

TENTH DAY

St. Paul, Minnesota, Thursday, January 26, 1995

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, Rev. David Denzer.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

December 21, 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:

COMMISSIONER, DEPARTMENT OF EMPLOYEE RELATIONS

Bruce Johnson, 2125 E. 3rd St., Duluth, St. Louis County, effective December 21, 1994, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Governmental Operations and Veterans.)

December 21, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF ANIMAL HEALTH

Russell J. Wirt, Rt. 1, Box 45, Lewiston, Winona County, effective December 26, 1994, for a term expiring on the first Monday in January, 1999.

Sharon Baker, Rt. 3, Box 293, Morris, Stevens County, effective December 26, 1994, for a term expiring on the first Monday in January, 1999.

(Referred to the Committee on Agriculture and Rural Development.)

January 5, 1995

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

Ruth Ann Eaton, 3728 Greysolon Rd., Duluth, St. Louis County, effective January 10, 1995, for a term expiring on the first Monday in January, 2001.

(Referred to the Committee on Education.)

Warmest regards,
Arne H. Carlson, Governor

January 20, 1995

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 66.

Warmest regards,
Arne H. Carlson, Governor

January 23, 1995

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1995 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1995	Date Filed 1995
66		Res. No. 1	10:25 a.m. January 20	January 20

Sincerely,
Joan Anderson Growe
Secretary of State

REPORTS OF COMMITTEES

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

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 35: A bill for an act relating to elections; changing certain requirements and procedures for voter registration and absentee voting; imposing a penalty; amending Minnesota Statutes 1994, sections 201.061, subdivision 1; 201.071, subdivision 1; 201.081; 201.12, subdivision 2; 201.121, subdivision 1; 201.13, subdivisions 1 and 2; 201.171; 203B.02, subdivision 1a; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 3; 203B.07, subdivision 2; 203B.08, subdivision 1; 203B.11, by adding a subdivision; 203B.12, subdivision 2, and by adding a subdivision; 203B.13, subdivisions 1 and 2; 203B.16, by adding a subdivision; and 203B.19; proposing coding for new law in Minnesota Statutes, chapter 203B.

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

Pages 5 and 6, delete section 9 and insert:

"Sec. 9. Minnesota Statutes 1994, section 203B.02, subdivision 1, is amended to read:

Subdivision 1. ~~[UNABLE TO GO TO POLLING PLACE VOTING BEFORE ELECTION DAY.] Any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct, illness, disability, religious discipline, observance of a religious holiday, or service as an election judge in another precinct may vote by absentee ballot as provided in sections 203B.04 to 203B.15 this chapter.~~

Page 7, lines 14 and 15, strike "for one of the reasons specified" and insert "as provided"

Page 10, delete lines 6 to 12 and insert:

"Subdivision 1. [ELIGIBILITY.] An eligible voter who either becomes a patient in a hospital or health care facility during the seven days immediately before an election or is residing outside the United States may vote by an electronically transmitted facsimile ballot as provided in this section."

Page 14, after line 16, insert:

"Sec. 24. [REPEALER.]

Minnesota Statutes 1994, section 203B.02, subdivision 1a, is repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "1a" and insert "1"

Page 1, line 15, before the period, insert "; repealing Minnesota Statutes 1994, section 203B.02, subdivision 1a"

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

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 36: A bill for an act relating to the ethical practices board; clarifying definitions; strengthening enforcement powers; requiring additional disclosure of lobbyist activities; facilitating reports of last-minute contributions; clarifying campaign finance requirements; requiring return of public subsidies under certain conditions; providing penalties; amending Minnesota Statutes 1994, sections 10A.01, subdivisions 11, 25, 28, and by adding a subdivision; 10A.02, subdivisions 11 and 12; 10A.03, subdivisions 2 and 3; 10A.04, subdivisions 3, 4, 5, 6, and 7; 10A.05; 10A.065, subdivision 1, and by adding a subdivision; 10A.08; 10A.09, subdivision 7; 10A.14, subdivision 4; 10A.15, subdivisions 3a and 5; 10A.20, subdivisions 3, 5, 6b, and 12; 10A.21, subdivision 3; 10A.23; 10A.25, subdivisions 2, 6, 11, and 13; 10A.27, subdivisions 9, 10, and 12; 10A.275, subdivision 1; 10A.28, subdivision 1; 10A.31, subdivisions 3, 4, 5, 7, 11, and 12; 10A.315; 10A.322, subdivisions 1 and 4; 10A.323; 10A.324, subdivision 1; 10A.335; 10A.34; 211A.12; 211B.15, subdivisions 2, 15, and 16; and 290.06, subdivision 23; repealing Minnesota Statutes 1994, sections 10A.09, subdivision 3; 10A.21, subdivisions 1 and 2; and 10A.324, subdivisions 2 and 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 10A.01, subdivision 10c, is amended to read:

Subd. 10c. [NONCAMPAIGN DISBURSEMENT.] "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, by a political committee, political fund, or principal campaign committee for any of the following purposes:

- (a) payment for accounting and legal services;
- (b) return of a contribution to the source;
- (c) repayment of a loan made to the political committee, political fund, or principal campaign committee by that committee or fund;
- (d) return of a public subsidy;
- (e) payment for food, beverages, entertainment, and facility rental for a fundraising event;
- (f) services for a constituent by a member of the legislature or a constitutional officer in the executive branch, performed from the beginning of the term of office to adjournment sine die of the legislature in the election year for the office held, and half the cost of services for a constituent by a member of the legislature or a constitutional officer in the executive branch performed from adjournment sine die to 60 days after adjournment sine die;
- (g) a donation in kind given to the political committee, political fund, or principal campaign committee for purposes listed in clauses (e) and (f);
- (h) payment for food and beverages provided to campaign volunteers while they are engaged in campaign activities;
- (i) payment of expenses incurred by elected or appointed leaders of a legislative caucus in carrying out their leadership responsibilities;

(j) payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses;

(k) costs of child care for the candidate's children when campaigning;

(l) fees paid to attend a campaign school;

(m) costs of a postelection party during the election year when a candidate's name will no longer appear on a ballot or the general election is concluded, whichever occurs first;

(n) interest on loans paid by a principal campaign committee on outstanding loans;

(o) filing fees;

(p) post-general election thank-you notes or advertisements in the news media;

(q) the cost of campaign material purchased to replace defective campaign material, if the defective material is destroyed without being used;

(r) transfers to a party unit as defined in section 10A.275, subdivision 3;

(s) payment of a fine assessed by the board against the committee or fund or against its treasurer; and

~~(s)~~ (t) other purchases or payments specified in board rules or advisory opinions as being for any purpose other than to influence the nomination or election of a candidate or to promote or defeat a ballot question.

The board shall determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.

Sec. 2. Minnesota Statutes 1994, section 10A.01, subdivision 11, is amended to read:

Subd. 11. [LOBBYIST.] (a) "Lobbyist" means an individual:

~~(1) engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system, who spends more than five hours in any month or more than \$250 \$1,000, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; or. After an individual has communicated directly with a public or local official, time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, is counted toward the five-hour limit.~~

~~(2) "Lobbyist" also means an individual who spends more than \$250 \$1,000, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.~~

(b) "Lobbyist" does not include:

(1) a public official;

(2) an employee of the state, including an employee of any of the public higher education systems;

(3) an elected local official;

(4) a nonelected local official or an employee of a political subdivision acting in an official capacity, unless the nonelected official or employee of a political subdivision spends more than 50 hours in any month attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit other than the political subdivision employing the

official or employee, by communicating or urging others to communicate with public or local officials, ~~including. After an individual has communicated directly with a public or local official, time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, and related research, analysis, and compilation and dissemination of information relating to legislative or administrative policy in this state, or to the policies of metropolitan governmental units~~ is counted toward the 50-hour limit;

(5) a party or the party's representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(6) an individual while engaged in selling goods or services to be paid for by public funds;

(7) a news medium or its employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(8) a paid expert witness whose testimony is requested by the body before which the witness is appearing, but only to the extent of preparing or delivering testimony;

(9) a stockholder of a family farm corporation as defined in section 500.24, subdivision 2, who does not spend over ~~\$250~~ \$1,000, excluding the stockholder's own travel expenses, in any year in communicating with public officials; or

(10) a party or the party's representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Sec. 3. Minnesota Statutes 1994, section 10A.01, is amended by adding a subdivision to read:

Subd. 13a. [OFFICIAL ACTION OF A METROPOLITAN GOVERNMENTAL UNIT.] "Official action of a metropolitan governmental unit" does not include action to apply or administer an adopted ordinance or land use plan but does include action to approve a contract, conveyance, or financing agreement.

Sec. 4. Minnesota Statutes 1994, section 10A.01, subdivision 25, is amended to read:

Subd. 25. [LOCAL OFFICIAL.] "Local official" means a person who holds elective office in a political subdivision or who is appointed to or employed in a public position in a political subdivision in which the person has authority to make, ~~to recommend,~~ or to vote on as a member of the governing body, major final recommendations and decisions regarding the expenditure or investment of public money. In a metropolitan governmental unit, "local official" includes a person appointed to or employed in a part-time or acting position.

Sec. 5. Minnesota Statutes 1994, section 10A.01, subdivision 28, is amended to read:

Subd. 28. [PRINCIPAL.] "Principal" means an individual ~~or~~, association, political subdivision, or public higher education system that:

(1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or

(2) is not included in clause (1) and spends a total of at least ~~\$50,000~~ \$5,000 in any calendar year on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units, as described in section 10A.04, subdivision 6.

Sec. 6. Minnesota Statutes 1994, section 10A.02, subdivision 1, is amended to read:

