional disability and survivorship coverage either through contract with an insurance carrier or through self-insurance. If the commission council elects to provide the coverage through an insurance contract, the chair of the metropolitan transit commission council is authorized to request bids from, or to negotiate with, insurance carriers and to enter into contracts with carriers which in the judgment of the commission council are best qualified to underwrite and service this insurance benefit coverage. The commission council shall consider factors such as the cost of the contracts as well as the service capabilities, character, financial position and reputation with respect to carriers under consideration, as well as any other factors which the commission council deems appropriate. The disability and survivorship insurance contract with the particular insurance carrier shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in absence of notice of termination by either party. The disability and survivorship insurance contract shall contain a detailed statement of benefits offered, maximums, limitations, and exclusions. A summary description of the essential terms of the contract shall be provided by the commission council to the labor organization which is the exclusive bargaining agent representing

employees of the *office of transit operating division operations* of the ~~metropolitan transit commission council~~ and to each active employee of the *office of transit operating operations division*. The determination of whether the disability or survivorship insurance coverage meets the minimum requirements of this section shall be made by the ~~commission council~~ upon consultation with the executive director of the Minnesota state retirement system. If the disability or survivorship coverage provided by the ~~metropolitan transit commission council~~ fails at any time after the effective date of Laws 1978, chapter 538, to meet the requirements of this section as to the level of disability or survivorship coverage to be provided, the deficiency in the actual benefits provided shall continue to be an obligation of the ~~commission council~~. Notwithstanding any provisions of chapter 179 to the contrary, the labor organization which is the exclusive bargaining agent representing employees of the *office of transit operating division operations* of the ~~metropolitan transit commission council~~ may meet and bargain with the ~~commission council~~ on an increase in the level of disability or survivor of active employee deceased while on active duty coverage to be provided by the ~~commission council~~ at the same time that wages and other terms and conditions of employment are considered. This section does not apply to employees hired after December 31, 1977.

Sec. 128. Minnesota Statutes 1992, section 473.42, is amended to read:

473.42 [EMPLOYER CONTRIBUTIONS FOR CERTAIN EMPLOYEES.]

Notwithstanding any contrary provisions of section 352.029, the ~~metropolitan transit commission council~~ shall make the employer contributions required pursuant to section 352.04, subdivision 3, for any employee *who was* on authorized leave of absence from the transit operating division of the *former* metropolitan transit commission who is employed by the labor organization which is the exclusive bargaining agent representing employees of the *office of transit operating division operations* and who is covered by the Minnesota state retirement system in addition to all other employer contributions the ~~commission council~~ is required to make.

Sec. 129. Minnesota Statutes 1992, section 473.436, subdivision 2, is amended to read:

Subd. 2. [LEGAL INVESTMENTS.] Certificates of indebtedness, bonds, or other obligations issued by the ~~commission council~~ to which tax levies have been pledged pursuant to section 473.446, subdivision 1, shall be proper for investment of any funds by any bank, savings bank, savings and loan association, credit union, trust company, insurance company or public or municipal corporation, and may be pledged by any bank, savings bank, savings and loan association, credit union, or trust company as security for the deposit of public moneys.

Sec. 130. Minnesota Statutes 1992, section 473.436, subdivision 3, is amended to read:

Subd. 3. [TAX EXEMPT.] Certificates of indebtedness, bonds, or other obligations of the ~~commission council~~ shall be deemed and treated as instrumentalities of a public government agency.

Sec. 131. Minnesota Statutes 1992, section 473.436, subdivision 6, is amended to read:

Subd. 6. [TEMPORARY BORROWING.] On or after the first day of any fiscal year, the ~~commission council~~ may borrow money which may be used or expended by the ~~commission council~~ for any purpose, including but not limited to current expenses, capital expenditures and the discharge of any obligation or indebtedness of the ~~commission council~~. The indebtedness must be represented by a note or notes which may be issued from time to time in any denomination and sold at public or private sale pursuant to a resolution authorizing the issuance. The resolution must set forth the form and manner of execution of the notes and shall contain other terms and conditions the ~~commission council~~ deems necessary or desirable to provide security for the holders of the notes. The note or notes are payable from committed or appropriated money from taxes, grants or loans of the state or federal government made to the ~~commission council~~, or other revenues of the ~~commission council~~, and the money may be pledged to the payment of the notes. The ~~commission council~~ is authorized to pledge to the payment of the note or notes taxes levied by the ~~regional transit board~~ it under section 473.446, subdivision 1, clause (a), and if taxes are so pledged the ~~board council~~ shall transfer amounts received from the levy to the ~~commission council~~ for payment of the note or notes. To the extent the notes are not paid from the grant or loan money pledged for the payment thereof, the principal and interest of the notes must be paid from any taxes received by the ~~transit board council~~ and any income and revenue received by or accrued to the ~~commission council~~ during the fiscal year in which the note or notes were issued, or other money of the ~~commission council~~ lawfully available therefor.

Sec. 132. Minnesota Statutes 1992, section 473.446, subdivision 1, is amended to read:

Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections 473.404 to 473.449 and the metropolitan transit system, except as otherwise provided in this subdivision, the ~~regional transit board council~~ shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) an amount which shall be used for payment of the expenses of operating transit and paratransit service and to provide for payment of obligations issued by the ~~commission council~~ under section 473.436, subdivision 6;

(b) an additional amount, if any, the ~~board council~~ determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1985, to which property taxes under this section have been pledged; and

(c) an additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, including refunding bonds or other obligations issued or to be issued under section 473.39 by the council for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the council or ~~board~~ has specifically pledged tax levies under this clause.

The property tax levied by the ~~regional transit board council~~ for general purposes under clause (a) must not exceed the following amount for the years specified:

(1) for taxes payable in 1988 1995, the product of two mills multiplied by the total assessed valuation of all taxable property located within the

metropolitan transit taxing district as adjusted by the provisions of Minnesota Statutes 1986, sections 272.64; 273.13, subdivision 7a; and 275.49 council's property tax levy limitation for general transit purposes is equal to the former regional transit board's property tax levy limitation for general transit purposes under this subdivision, for taxes payable in 1994, multiplied by an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan transit taxing district for the current assessment year divided by the total market valuation of all taxable property located within the metropolitan transit taxing district for the previous assessment year; and

(2) for taxes payable in 1989, the product of (i) the regional transit board's property tax levy limitation for general purposes for the taxes payable year 1988 determined under clause (1) multiplied by (ii) an index for market valuation changes equal to the assessment year 1988 total market valuation of all taxable property located within the metropolitan transit taxing district divided by the assessment year 1987 total market valuation of all taxable property located within the metropolitan transit taxing district; and

(3) for taxes payable in 1990 1996 and subsequent years, the product of (i) the regional transit board's council's property tax levy limitation for general transit purposes for the previous year determined under this subdivision multiplied by (ii) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan transit taxing district for the current assessment year divided by the total market valuation of all taxable property located within the metropolitan transit taxing district for the previous assessment year.

For the purpose of determining the regional transit board's council's property tax levy limitation for general transit purposes for the taxes payable year 1988 and subsequent years under this subdivision, "total market valuation" means the total market valuation of all taxable property within the metropolitan transit taxing district without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

The county auditor shall reduce the tax levied pursuant to this subdivision on all property within statutory and home rule charter cities and towns that receive full-peak service and limited off-peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.510 percent of net tax capacity on the property. The county auditor shall reduce the tax levied pursuant to this subdivision on all property within statutory and home rule charter cities and towns that receive limited peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.765 percent of net tax capacity on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under section 275.29. Any prior year adjustments shall also be certified in the abstracts of tax lists. The commissioner shall review the certifications to determine their accuracy and may make changes in the certification as necessary or return a certification to the county auditor for corrections. The commissioner shall pay to the regional transit board council the amounts certified by the county auditors on the dates provided in section 273.1398. There is annually appropriated from the general fund in the state treasury to the department of revenue the amounts necessary to make these payments.

For the purposes of this subdivision, "full-peak and limited off-peak service" means peak period regular route service, plus weekday midday regular route service at intervals longer than 60 minutes on the route with the greatest frequency; and "limited peak period service" means peak period regular route service only.

Sec. 133. Minnesota Statutes 1992, section 473.446, subdivision 1a, is amended to read:

Subd. 1a. [TAXATION WITHIN TRANSIT AREA.] For the purposes of sections 473.404 to 473.449, and the metropolitan transit system, the ~~regional transit board~~ *metropolitan council* shall levy upon all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district, defined in subdivision 2, a transit tax, which shall be equal to ten percent of the sum of the levies provided in subdivision 1, clauses (a) to (c). The proceeds of this tax shall be used only for paratransit services or ride sharing programs designed to serve persons located within the transit area but outside of the transit taxing district.

Sec. 134. Minnesota Statutes 1992, section 473.446, subdivision 2, is amended to read:

Subd. 2. [TRANSIT TAXING DISTRICT.] The metropolitan transit taxing district is hereby designated as that portion of the metropolitan transit area lying within the following named cities, towns, or unorganized territory within the counties indicated:

(a) Anoka county. Anoka, Blaine, Centerville, Columbia Heights, Coon Rapids, Fridley, Circle Pines, Hilltop, Lexington, Lino Lakes, Spring Lake Park;

(b) Carver county. Chanhassen, the city of Chaska;

(c) Dakota county. Apple Valley, Burnsville, Eagan, Inver Grove Heights, Lilydale, Mendota, Mendota Heights, Rosemount, South St. Paul, Sunfish Lake, West St. Paul;

(d) Ramsey county. All of the territory within Ramsey county;

(e) Hennepin county. Bloomington, Brooklyn Center, Brooklyn Park, Champlin, Chanhassen, Crystal, Deephaven, Eden Prairie, Edina, Excelsior, Golden Valley, Greenwood, Hopkins, Long Lake, Maple Grove, Medicine Lake, Minneapolis, Minnetonka, Minnetonka Beach, Mound, New Hope, Orono, Osseo, Plymouth, Richfield, Robbinsdale, St. Anthony, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, Woodland, the unorganized territory of Hennepin county;

(f) Scott county. Prior Lake, Savage, Shakopee;

(g) Washington county. Baytown, the city of Stillwater, White Bear Lake, Bayport, Birchwood, Cottage Grove, Dellwood, Lake Elmo, Landfall, Mahomed, Newport, Oakdale, Oak Park Heights, Pine Springs, St. Paul Park, Willemie, Woodbury.

The ~~commission~~ *metropolitan council* in its sole discretion may provide transit service by contract beyond the boundaries of the metropolitan transit taxing district or to cities and towns within the taxing district which are receiving financial assistance under section 174.265, upon petition therefor by an interested city, township or political subdivision within the metropolitan

transit area. The ~~commission~~ *metropolitan council* may establish such terms and conditions as it deems necessary and advisable for providing the transit service, including such combination of fares and direct payments by the petitioner as will compensate the ~~commission~~ *council* for the full capital and operating cost of the service and the related administrative activities of the ~~commission~~ *council*. The amount of the levy made by any municipality to pay for the service shall be disregarded when calculation of levies subject to limitations is made, provided that cities and towns receiving financial assistance under section 174.265 shall not make a special levy under this subdivision without having first exhausted the available local transit funds as defined in section 174.265. The ~~commission~~ *council* shall not be obligated to extend service beyond the boundaries of the taxing district, or to cities and towns within the taxing district which are receiving financial assistance under section 174.265, under any law or contract unless or until payment therefor is received.

Sec. 135. Minnesota Statutes 1992, section 473.446, subdivision 3, is amended to read:

Subd. 3. [CERTIFICATION AND COLLECTION.] Each county treasurer shall collect and make settlement of the taxes levied under subdivisions 1 and 1a with the treasurer of the ~~board~~ *council*. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the ~~board~~ *council* for other purposes authorized by law and shall be in addition to any other property tax authorized by law.

Sec. 136. Minnesota Statutes 1992, section 473.446, subdivision 7, is amended to read:

Subd. 7. [PROTECTION OF RIGHTS OF HOLDERS OF OUTSTANDING INDEBTEDNESS.] Beginning for taxes levied in 1984, payable in 1985, and for each succeeding year, ~~the transit commission shall certify to the transit board before October 1 of each year the amounts necessary to provide full and timely payment of certificates of indebtedness, bonds, and other obligations of the commission, until all debt of the commission is fully discharged;~~ as part of its levy made pursuant to subdivisions 1 and 6, the ~~board~~ *council* shall levy the amounts ~~certified by the commission necessary to provide full and timely payment of certificates of indebtedness, bonds, and other obligations of the former metropolitan transit commission, until all debt of the commission is fully discharged~~ and transfer the proceeds to the ~~commission~~ *appropriate council account* for payment of its obligations. The taxes must be levied, certified, and collected in accordance with the terms and conditions of the indebtedness. Nothing in Laws 1984, chapter 654 may impair the rights of holders of valid obligations of the ~~former metropolitan transit commission~~ to require a levy of property taxes. The ~~transit board~~ *council* shall take the actions necessary to comply with the terms and conditions of the obligations, including if necessary the levy of property taxes to provide for a deficiency.

Sec. 137. Minnesota Statutes 1993 Supplement, section 473.446, subdivision 8, is amended to read:

Subd. 8. [STATE REVIEW.] The ~~board~~ *council* must certify its property tax levy to the commissioner of revenue by August 1 of the levy year. The commissioner of revenue shall annually determine whether the property tax for general *transit* purposes certified by the ~~regional transit board~~ *council* for levy following the adoption of its budget is within the levy limitation imposed

by subdivision 1. The commissioner shall also annually determine whether the transit tax imposed on all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district is within the levy limitation imposed by subdivision 1a. The determination must be completed prior to September 10 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculations.

Sec. 138. Minnesota Statutes 1992, section 473.448, is amended to read:

473.448 [COMMISSION COUNCIL; EXEMPTION FROM TAXATION.]

Notwithstanding any other provision of law to the contrary, the properties, moneys, and other assets of the ~~commission~~ council, all revenues or other income of the ~~commission~~ council shall be exempt from all taxation, licenses, fees, or charges of any kind imposed by the state or by any county, municipality, political subdivision, taxing district, or other public agency or body of the state.

Sec. 139. Minnesota Statutes 1992, section 473.449, is amended to read:

473.449 [ACT EXCLUSIVE.]

The exercise by the ~~commission~~ council of the powers provided in sections 473.404 to 473.449 shall not be subject to regulation by or the jurisdiction or control of any other public body or agency, either state, county, or municipal, except as specifically provided in this chapter.

Sec. 140. Minnesota Statutes 1992, section 473.504, subdivision 4, is amended to read:

Subd. 4. The ~~commission~~ council shall have the power to adopt rules relating to the operation of any interceptors or treatment works operated by it, and may provide penalties for the violation thereof not exceeding the maximum which may be specified for a misdemeanor. Any rule prescribing a penalty for violation shall be published at least once in a newspaper having general circulation in the metropolitan area.

Sec. 141. Minnesota Statutes 1992, section 473.504, subdivision 5, is amended to read:

Subd. 5. The council ~~or commission with the consent of the council~~ may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, or any person for any of its purposes, including any grant available under the federal water pollution act amendments of 1972, whether for construction, research or pilot project implementation, may enter into any agreement required in connection therewith, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto. The ~~commission with the consent of the council shall have~~ council has all powers necessary to comply with the federal water pollution control act amendments of 1972 and any grant offered to it thereunder including, but not limited to, the power to enter into such contracts with, or to impose such charges upon, persons using the metropolitan disposal system as it shall determine to be necessary for the recovery of treatment works and interceptor costs paid with federal grant funds. Insofar as possible these costs shall be recovered by local government units on behalf of the ~~commission~~ council.

Sec. 142. Minnesota Statutes 1992, section 473.504, subdivision 6, is amended to read:

Subd. 6. The council ~~or commission~~ may act under the provisions of section 471.59, or any other appropriate law providing for joint or cooperative action between government units.

Sec. 143. Minnesota Statutes 1992, section 473.504, subdivision 9, is amended to read:

Subd. 9. The ~~commission~~ *council* may acquire by purchase, lease, condemnation, gift, or grant, any real or personal property including positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain, and operate any interceptor or treatment works determined to be necessary or convenient for the collection and disposal of sewage in the metropolitan area. Any local government unit and the commissioners of transportation and natural resources are authorized to convey to or permit the use of any such facilities owned or controlled by it by the council ~~or the commission~~, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation, without an election or approval by any other government agency. All powers conferred by this subdivision may be exercised both within or without the metropolitan area as may be necessary for the exercise by the council ~~or commission~~ of its powers or the accomplishment of its purposes. The ~~commission~~ *council* may hold such property for its purposes, and may lease any such property so far as not needed for its purposes, upon such terms and in such manner as it shall deem advisable. Unless otherwise provided, the right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117, and shall apply to any property or interest therein owned by any local government unit; provided, that no such property devoted to an actual public use at the time, or held to be devoted to such use within a reasonable time, shall be so acquired unless a court of competent jurisdiction shall determine that the use proposed by the board is paramount to such use. Except in case of property in actual public use, the ~~commission~~ *council* may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

Sec. 144. Minnesota Statutes 1992, section 473.504, subdivision 10, is amended to read:

Subd. 10. The ~~commission~~ *council* may construct or maintain its systems or facilities in, along, on, under, over, or through public streets, bridges, viaducts, and other public rights of way without first obtaining a franchise from any local government unit having jurisdiction over them; but such facilities shall be constructed and maintained in accordance with the ordinances and resolutions of any such government unit relating to construction, installation, and maintenance of similar facilities in such public properties and shall not obstruct the public use of such rights of way.

Sec. 145. Minnesota Statutes 1992, section 473.504, subdivision 11, is amended to read:

Subd. 11. The ~~commission~~ *council* may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. Such property may be sold in the manner provided by section 469.065, insofar as practical. The ~~commission~~ *council* may give

such notice of sale as it shall deem appropriate. When the ~~commission~~ council determines that any property or any interceptor or treatment works or any part thereof which has been acquired from a local government unit without compensation is no longer required, but is required as a local facility by the government unit from which it was acquired, the ~~commission~~ council may by resolution transfer it to such government unit.

Sec. 146. Minnesota Statutes 1992, section 473.504, subdivision 12, is amended to read:

Subd. 12. The ~~commission~~ council may contract with the United States or any agency thereof, any state or agency thereof, or any local government unit or governmental agency or subdivision, for the joint use of any facility owned by the ~~commission~~ council or such entity, for the operation by such entity of any system or facility of the ~~commission~~ council, or for the performance on the ~~commission's~~ council's behalf of any service, on such terms as may be agreed upon by the contracting parties.

Sec. 147. Minnesota Statutes 1992, section 473.511, subdivision 1, is amended to read:

Subdivision 1. [DUTY OF COMMISSION COUNCIL; ACQUISITION OF EXISTING FACILITIES; NEW FACILITIES.] At any time after January 1, 1970, *until the effective date of this section*, the former metropolitan waste control commission, *and after the effective date of this section*, the council shall assume ownership of all existing interceptors and treatment works which will be needed to implement the council's comprehensive plan for the collection, treatment, and disposal of sewage in the metropolitan area, in the manner and subject to the conditions prescribed in subdivisions 2 and 4, and shall thereafter acquire, construct, equip, operate and maintain all additional interceptors and treatment works which will be needed for such purpose. The ~~commission~~ council shall assume ownership of all treatment works owned by a local government unit if any part of such treatment works will be needed for such purpose.

Sec. 148. Minnesota Statutes 1992, section 473.511, subdivision 2, is amended to read:

Subd. 2. [METHOD OF ACQUISITION; EXISTING DEBT.] The ~~com-~~ mission, ~~with the approval of the council~~, may require any local government unit to transfer to the ~~commission~~ council, all of its right, title and interest in any interceptors or treatment works and all necessary appurtenances thereto owned by such local government unit which will be needed for the purpose stated in subdivision 1. Appropriate instruments of conveyance for all such property shall be executed and delivered to the ~~commission~~ council by the proper officers of each local government unit concerned. All persons regularly employed by a local government unit to operate and maintain any treatment works so transferred to the ~~commission~~ council, on the date on which the transfer becomes effective, shall be employees of the ~~commission~~ council, in the same manner and with the same options and rights as are reserved to employees of sanitary districts and joint boards under subdivision 3. The ~~commission~~ council, upon assuming ownership of any such interceptors or treatment works, shall become obligated to pay to such local government unit amounts sufficient to pay when due all remaining principal of and interest on bonds issued by such local government unit for the acquisition or betterment of the interceptors or treatment works taken over. Such amounts may be offset

against any amount to be paid to the ~~commission~~ *council* by the local government unit as provided in section 473.517.

Sec. 149. Minnesota Statutes 1992, section 473.511, subdivision 3, is amended to read:

Subd. 3. [EXISTING SANITARY DISTRICTS AND JOINT SEWER BOARDS.] Effective January 1, 1971, the corporate existence of the Minneapolis-St. Paul Sanitary District, the North Suburban Sanitary Sewer District, and any joint board created by agreement among local government units pursuant to section 471.59, to provide interceptors and treatment works for such local government units, shall terminate. All persons regularly employed by such sanitary districts and joint boards on that date or on any earlier date on which the *former* waste control commission pursuant to subdivisions 1 and 2 ~~assumes~~ *assumed* ownership and control of any interceptors or treatment works owned or operated by such sanitary districts and joint boards, ~~shall be and who are employees of the commission on the effective date of this section, shall be employees of the council,~~ and may at their option become members of the Minnesota state retirement system or may continue as members of a public retirement association under chapter 422A or any other law, to which they belonged before such date, and shall retain all pension rights which they may have under such latter laws, and all other rights to which they are entitled by contract or law. Members of trades who are employed by the *former* metropolitan waste control commission, who have trade union pension coverage pursuant to a collective bargaining agreement, and who elected exclusion from coverage pursuant to section 473.512, or who are first employed after July 1, 1977, shall not be covered by the Minnesota state retirement system. The ~~waste control commission~~ *council* shall make the employer's contributions to pension funds of its employees. Such employees shall perform such duties as may be prescribed by the ~~commission~~ *council*. All funds of such sanitary districts and joint boards then on hand, and all subsequent collections of taxes, special assessments or service charges levied or imposed by or for such sanitary districts or joint boards shall be transferred to the ~~waste control commission~~ *council*. The local government units otherwise entitled to such cash, taxes, assessments or service charges shall be credited with such amounts, and such credits shall be offset against any amounts to be paid by them to the ~~waste control commission~~ *council* as provided in section 473.517. ~~The former metropolitan waste control commission, and on the effective date of this section, the council shall succeed to and become vested by action of law with all right, title and interest in and to any property, real or personal, owned or operated by such sanitary districts and joint boards; and. Prior to that date the proper officers of such sanitary districts and joint boards, or the former metropolitan waste control commission, shall execute and deliver to the board council all deeds, conveyances, bills of sale; and other documents or instruments required to vest in the commission council good and marketable title to all such real or personal property; provided that vesting of the title shall occur by operation of law and failure to execute and deliver the documents shall not affect the vesting of title in the former metropolitan waste control commission or the council on the dates indicated in this subdivision. The waste control commission council shall become obligated to pay or assume all bonded or other debt and contract obligations incurred by the former metropolitan waste control commission, or by such sanitary districts and joint boards, or incurred by local government units for the acquisition or betterment of any interceptors or treatment works owned or operated by such sanitary districts or joint boards.~~

Sec. 150. Minnesota Statutes 1992, section 473.511, subdivision 4, is amended to read:

Subd. 4. [CURRENT VALUE OF EXISTING FACILITIES.] When the ~~commission~~ council assumes the ownership of any existing interceptors or treatment works as provided in subdivision 2 or 3, the local government unit or units which paid part or all of the cost of such facility, directly or pursuant to contracts for reimbursement of costs, shall be entitled to receive a credit against amounts to be allocated to them under section 473.517, which may be spread over such period not exceeding 30 years as the ~~commission~~ council shall determine, and an additional credit equal to interest on the unused credit balance from time to time at the rate of four percent per annum. The amount of such credit shall equal the current value of the facility computed by the ~~commission~~ council in the manner provided in this subdivision at the time the ~~commission~~ council acquires it. The original cost of a facility shall be computed as the total actual costs of constructing it, including engineering, legal, and administrative costs; less any part of it paid from federal or state funds and less the principal amount of any then outstanding bonds which were issued to finance its construction. The original cost shall be multiplied by a factor equal to a current cost index divided by the same cost index at the time of construction, to determine replacement cost. The cost indices used shall be the Engineering News Record Construction Cost Indices for facilities or parts thereof completed before 1930, and the United States Public Health Service Federal Water Pollution Control Values for Sewer and Treatment Plant Construction, as applied to facilities or parts thereof completed in or after 1930. The current value of the facility shall be the replacement cost depreciated by 2.50 percent per annum from the date of construction of treatment works and 1.25 percent per annum from the date of construction of interceptors; and decreased further by a reasonable allowance for obsolescence if the ~~board~~ council determines that the facility or any part thereof will not be useful for ~~board~~ council purposes for at least the remaining period required to depreciate it fully, assuming no salvage value. The current value of each such facility shall be credited to each local government unit in proportion to the amount of the construction cost paid by that unit, as determined by the ~~commission~~ council, taking into account reimbursements previously made under contracts between any of the local government units. The ~~commission~~ council shall prepare an itemized statement of the amount of credit each local government unit is entitled to receive under this subdivision, and the years and amounts of installments of principal and interest thereon, and shall cause it to be mailed or delivered to the governing body of each local government unit concerned. All credits allowed under this subdivision shall be used to finance current costs allocated to the local government unit by the ~~commission~~ council or for other sewer costs, and the credits shall not be considered as proceeds from the sale of municipal property so as to permit their use for other purposes.

Sec. 151. Minnesota Statutes 1992, section 473.512, subdivision 1, is amended to read:

Subdivision 1. A member of a trade who is employed by the former metropolitan waste control commission, *and on the effective date of this section is employed by the council*, on a permanent basis with trade union pension plan coverage pursuant to a collective bargaining agreement shall be excluded from coverage by the Minnesota state retirement system if the member was first employed on or after June 1, 1977 or, if the member was

first employed prior to June 1, 1977, has elected to be excluded from coverage by the Minnesota state retirement system pursuant to subdivision 2 and has accepted a refund of contributions pursuant to subdivision 3.

Sec. 152. Minnesota Statutes 1992, section 473.513, is amended to read:

473.513 [MUNICIPAL PLANS AND PROGRAMS.]

As soon as practicable after the adoption of the first policy plan by the council as provided in section 473.146, and before undertaking the construction of any extensions or additions to its disposal system or the substantial alteration or improvement of its existing disposal system, each local government unit shall adopt a similar policy plan for the collection, treatment and disposal of sewage for which the local government unit is responsible, coordinated with the council's plan, and may revise the same as often as it deems necessary. Each such plan shall be submitted forthwith to the ~~waste control commission~~ *council* for review and shall be subject to the approval of the ~~commission~~ *council* as to those features affecting the ~~commission's~~ *council's* responsibilities as determined by the ~~commission~~ *council*. Any such features disapproved by the ~~commission~~ *council* shall be modified in accordance with the ~~commission's~~ *council's* recommendations. No construction of new sewers or other disposal facilities, and no substantial alteration or improvement of any existing sewers or other disposal facilities involving such features, shall be undertaken by any local government unit unless its governing body shall first find the same to be in accordance with its comprehensive plan and program as approved by the ~~commission~~ *council*. At the time each local government unit makes application to the Minnesota pollution control agency for a permit to alter or improve its disposal system it shall file with the ~~commission~~ *council* a copy of the application together with design data and a location map of the project.

Sec. 153. Minnesota Statutes 1992, section 473.515, subdivision 1, is amended to read:

Subdivision 1. [IDENTIFICATION OF POWERS.] In addition to all other powers conferred upon or delegated to the ~~commission~~ *council* hereunder, it shall have the powers specified in this section.

Sec. 154. Minnesota Statutes 1992, section 473.515, subdivision 2, is amended to read:

Subd. 2. [RIGHT TO DISCHARGE TREATED SEWAGE.] The ~~commission~~ *council* shall have the right to discharge the effluent from any treatment works operated by it into any waters of the state in accordance with any effluent or water quality standards lawfully adopted by the pollution control agency.

Sec. 155. Minnesota Statutes 1992, section 473.515, subdivision 3, is amended to read:

Subd. 3. [CONNECTIONS WITH METROPOLITAN SYSTEM.] The ~~commission~~ *council* may require any person or local government unit in the metropolitan area to provide for the discharge of its sewage, directly or indirectly, into the metropolitan disposal system, or to connect any disposal system or part thereof with the metropolitan disposal system wherever reasonable opportunity therefor is provided; may regulate the manner in which such connections are made; may require any person or local government unit discharging sewage into the metropolitan disposal system to provide prelimi-

nary treatment therefor; may prohibit the discharge into the metropolitan disposal system of any substance which it determines will or may be harmful to the system or any persons operating it; and may require any local government unit to discontinue the acquisition, betterment, or operation of any facility for its disposal system wherever and so far as adequate service is or will be provided by the metropolitan disposal system.

Sec. 156. Minnesota Statutes 1992, section 473.5155, subdivision 1, is amended to read:

Subdivision 1. [REMEDIES AVAILABLE.] (a) For purposes of this section, "violation" means any discharge or action by a person that violates sections 473.501 to 473.549 or rules, standards, variances, limitations, orders, stipulations, agreements, schedules of compliance, or permits that are issued or adopted by the ~~commission~~ *council* under sections 473.501 to 473.549.

(b) Each violation may be enforced by any one or a combination of the following: criminal prosecution, civil action, or other appropriate action in accordance with sections 473.501 to 473.549.

Sec. 157. Minnesota Statutes 1992, section 473.5155, subdivision 3, is amended to read:

Subd. 3. [CIVIL PENALTIES.] A violation is subject to a penalty payable to the state, in an amount to be determined by the court, of not more than \$1,000 per day of violation. The civil penalty may be recovered by a civil action brought by the ~~commission~~ *council* in the name of the state.

Sec. 158. Minnesota Statutes 1993 Supplement, section 473.516, subdivision 1, is amended to read:

Subdivision 1. [ACQUISITION AND OPERATION.] Without limiting the grant or enumeration of any of the powers conferred on the council or ~~commission~~ under sections 473.501 to 473.549, the ~~commission~~ *council* shall have the specific power to acquire by purchase, lease, condemnation, gift or grant any real or personal property, positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain and operate waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the processing or disposal of waste resulting from sewage treatment, and the ~~commission~~ *council* may contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The ~~commission~~ *council* may accept for processing waste derived from outside the metropolitan area in the state, as well as waste derived from within the metropolitan area, and may fix and collect fees and charges for the acceptance of waste as the ~~commission~~ *council* determines to be reasonable.

Sec. 159. Minnesota Statutes 1992, section 473.516, subdivision 2, is amended to read:

Subd. 2. [GENERAL REQUIREMENTS.] With respect to its activities under this section, the ~~commission~~ *council* shall be subject to and comply with the applicable provisions of this chapter. Property acquired by the ~~commission~~ *council* under this section shall be subject to the provisions of section 473.545. Any site or facility owned or operated for or by the ~~commission~~ *council* shall conform to the policy plan adopted by the council under section 473.149 and shall be authorized in accordance with the ~~commission's~~ *implementation plan* approved by the council. The ~~commission~~ *council* shall contract with private

persons for the construction, maintenance, and operation of waste facilities, subject to the bidding requirements of section 473.523, where the facilities are adequate and available for use and competitive with other means of providing the same service.

Sec. 160. Minnesota Statutes 1992, section 473.516, subdivision 3, is amended to read:

Subd. 3. [LOCAL RESTRICTIONS.] Counties and local units of government may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a waste facility of the ~~commission~~ *council* and conditions respecting the sale, gift, delivery, storage, use, and disposal of sewage sludge of the ~~commission~~ *council* on private property as a soil conditioner or amendment, but only in the manner and only to the extent authorized and approved by the council and the *pollution control* agency as being consistent with the establishment and use of the ~~commission's council's~~ waste facilities and the disposal of the ~~commission's council's~~ sewage sludge on private property in accordance with the council's plan, adopted under section 473.153, and agency permits and rules. Counties may exercise the enforcement powers granted under section 473.811, subdivision 5c, in the manner and to the extent authorized and approved in accordance with this subdivision.

Sec. 161. Minnesota Statutes 1992, section 473.516, subdivision 4, is amended to read:

Subd. 4. [TECHNICAL MONITORING; SEWAGE SLUDGE DISPOSAL.] Each sewage sludge disposal facility of the ~~waste control commission~~ *council*, or site used for the disposal of sewage sludge of the ~~commission~~ *council*, shall be required to have an agency permit issued pursuant to agency rules for permitting sewage sludge disposal facilities and sites. Each permit shall require a regular monitoring and testing program to be carried out by the ~~waste control commission~~ *council*. A regular inspection program shall be conducted by the agency or a county under contract to the agency. The ~~commission~~ *council* shall reimburse the agency quarterly for the cost of the program, and the amounts reimbursed are hereby appropriated to the agency for the purposes of the program. The ~~commission~~ *council* shall attempt to the greatest practical extent to provide a sludge quality that permits desired nutrient loadings and minimizes elements not essential for plant growth when sludge is disposed of on private property as a soil conditioner or amendment. The ~~commission~~ *council* shall provide recipients with information on the facility generating the sludge and the content of the sludge taken from its various treatment facilities.

Sec. 162. Minnesota Statutes 1992, section 473.516, subdivision 5, is amended to read:

Subd. 5. [SLUDGE ASH CONTRACTS.] Notwithstanding section 473.523, the ~~commission~~ *council* may enter into a negotiated contract with a private person to use the sludge ash generated by the ~~commission~~ *council* in a manufacturing process. The contract may not exceed 30 years.

Sec. 163. Minnesota Statutes 1992, section 473.517, subdivision 1, is amended to read:

Subdivision 1. [CURRENT COSTS DEFINED.] The estimated costs of operation, maintenance, and debt service of the metropolitan disposal system

to be paid by the ~~commission~~ *council* in each fiscal year, and the costs of acquisition and betterment of the system which are to be paid during the year from funds other than bond proceeds, including all expenses incurred by the council pursuant to sections 473.501 to 473.545, are referred to in this section as current costs, and shall be allocated in the budget for that year to the respective local government units in the metropolitan area as provided in subdivisions 2 to 6. The amount budgeted by the ~~commission~~ *council* for any year for a reserve or contingency fund must be treated as a current cost and allocated as a cost of operation and maintenance in accordance with this section. The reserve or contingency fund so established may not exceed an amount equal to 7.5 percent of the ~~commission's~~ *council's waste control* operating budget in total.

Sec. 164. Minnesota Statutes 1992, section 473.517, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF METROPOLITAN TREATMENT WORKS AND INTERCEPTOR COSTS; ADJUSTED VOLUME.] Except as provided in subdivision 3, the current costs of all treatment works and interceptors in the metropolitan disposal system shall be allocated among and paid by all local government units which will discharge sewage, directly or indirectly, into the metropolitan disposal system during the budget year, in proportion to the total volume estimated to be so discharged by each local government unit, adjusted as follows:

(a) increased or decreased, as the case may be, to the extent the ~~commission~~ *council* determines, on the basis of such historical and reasonably projected data as may be available, that the sewage discharged by one unit will require more or less treatment to produce a suitable effluent than that discharged by others;

(b) decreased by any amount of surface water estimated by the ~~commission~~ *council* to be discharged by a local government unit from a combined storm and sanitary sewer system;

(c) increased by that volume of normal sanitary sewage which is equivalent for treatment purposes to the volume of surface water referred to in clause (b), as determined by the ~~commission~~ *council* from available engineering data; and

(d) increased or decreased, as the case may be, by the amount of any substantial and demonstrable error in a previous estimate.

Sec. 165. Minnesota Statutes 1992, section 473.517, subdivision 3, is amended to read:

Subd. 3. [ALLOCATION OF METROPOLITAN TREATMENT WORKS AND INTERCEPTOR COSTS; RESERVED CAPACITY.] In preparing each budget the ~~commission~~ *council* shall estimate the current costs of acquisition, betterment, and debt service, only, of the treatment works in the metropolitan disposal system which will not be used to total capacity during the budget year, and the percentage of such capacity which will not be used, and shall deduct the same percentage of such treatment works costs from the current costs allocated under subdivision 2. The ~~commission~~ *council* shall also estimate the current costs of acquisition, betterment, and debt service, only, of the interceptors in the metropolitan disposal system that will not be used to total capacity during the budget year, shall estimate the percentage of the total capacity that will not be used, and shall deduct the same percentage of

interceptor costs from the current costs allocated under subdivision 2. The total amount so deducted with respect to all treatment works and interceptors in the system shall be allocated among and paid by the respective local government units in the metropolitan area for which system capacity unused each year is reserved for future use, in proportion to the amounts of such capacity reserved for each of them.

Sec. 166. Minnesota Statutes 1992, section 473.517, subdivision 6, is amended to read:

Subd. 6. [DEFERMENT OF PAYMENTS.] The council may by resolution provide for the deferment of payment of all or part of the current costs of acquisition, betterment, and debt service of estimated unused capacity which are allocated by the ~~commission~~ *council* to a local government unit in any year pursuant to ~~subdivisions~~ *subdivision 3 and 4*, repayable at such time or times as the council shall specify in the resolution, with interest at the approximate average annual rate borne by council bonds outstanding at the time of the deferment, as determined by the council. Such costs may be deferred only when the council determines that a substantial portion of the territory of a local government unit has not been connected to the metropolitan disposal system, and that the amount of such costs or some portion thereof is disproportionate to the available economic resources of the unit at the time. Such deferred costs shall be allocated to and paid by all local government units in the metropolitan area which will discharge sewage, directly or indirectly, into the metropolitan disposal system in the budget year for which the deferment is granted, in the same manner and proportions as current costs are allocated under subdivision 5 2. When such deferred costs are repaid they shall be applied in reduction of the total amount of costs thereafter allocated to each of the local government units to which such deferred costs were allocated in the year of deferment, in proportion to their allocations thereof that year.

Sec. 167. Minnesota Statutes 1992, section 473.517, subdivision 9, is amended to read:

Subd. 9. [ADVISORY COMMITTEES.] The ~~commission~~ *council* may establish and appoint persons to advisory committees to assist the ~~commission~~ *council* in the performance of its *wastewater control* duties. If established, the advisory committees shall meet with the ~~waste control commission~~ *council* to consult with such members concerning the acquisition, betterment, operation and maintenance of interceptors and treatment works in the metropolitan disposal system, and the allocation of costs therefor. Members of the advisory committee serve without compensation but must be reimbursed for their reasonable expenses as determined by ~~section 45.059~~ *the council*.

Sec. 168. Minnesota Statutes 1992, section 473.519, is amended to read:

473.519 [FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972; SYSTEM OF CHARGES.]

Each local government unit shall adopt a system of charges for the use and availability of the metropolitan disposal system which will assure that each recipient of waste treatment services within or served by the unit will pay its proportionate share of the current costs allocated to the unit by the ~~commission~~ *council* under section 473.517, as required by the federal Water Pollution Control Act amendments of 1972, and any regulations issued pursuant thereto. Each system of charges shall be adopted as soon as possible and shall be

submitted to the ~~commission council~~. The ~~commission council~~ shall review each system of charges to determine whether it complies with the federal law and regulations. If it determines that a system of charges does not comply, the adopting unit shall be notified and shall change its system to comply, and shall submit the changes to the ~~commission council~~ for review. All subsequent changes in a system of charges proposed by a local government unit shall also be submitted to the ~~commission council~~ for review. ~~Each local government unit may appeal the determination of the commission to the council for review and determination.~~

Sec. 169. Minnesota Statutes 1992, section 473.521, subdivision 1, is amended to read:

Subdivision 1. [AMOUNTS DUE ~~COMMISSION COUNCIL~~, WHEN PAYABLE.] Charges payable to the ~~commission council~~ by local government units may be made payable at such times during each year as the ~~commission council~~ determines, but such dates shall be fixed with reference to the dates on which tax, assessment, and revenue collections become available to the government units required to pay such charges.

Sec. 170. Minnesota Statutes 1992, section 473.521, subdivision 2, is amended to read:

Subd. 2. [COMPONENT MUNICIPALITIES, OBLIGATIONS TO ~~COMMISSION COUNCIL~~.] Each government unit shall pay to the ~~commission council~~ all sums charged to it as provided in section 473.517, at the times and in the manner determined by the ~~commission council~~. The governing body of each such government unit shall take all action that may be necessary to provide the funds required for such payments and to make the same when due.

Sec. 171. Minnesota Statutes 1992, section 473.521, subdivision 3, is amended to read:

Subd. 3. [POWERS OF GOVERNMENT UNITS.] To accomplish any duty imposed on it by the council ~~or commission~~, the governing body of every government unit in the metropolitan area may exercise the powers granted any municipality by chapters 117, 412, 429, 475, sections 115.46, 444.075 and 471.59.

Sec. 172. Minnesota Statutes 1992, section 473.521, subdivision 4, is amended to read:

Subd. 4. [DEFICIENCY TAX LEVIES.] If the governing body of any local government unit fails to meet any payment to the ~~commission council~~ hereunder when due, the metropolitan council may certify to the auditor of the county in which the government unit is located the amount required for payment of such amount with interest at six percent per annum. The auditor shall levy and extend such amount as a tax upon all taxable property in the government unit for the next calendar year, free from any existing limitations imposed by law or charter. Such tax shall be collected in the same manner as the general taxes of the government unit, and the proceeds thereof, when collected, shall be paid by the county treasurer to the treasurer of the ~~commission council~~ and credited to the government unit for which the tax was levied.

Sec. 173. Minnesota Statutes 1992, section 473.523, subdivision 1, is amended to read:

Subdivision 1. ~~No contract~~ *All contracts for any construction work, or for the purchase of materials, supplies, or equipment, costing more than \$15,000 relating to the metropolitan disposal system shall be made as provided in section 471.345, subdivisions 3 to 6. Contracts subject to section 471.345, subdivision 3, shall be made by the commission without council by publishing once in a legal newspaper or trade paper published in a city of the first class not less than two weeks before the last day for submission of bids, notice that bids or proposals will be received. Such notice shall state the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded, and a time and place where such bids will be received, opened, and read publicly. After such bids have been duly received, opened, read publicly, and recorded, the commission council shall award such contract to the lowest responsible bidder or it may reject all bids and readvertise. Each contract shall be duly executed in writing and the party to whom the contract is awarded shall give sufficient bond or security to the board for the faithful performance of the contract as required by law. The commission council shall have the right to set qualifications and specifications and to require bids to meet all such qualifications and specifications before being accepted. If the commission council by an affirmative vote of two-thirds of its members declares that an emergency exists requiring the immediate purchase of materials or supplies at a cost in excess of \$15,000 the amount specified in section 471.345, subdivision 3, or in making emergency repairs, it shall not be necessary to advertise for bids.*

Sec. 174. Minnesota Statutes 1992, section 473.523, subdivision 2, is amended to read:

Subd. 2. The ~~administrator~~ *manager of wastewater services* may, without prior approval of the ~~commission council~~ and without advertising for bids, enter into any contract of the type referred to in subdivision 1 which is not in excess of ~~\$15,000 the amount specified in section 471.345, subdivision 3.~~

Sec. 175. Minnesota Statutes 1992, section 473.535, is amended to read:

473.535 [IMPLEMENTATION PLAN CAPITAL IMPROVEMENT PROGRAM; BUDGET.]

The ~~waste control commission council~~ shall prepare, ~~submit to the council and adopt an implementation plan~~ *a capital improvement program and a budget at the time and in the manner provided in and otherwise comply with sections 473.161 and 473.163 for the acquisition or betterment of any interceptors or treatment works determined by the council to be necessary or desirable for the metropolitan disposal system. When the council issues debt under section 473.541, it must be for the projects identified in the adopted capital improvement program and budget.*

Sec. 176. Minnesota Statutes 1992, section 473.541, subdivision 2, is amended to read:

Subd. 2. [EMERGENCY CERTIFICATES OF INDEBTEDNESS.] If in any budget year the receipts of tax and other revenues should from some unforeseen cause become insufficient to pay the ~~commission's council's~~ current *wastewater control* expenses, or if any calamity or other public emergency should subject it to the necessity of making extraordinary *wastewater control* expenditures, the council may make an emergency appropriation of an amount sufficient to meet the deficiency and may authorize the issuance, negotiation, and sale of certificates of indebtedness in

this amount in the same manner and upon the same conditions as provided in subdivision 1, except that the council shall forthwith levy on all taxable property in the metropolitan area a tax sufficient to pay the certificates and interest thereon, and shall appropriate all collections of such tax to a special fund created for that purpose. The certificates may mature not later than April in the year following the year in which the tax is collectible.

Sec. 177. Minnesota Statutes 1992, section 473.542, is amended to read:

473.542 [DEPOSITORIES.]

The ~~commission~~ council shall from time to time designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for moneys of the ~~commission~~ council, and thereupon shall require the treasurer to deposit all or a part of such moneys in such institutions. Such designation shall be in writing and shall set forth all the terms and conditions upon which the deposits are made, and shall be signed by the chair and treasurer, and made a part of the minutes of the ~~board~~ council. Any bank or trust company so designated shall qualify as a depository by furnishing a corporate surety bond or collateral in the amounts required by section 118.01. However, no bond or collateral shall be required to secure any deposit insofar as it is insured under federal law.

Sec. 178. Minnesota Statutes 1992, section 473.543, subdivision 1, is amended to read:

Subdivision 1. All moneys from wastewater control operations received by the ~~commission~~ council shall be deposited or invested by the treasurer and disposed of as the ~~commission~~ council may direct in accordance with its waste control budget; provided that any moneys that have been pledged or dedicated by the metropolitan council to the payment of obligations or interest thereon or expenses incident thereto, or for any other specific purpose authorized by law, shall be paid by the treasurer into the fund to which they have been pledged.

Sec. 179. Minnesota Statutes 1992, section 473.543, subdivision 2, is amended to read:

Subd. 2. The ~~commission's~~ council's treasurer shall establish such funds and accounts as may be necessary or convenient to handle the receipts and disbursements of the ~~commission~~ council in an orderly fashion.

Sec. 180. Minnesota Statutes 1992, section 473.543, subdivision 3, is amended to read:

Subd. 3. The moneys on hand in said funds and accounts may be deposited in the official depositories of the ~~commission~~ council or invested as herein-after provided. The amount thereof not currently needed or required by law to be kept in cash on deposit may be invested in obligations authorized for the investment of municipal sinking funds by section 475.66. Such moneys may also be held under certificates of deposit issued by any official depository of the ~~commission~~ council.

Sec. 181. Minnesota Statutes 1992, section 473.543, subdivision 4, is amended to read:

Subd. 4. The use of proceeds of all bonds issued by the council for the acquisition and betterment of interceptors or treatment works, and the use, other than investment, of all moneys on hand in any sinking fund or funds of

the council, shall be governed by the provisions of chapter 475, and the provisions of resolutions authorizing the issuance of such bonds. ~~Such bond proceeds when received shall be transferred to the treasurer of the commission for safekeeping, investment and payment of capital costs.~~

Sec. 182. Minnesota Statutes 1992, section 473.545, is amended to read:

473.545 [PROPERTY EXEMPT FROM TAXATION.]

Any properties, real or personal, owned, leased, controlled, used, or occupied by the ~~waste control commission~~ *council* for any purpose referred to in section 473.502 are declared to be acquired, owned, leased, controlled, used and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any political subdivision of the state, provided that such properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from such improvement. No possible use of any such properties in any manner different from their use as part of the metropolitan disposal system at the time shall be considered in determining the special benefit received by such properties. All such assessments shall be subject to final confirmation by the metropolitan council, whose determination of the benefits shall be conclusive upon the political subdivision levying the assessment.

Sec. 183. Minnesota Statutes 1992, section 473.547, is amended to read:

473.547 [TAX LEVIES.]

The council shall have power to levy taxes for debt service of the metropolitan disposal system upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. The council shall also have power to levy taxes as provided in section 473.521. Each of the county auditors shall annually assess and extend upon the tax rolls in the auditor's county the portion of the taxes levied by the council in each year which is certified to the auditor by the council. Each county treasurer shall collect and make settlement of such taxes with the ~~treasurer of the commission~~ *council* in the same manner as with other political subdivisions.

Sec. 184. Minnesota Statutes 1992, section 473.549, is amended to read:

473.549 [RELATION TO EXISTING LAWS.]

The provisions of sections 473.501 to 473.549 shall be given full effect notwithstanding the provisions of any law not consistent therewith. The powers conferred on the council ~~and the commission~~ under sections 473.501 to 473.545 shall in no way diminish or supersede the powers conferred on the pollution control agency by sections 103F.701 to 103F.761 and chapters 115 and 116.

Sec. 185. Minnesota Statutes 1992, section 473.553, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The metropolitan sports facilities commission is established and shall be organized, structured, and administered as provided in this section ~~and section 473.141, subdivisions 6 to 11, 13, and 14.~~

Sec. 186. Minnesota Statutes 1992, section 473.553, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of six members, appointed by the governor during the period before substantial completion of construction of sports facilities pursuant to sections 473.551 to 473.595 and thereafter as hereinafter provided, plus a chair appointed as provided in subdivision 3. Initial appointments of members shall be made within 30 days of May 17, 1977. One member shall be appointed from each of the following combinations of metropolitan commission precincts defined in section 473.141, subdivision 2: A and B; C and G; D and E; F and H. Two members shall be appointed from outside the metropolitan area. Upon substantial completion of construction of the sports facility, vacancies occurring on the commission, whether at the completion of or prior to the completion of a member's term, shall be filled by the city council of the city in which the stadium is located *plus a chair appointed as provided in subdivision 3.*

Sec. 187. Minnesota Statutes 1992, section 473.553, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] ~~Each member appointed prior to substantial completion of construction of a sports facility constructed pursuant to sections 473.551 to 473.595 shall be a resident of the precincts or area of the state for which appointed.~~ A member appointed at any time shall not during a term of office hold the office of metropolitan council member or be a member of another metropolitan agency that is subject to section 473.141 or hold any judicial office or office of state government. *None of the members appointed by the city council of the city in which the stadium is located shall be an elected public official of that city or of another political subdivision any part of whose territory is shared with that city.* Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, article V, section 6. The oath, duly certified by the official administering it, shall be filed with the chair of the metropolitan council.

Sec. 188. Minnesota Statutes 1992, section 473.553, subdivision 5, is amended to read:

Subd. 5. [TERMS.] The terms of ~~the three members representing precincts A and B and C and G and the term of one of the members from outside the metropolitan area~~ shall end the first Monday in January, ~~1981 in the year ending in the numeral "5"~~. The terms of the other members and the chair shall end the first Monday in January, ~~1983 in the year ending in the numeral "7"~~. *After the initial term provided for in this subdivision,* The term of each member and the chair shall be four years. The terms shall continue until a successor is appointed and qualified. Members ~~and the chair~~ may be removed ~~in the manner specified in chapter 351 only for cause.~~

Sec. 189. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 6. [VACANCIES.] *A vacancy shall be filled by the appointing authority in the same manner in which the original appointment was made.*

Sec. 190. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 7. [COMPENSATION.] *Each commission member shall be paid \$50 for each day when the member attends one or more meetings or provides other*

services, as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties. The chair of the metropolitan sports facilities commission shall receive, unless otherwise provided by other law, a salary in an amount fixed by the members of the commission and shall be reimbursed for reasonable expenses to the same extent as a member. The annual budget of each commission shall provide as a separate account anticipated expenditures for per diem, travel, and associated expenses for the chair and members, and compensation or reimbursement shall be made to the chair and members only when budgeted.

Sec. 191. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 8. [REGULAR AND SPECIAL MEETINGS.] The commission shall meet regularly at least once each month, at such time and place as the commission shall by resolution designate. Special meetings may be held at any time upon the call of the chair or a majority of the members, upon written notice to each member at least three days prior to the meeting, or upon such other notice as the commission may by resolution provide. Unless otherwise provided, any action within the authority of the commission may be taken by the affirmative vote of a majority of the members. A majority of all of the members of the commission shall constitute a quorum, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members.

Sec. 192. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 9. [PERSONNEL CODE; MERIT SYSTEM.] (a) The council shall by resolution adopt guidelines for a personnel code relating to the employees of the commission, except that nothing in Laws 1974, chapter 422, shall impair the rights of the commission or employee under sections 473.405 and 473.415. After adoption of the guidelines, the commission shall by resolution adopt a personnel code in general conformance therewith. The code shall include a job classification plan, procedures for employment and promotion of personnel based on merit, procedures for the demotion, suspension, or discharge of employees, procedures for hearing grievances, procedures for salary administration, and such other provisions as the council deems appropriate. In addition, the code shall provide for the development by the commission of affirmative action plans, as provided in section 473.143. The executive director of the commission shall administer the code, and the commission shall not take any action inconsistent with the personnel code.

(b) When a commission employee has been demoted, suspended, or dismissed by the executive director, the employee may, within 30 days after such action becomes effective, file with the commission a written request for a hearing showing the position from which the employee was dismissed, the date of dismissal, and the reason for requesting the hearing, full name and present mailing address. Upon receipt of a request for a hearing the commission shall appoint three of its members to act as an appeal committee and preside at a hearing on the action of the executive director. The hearing shall be held within 30 days after the request is received by the commission, upon written notice mailed or delivered to the employee at the employee's present mailing address, not less than seven days before the hearing. The appeal committee shall approve or disapprove the action of the executive director, and in the case of approval the action of the executive director shall

be final. In the case of disapproval the appeal committee may reinstate the employee under such conditions as it deems proper, and may order the payment to the employee of compensation lost as a result of the demotion, suspension or dismissal.

Sec. 193. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 10. [SECRETARY AND TREASURER.] At its first regular meeting each year the commission shall appoint a secretary and a treasurer or, in the alternative, a secretary-treasurer. The secretary and treasurer, or secretary-treasurer, may, but need not be, members of the commission, and shall hold office at the pleasure of the commission, subject to the terms of any contract of employment which the commission may enter into with the secretary or treasurer. The secretary shall record the minutes of all meetings of the commission and shall be the custodian of all books and records of the commission except such as the commission shall entrust to the custody of a designated employee. The treasurer shall be the custodian of all moneys received by the commission except such as the commission shall entrust to the custody of a designated employee. The commission may appoint a deputy to perform any and all functions of either the secretary or the treasurer.

Sec. 194. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 11. [EXECUTIVE DIRECTOR.] The chair of the commission shall, subject to the approval of the commission, appoint an executive director who shall be chosen solely on the basis of training, experience, and other qualifications, and who shall serve at the pleasure of the commission. The executive director shall attend meetings of the commission, but shall not vote, and shall have the following powers and duties:

(a) See that all resolutions, rules, or orders of the commission are enforced.

(b) Appoint and remove, subject to the provisions of the personnel code adopted pursuant to subdivision 9, upon the basis of merit and fitness, all subordinate officers and regular employees of the commission.

(c) Present to the commission plans, studies, and reports prepared for commission purposes and recommend to the commission for adoption such measures as the executive director deems necessary to enforce or carry out the powers and duties of the commission, or to the efficient administration of the affairs of the commission.

(d) Keep the commission fully advised as to its financial condition, and prepare and submit to the commission its annual budget and such other financial information as it may request.

(e) Recommend to the commission for adoption such rules as the executive director deems necessary for the efficient operation of the commission's functions.

(f) Perform such other duties as may be prescribed by the commission.

Sec. 195. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 12. [COMMISSION OPERATING PROCEDURES.] (a) The commission shall adopt resolutions and bylaws, an administrative code establish-

ing procedures for commission action, keeping records, approving claims, authorizing and making disbursements, authorizing contracts, safekeeping funds and audit of all financial operations of the commission.

(b) *The commission and the council may enter into contracts with each other and with other commissions and governmental units for the joint exercise of powers in the manner provided by section 471.59; provided that the commission shall not enter into any contract with the council which would assign any operations authority, responsibility or function, other than planning or making studies, from the commission to the council.*

Sec. 196. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 13. [RELOCATION PAYMENT STANDARDS.] In all acquisitions the commission shall provide as a cost of acquisition the relocation assistance, services, payments and benefits required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894 (1971), United States Code, title 42, section 4601, et seq.

Sec. 197. Minnesota Statutes 1992, section 473.561, is amended to read:

473.561 [EXEMPTION FROM COUNCIL REVIEW.]

The acquisition and betterment of sports facilities by the commission shall be conducted pursuant to sections 473.551 to 473.595 and shall not be affected by the provisions of sections ~~473.161~~, 473.165, and 473.173.

Sec. 198. Minnesota Statutes 1992, section 473.595, subdivision 3, is amended to read:

Subd. 3. [BUDGET PREPARATION; REVIEW AND APPROVAL.] The commission shall comply with the provisions of section 473.163, provided that the entire budget, including operating revenues and expenditures for operation, administration, and maintenance, shall be subject to approval by the council, in accordance with the procedures described in section 473.163.

The commission shall prepare a proposed budget by August 1 of each year. The budget shall include operating revenues and expenditures for operation, administration, and maintenance. In addition, the budget must show for each year:

(a) The estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service;

(b) Capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year; all in such detail and form as the council may prescribe; and

(c) The estimated source and use of pass-through funds.

As early as practicable before August 15 of each year, the commission shall hold a public hearing on a draft of the proposed budget. Along with the draft, the commission shall publish a report on user charges. The report must include an estimate and analysis of the changes in user charges, rates, and fees that will be required by the commission's budget. Not less than 14 days before the hearing, the commission shall publish notice of the hearing in a

newspaper having general circulation in the metropolitan area, stating the date, time, and place of hearing, and the place where the proposed budget and report on user charges may be examined by any interested person. Following the hearing, the commission shall publish a report of the hearing that summarizes the comments received and the agency's response. The council shall approve or disapprove the entire budget by October 1 of each year. Before December 15 of each year, the commission shall by resolution adopt a final budget. The commission shall file its final budget with the council on or before December 20 of each year. The council shall file the budgets with the secretary of the senate and the clerk of the house of representatives not later than January 1 of each year.

Except in an emergency, for which procedures must be established by the agency, the commission and its officers, agents, and employees may not spend money for any purpose, other than debt service, without an appropriation by the commission, and no obligation to make such an expenditure shall be enforceable except as the obligation of the person or persons incurring it. The creation of any debt obligation or the receipt of any federal or state grant is a sufficient appropriation of the proceeds for the purpose for which it is authorized, and of the tax or other revenues pledged to pay the obligation and interest on it whether or not specifically included in any annual budget. After obtaining approval of the council, if required under subdivision 2, the agency may amend the budget at any time by transferring any appropriation from one purpose to another, except appropriations of the proceeds of bonds issued for a specific purpose.

Sec. 199. Minnesota Statutes 1992, section 473.605, subdivision 2, is amended to read:

Subd. 2. Each commission member shall receive \$50 per diem compensation and be reimbursed for actual and necessary expenses as provided by section 473.141, subdivision 7. The chair shall receive a salary as prescribed in section 15A.081, subdivision 7, and shall be reimbursed for reasonable expenses to the same extent as a member. The mayors and members of the city councils of Minneapolis and St. Paul shall not be eligible for per diem compensation. The annual budget of the commission shall provide as a separate account anticipated expenditures for per diem, travel, and associated expenses for the chair and members, and compensation or reimbursement shall be made to the chair and members only when budgeted.

Sec. 200. Minnesota Statutes 1992, section 473.823, subdivision 3, is amended to read:

Subd. 3. [SOLID WASTE FACILITIES; REVIEW PROCEDURES.] (a) The agency shall request applicants for solid waste facility permits to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the effectiveness of proposed buffer areas to ensure, at a minimum, protection of surrounding land uses from adverse or incompatible impacts due to landfill operation and related activities, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production.

(b) A permit may not be issued for the operation of a solid waste facility in the metropolitan area which is not in accordance with the metropolitan

council's solid waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the policy plan. In making its determination, the council shall consider the areawide need and benefit of the applicant facility and the effectiveness of proposed buffer areas to adequately protect surrounding land uses in accordance with its policy plan, and may consider, without limitation, the effect of the applicant facility on existing and planned solid waste facilities ~~described in a waste control commission implementation plan or county report or master plan.~~

(c) If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a solid waste facility used primarily for resource recovery and the geographic territory from which a resource recovery facility or transfer station serving such a facility may draw its waste.

(d) For the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 60 days after the application and supporting information are received by the council, unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the 60-day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's policy plan.

(e) A permit may not be issued in the metropolitan area for a solid waste facility used primarily for resource recovery or a transfer station serving the facility, if the facility or station is owned or operated by a public agency or if the acquisition or betterment of the facility or station is secured by public funds or obligations issued by a public agency, unless the council finds and determines that adequate markets exist for the products recovered and that establishment of the facility is consistent with the criteria and standards in the metropolitan and county plans respecting the protection of existing resource recovery facilities and transfer stations serving such facilities.

Sec. 201. Minnesota Statutes 1992, section 473.852, subdivision 8, is amended to read:

Subd. 8. [METROPOLITAN SYSTEM PLANS.] "Metropolitan system plans" means the airports and transportation portions of the metropolitan development guide, and the policy plans, ~~implementation plans,~~ and capital budgets for metropolitan ~~waste control~~ wastewater service, transportation, and regional recreation open space.

Sec. 202. Minnesota Statutes 1992, section 473.852, subdivision 10, is amended to read:

Subd. 10. [PRIVATE SEWER FACILITY.] "Private sewer facility" means a single lot, multiple lot or other sewage collection or treatment facility owned, constructed or operated by any person other than a local governmental unit or the ~~metropolitan waste control commission council.~~

Sec. 203. [TRANSITION; PENSION.]

A person who was an employee of the metropolitan transit commission on July 1, 1984, and became an employee of the regional transit board and who subsequently becomes an employee of the metropolitan council on the effective date of this section has the option of continued coverage under Minnesota Statutes, chapter 353.

Sec. 204. [REPEALER.]

(a) Minnesota Statutes 1992, sections 473.121, subdivisions 14a, 15, and 21; 473.375, subdivisions 1, 2, and 18; 473.38, subdivision 3; 473.404, as amended by Laws 1993, chapter 119, section 1; 473.405, subdivisions 2, 6, 7, 8, and 11; 473.436, subdivision 7; 473.501, subdivision 2; 473.503; 473.504, subdivisions 1, 2, and 3, are repealed.

(b) Minnesota Statutes 1992, sections 115A.03, subdivision 20; 115A.33; 174.22, subdivision 4; 473.122; 473.141, as amended by Laws 1993, chapter 314, sections 3 and 4; 473.146, subdivisions 2, 2a, 2b, and 2c; 473.153; 473.161; 473.163; 473.181, subdivision 3; 473.325, subdivision 5; 473.373, as amended by Laws 1993, chapter 314, section 5; 473.375, subdivisions 1, 2, 3, 4, 5, 6, 7, 10, 16, 17, and 18; 473.377; 473.38; 473.384, subdivision 9; 473.388, subdivision 6; 473.405, subdivisions 13 and 14; 473.417; 473.435; 473.445, subdivisions 1 and 3; 473.504, subdivisions 1, 7, and 8; 473.511, subdivision 5; 473.517, subdivision 8; 473.543, subdivision 5; and 473.553, subdivision 4a; Minnesota Statutes 1993 Supplement, section 473.3996, subdivisions 1 and 2, are repealed.

Sec. 205. [APPLICATION.]

This article applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 206. [EFFECTIVE DATE.]

Section 41 is effective January 1, 1995. The remainder of this article is effective June 1, 1994.

ARTICLE 4

CITATION

Section 1. [CITATION.]

This act is the Metropolitan Reorganization Act of 1994."

Delete the title and insert:

"A bill for an act relating to metropolitan government; providing for a regional administrator and a management team; imposing organizational requirements; imposing duties; clarifying existing provisions and making conforming changes; amending Minnesota Statutes 1992, sections 6.76; 15.0597, subdivision 1; 15A.081, subdivision 7; 15A.082, subdivision 3; 16B.58, subdivision 7; 116.16, subdivision 2; 116.182, subdivision 1; 161.173; 161.174; 169.781, subdivision 1; 169.791, subdivision 5; 169.792, subdivision 11; 221.022; 221.041, subdivision 4; 221.071, subdivision 1; 221.295; 297B.09, subdivision 1; 352.03, subdivision 1; 352.75; 422A.01, subdivision 9; 422A.101, subdivision 2a; 471A.02, subdivision 8; 473.121, subdivisions 5a and 24; 473.123, subdivisions 1, 2a, and 4; 473.129; 473.13,

subdivision 4; 473.146, subdivisions 1 and 4; 473.149, subdivision 3; 473.1623, subdivision 2; 473.164; 473.168, subdivision 2; 473.173, subdivisions 3 and 4; 473.223; 473.303, subdivisions 2, 3a, 4, 4a, 5, and 6; 473.371, subdivision 1; 473.375, subdivisions 11, 12, 13, 14, and 15; 473.382; 473.384, subdivisions 1, 3, 4, 5, 6, 7, and 8; 473.385; 473.386, subdivisions 1, 2, 3, 4, 5, and 6; 473.387, subdivisions 2, 3, and 4; 473.388, subdivisions 2, 3, 4, and 5; 473.39, subdivisions 1, 1a, 1b, and by adding a subdivision; 473.391; 473.392; 473.394; 473.399, as amended; 473.405, subdivisions 1, 3, 4, 5, 9, 10, 12, and 15; 473.408, subdivisions 1, 2, 2a, 4, 6, and 7; 473.409; 473.411, subdivisions 3 and 4; 473.415, subdivisions 1, 2, and 3; 473.416; 473.418; 473.42; 473.436, subdivisions 2, 3, and 6; 473.446, subdivisions 1, 1a, 2, 3, and 7; 473.448; 473.449; 473.504, subdivisions 4, 5, 6, 9, 10, 11, and 12; 473.511, subdivisions 1, 2, 3, and 4; 473.512, subdivision 1; 473.513; 473.515, subdivisions 1, 2, and 3; 473.5155, subdivisions 1 and 3; 473.516, subdivisions 2, 3, 4, and 5; 473.517, subdivisions 1, 2, 3, 6, and 9; 473.519; 473.521, subdivisions 1, 2, 3, and 4; 473.523, subdivisions 1 and 2; 473.535; 473.541, subdivision 2; 473.542; 473.543, subdivisions 1, 2, 3, and 4; 473.545; 473.547; 473.549; 473.553, subdivisions 1, 2, 4, 5, and by adding subdivisions; 473.561; 473.595, subdivision 3; 473.605, subdivision 2; 473.823, subdivision 3; and 473.852, subdivisions 8 and 10; Minnesota Statutes 1993 Supplement, sections 10A.01, subdivision 18; 15A.081, subdivision 1; 115.54; 174.32, subdivision 2; 216C.15, subdivision 1; 221.025; 221.031, subdivision 3a; 275.065, subdivisions 3 and 5a; 352.01, subdivisions 2a and 2b; 352D.02, subdivision 1; 353.64, subdivision 7a; 400.08, subdivision 3; 473.13, subdivision 1; 473.1623, subdivision 3; 473.167, subdivision 1; 473.386, subdivision 2a; 473.3994, subdivision 10; 473.3997; 473.4051; 473.407, subdivisions 1, 2, 3, 4, 5, and 6; 473.411, subdivision 5; 473.446, subdivision 8; and 473.516, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, sections 115A.03, subdivision 20; 115A.33; 174.22, subdivision 4; 473.121, subdivisions 14a, 15, and 21; 473.122; 473.123, subdivisions 3, 5, and 6; 473.141, as amended; 473.146, subdivisions 2, 2a, 2b, and 2c; 473.153; 473.161; 473.163; 473.181, subdivision 3; 473.325, subdivision 5; 473.373, as amended; 473.375, subdivisions 1, 2, 3, 4, 5, 6, 7, 10, 16, 17, and 18; 473.377; 473.38; 473.384, subdivision 9; 473.388, subdivision 6; 473.404, as amended; 473.405, subdivisions 2, 6, 7, 8, 11, 13, and 14; 473.417; 473.435; 473.436, subdivision 7; 473.445, subdivisions 1 and 3; 473.501, subdivision 2; 473.503; 473.504, subdivisions 1, 2, 3, 7, and 8; 473.511, subdivision 5; 473.517, subdivision 8; 473.543, subdivision 5; and 473.553, subdivision 4a; Minnesota Statutes 1993 Supplement, section 473.3996, subdivisions 1 and 2."

The motion prevailed. So the amendment was adopted.

H.F. No. 2625 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 50 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Day	Hottinger	Knutson
Beckman	Betzold	Finn	Johnson, D.E.	Krentz
Belanger	Chandler	Flynn	Johnson, D.J.	Kroening
Benson, D.D.	Chmielewski	Frederickson	Johnson, J.B.	Laidig
Benson, J.E.	Cohen	Hanson	Kiscaden	Larson

Lesewski
Luther
Marty
McGowan
Merriam

Mondale
Morse
Neuville
Oliver
Pappas

Pariseau
Piper
Price
Ranum
Reichgott Junge

Robertson
Runbeck
Sams
Samuelson
Spear

Stevens
Stumpf
Terwilliger
Vickerman
Wiener

Ms. Johnston voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Kelly moved that S.F. No. 2920, No. 34 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Morse moved that S.F. No. 1133, No. 24 on General Orders, be stricken and returned to its author. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Novak moved that the following members be excused for a Conference Committee on S.F. No. 1706 at 3:00 p.m.:

Messrs. Novak, Dille, Murphy, Riveness and Metzen. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Luther moved that H.F. No. 1316 be made a Special Order for immediate consideration. The motion prevailed.

SPECIAL ORDER

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

Ms. Johnson, J.B. moved to amend H.F. No. 1316 as follows:

Page 3, line 34, delete everything after the period

Page 3, delete line 35

Page 11, line 24, delete "educator" and insert "person"

The motion prevailed. So the amendment was adopted.

H.F. No. 1316 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 34 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson
Beckman

Bertram
Betzold

Chandler
Chmielewski

Cohen
Day

Finn
Flynn

Hottinger	Kelly	Lessard	Pappas	Samuelson
Johnson, D.E.	Krentz	Luther	Piper	Spear
Johnson, D.J.	Kroening	Marty	Price	Stumpf
Johnson, J.B.	Laidig	Moe, R.D.	Ranum	Vickerman
Johnston	Langseth	Morse	Sams	

Those who voted in the negative were:

Benson, D.D.	Kiscaden	McGowan	Oliver	Runbeck
Benson, J.E.	Knutson	Merriam	Pariseau	Stevens
Berg	Larson	Mondale	Reichgott Junge	Terwilliger
Hanson	Lesewski	Neuville	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 S.F. No. 1795 a Special Order to be heard immediately.

SPECIAL ORDER

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; appropriating money; amending Minnesota Statutes 1992, section 169.685, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 169.685, subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Laidig	Morse	Samuelson
Beckman	Hanson	Langseth	Neuville	Spear
Benson, D.D.	Johnson, D.E.	Larson	Oliver	Stevens
Benson, J.E.	Johnson, D.J.	Lesewski	Pappas	Stumpf
Bertram	Johnson, J.B.	Lessard	Pariseau	Terwilliger
Betzold	Johnston	Luther	Piper	Vickerman
Chandler	Kelly	Marty	Price	Wiener
Chmielewski	Kiscaden	McGowan	Ranum	
Cohen	Knutson	Merriam	Robertson	
Day	Krentz	Moe, R.D.	Runbeck	
Flynn	Kroening	Mondale	Sams	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Sams moved that S.F. No. 1857, No. 7 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Sams then moved that S.F. No. 1976, No. 8 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Sams then moved that S.F. No. 2637, No. 14 on General Orders, be stricken and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

RECONSIDERATION

Having voted on the prevailing side, Mr. Morse moved that the vote whereby S.F. No. 1133 was stricken and returned to its author on April 29, 1994, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Mr. Morse moved that S.F. No. 1133 be re-referred to the Committee on Finance. The motion prevailed.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 1919: Ms. Krentz, Mr. Betzold and Ms. Runbeck.

S.F. No. 2168: Mr. Bertram, Ms. Hanson, Messrs. Morse, Langseth and Dille.

H.F. No. 3086: Messrs. Morse, Mondale, Merriam, Ms. Johnson, J.B. and Mr. Frederickson.

H.F. No. 2158: Messrs. Price, Dille and Morse.

H.F. No. 1899: Messrs. Hottinger, Betzold and Benson, D.D.

S.F. No. 1948: Messrs. Berg, Vickerman, Dille, Bertram and Ms. Reichgott Junge.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Messrs. Moe, R.D. and Johnson, D.E. introduced—

Senate Resolution No. 91: A Senate resolution relating to conduct of Senate business during the interim between Sessions.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The powers, duties, and procedures set forth in this resolution apply during the interim between the adjournment sine die of the 78th Legislature, 1994 Session, and the convening of the 79th Legislature, 1995 Session.

The Committee on Rules and Administration may, from time to time, assign to the various committees and subcommittees of the Senate, in the interim, matters brought to its attention by any member of the Senate for study and investigation. The standing committees and subcommittees may study and investigate all subjects that come within their usual jurisdiction, as provided by Minnesota Statutes, Section 3.921. A committee shall carry on its work by

subcommittee or by committee action as the committee from time to time determines. Any study undertaken by any of the standing committees, or any subcommittee thereof, shall be coordinated to the greatest extent possible with other standing committees or subcommittees of the Senate and House of Representatives, and may, if the committee or subcommittee so determines, be carried on jointly with another committee or subcommittee of the Senate or House of Representatives.

The Subcommittee on Committees of the Committee on Rules and Administration shall appoint persons as necessary to fill any vacancies that may occur in committees, commissions, and other bodies whose members are to be appointed by the Senate authorized by rule, statute, resolution, or otherwise. The Subcommittee on Committees may appoint members of the Senate to assist in the work of any committee.

The Committee on Rules and Administration shall establish positions, set compensation and benefits, appoint employees, and authorize expense reimbursement as it deems proper to carry out the work of the Senate.

The Committee on Rules and Administration may authorize members of the Senate and personnel employed by the Senate to travel and to attend courses of instruction or conferences for the purpose of improving and making more efficient Senate operation and may reimburse these persons for the costs thereof out of monies appropriated to the Senate for the standing committees.

All members of activated standing committees or subcommittees of the Senate, and staff, shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties during the interim in the manner provided by law. Payment shall be made by the Secretary of the Senate out of monies appropriated to the Senate for the standing committees. The Committee on Rules and Administration shall determine the amount and manner of reimbursement for living and other expenses of each member of the Senate incurred in the performance of his duties when the Legislature is not in regular session.

The Secretary of the Senate shall continue to perform his duties during the interim. During the interim, but not including time which may be spent in any special session, the Secretary of the Senate shall be paid for services rendered the Senate at the rate established for that position for the 1994 regular session, unless otherwise directed by the Committee on Rules and Administration, plus travel and subsistence expense incurred incidental to his Senate duties, including salary and travel expense incurred in attending meetings of the American Society of Legislative Clerks and Secretaries and the National Conference of State Legislatures.

Should a vacancy occur in the position of Secretary of the Senate, by resignation or other causes, the Committee on Rules and Administration shall appoint an acting Secretary of the Senate who shall serve in such capacity during the remainder of the interim under the provisions herein specified.

The Secretary of the Senate is authorized to employ after the close of the session, the employees necessary to finish the business of the Senate at the salaries paid under the rules of the Senate for the 1994 regular session. He is authorized to employ the necessary employees to prepare for the 1995 session at the salaries in effect at that time.

The Secretary of the Senate shall classify as "permanent" for purposes of Minnesota Statutes, Sections 3.095 and 43A.24, those Senate employees heretofore or hereafter certified as "permanent" by the Committee on Rules and Administration.

The Secretary of the Senate, as authorized and directed by the Committee on Rules and Administration, shall furnish each member of the Senate with postage and supplies, and may reimburse each member for long distance telephone calls and answering services upon proper verification of the expenses incurred, and for other expenses authorized from time to time by the Committee on Rules and Administration.

The Secretary of the Senate shall correct and approve the Journal of the Senate for those days that have not been corrected and approved by the Senate, and shall correct printing errors found in the Journal of the Senate for the 78th Legislature. He may include in the Senate Journal proceedings of the last day, appointments by the Subcommittee on Committees to interim commissions created by legislative action, permanent commissions or committees established by statute, standing committees, official communications and other matters of record received on or after adjournment sine die.

The Secretary of the Senate may pay election and litigation costs up to a maximum of \$125 per hour as authorized by the Committee on Rules and Administration.

The Secretary of the Senate, with the approval of the Committee on Rules and Administration, shall secure bids and enter into contracts for the printing of the daily Senate journals, bills, general orders, special orders, calendars, resolutions, printing and binding of the permanent Senate Journal, shall secure bids and enter into contracts for remodeling, improvement and furnishing of Senate office space, conference rooms and the Senate Chamber and shall purchase all supplies, equipment and other goods and services necessary to carry out the work of the Senate. Any contracts in excess of \$5,000 shall be signed by the Chair of the Committee on Rules and Administration and another member designated by the Committee on Rules and Administration.

The Secretary of the Senate shall draw warrants from the legislative expense fund in payment of the accounts herein referred to.

All Senate records, including committee books, are subject to the direction of the Committee on Rules and Administration.

The Senate Chamber, retiring room, committee rooms, all conference rooms, storage rooms, Secretary of the Senate's office, Rules and Administration office, and any and all other space assigned to the Senate shall be reserved for use by the Senate and its standing committees only and shall not be released or used for any other purpose except upon authorization of the Secretary of the Senate with the approval of the Committee on Rules and Administration, or the Chair thereof.

The custodian of the Capitol shall continue to provide parking space through the Secretary of the Senate for members and staff of the Minnesota State Senate on Aurora Avenue and other areas as may be required during the interim. The Secretary of the Senate may deduct from the check of any legislator or legislative employee a sum adequate to cover the exercise of the parking privilege herein defined in conformity with the practice of the department of Administration.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

Messrs. Moe, R.D. and Johnson, D.E. introduced—

Senate Resolution No. 92: A Senate resolution relating to notifying the House of Representatives the Senate is about to adjourn sine die.

BE IT RESOLVED, by the Senate of the State of Minnesota:

That the Secretary of the Senate shall notify the House of Representatives the Senate is about to adjourn sine die.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Messrs. Moe, R.D. and Johnson, D.E. introduced—

Senate Resolution No. 93: A Senate resolution relating to notifying the Governor the Senate is about to adjourn sine die.

BE IT RESOLVED, by the Senate of the State of Minnesota:

That the Secretary of the Senate shall notify The Honorable Arne H. Carlson, Governor of the State of Minnesota, the Senate is ready to adjourn sine die.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Messrs. Moe, R.D. and Johnson, D.E. introduced—

Senate Concurrent Resolution No. 7: A Senate concurrent resolution relating to the delivery of bills to the governor after final adjournment.

WHEREAS, the Minnesota Constitution, Article IV, Section 23, authorizes the presentation to the Governor after sine die adjournment of bills that passed in the last three days of the Session; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring, that upon adjournment sine die of the 78th regular session of the Legislature, bills shall be presented to the Governor as follows:

(a) The Speaker of the House of Representatives, the Chief Clerk of the House of Representatives, the President of the Senate, and the Secretary of the Senate shall certify and sign each bill in the same manner and upon the same certification as each bill is signed for presentation to the Governor prior to adjournment sine die, and each of those officers shall continue in his designated capacity during the three days following the date of final adjournment.

(b) The Chief Clerk of the House of Representatives and the Secretary of the Senate, in accordance with the rules of the respective bodies and under the supervision and direction of the standing Committee on Rules and Legislative Administration and the standing Committee on Rules and Administration, shall carefully enroll each bill and present them to the Governor in the same manner as each bill is enrolled and presented to the Governor prior to the adjournment of the Legislature sine die.

(c) The Revisor of Statutes shall continue to assist in all of the functions relating to enrollment of bills of the House of Representatives and of the Senate under the supervision of the Chief Clerk of the House of Representatives and the Secretary of the Senate in the same manner that his assistance was rendered prior to the adjournment of the Legislature sine die.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to deliver copies of this resolution to the Governor and the Secretary of State.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today. Mr. Lessard was excused from the Session of today from 9:45 to 9:55 a.m. Mr. Solon was excused from the Session of today from 9:20 to 10:00 a.m. and at 3:00 p.m. Mr. Beckman was excused from the Session of today from 9:00 to 10:20 a.m. Mr. Pogemiller was excused from the Session of today at 10:30 a.m. Mr. Samuelson was excused from the Session of today from 9:20 to 11:00 a.m. Mr. Janezich was excused from the Session of today at 12:10 p.m. Mr. Murphy was excused from the Session of today from 12:45 to 2:15 p.m. Mr. Vickerman was excused from the Session of today from 1:30 to 1:50 p.m. Mr. Laidig was excused from the Session of today from 9:00 a.m. to 1:30 p.m. Ms.

Olson was excused from the Session of today at 2:45 p.m. Ms. Berglin was excused from the Session of today at 3:05 p.m. Mr. Hottinger was excused from the Session of today from 3:55 to 4:05 p.m. Ms. Wiener was excused from the Session of today from 3:45 to 4:05 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:30 a.m., Monday, May 2, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate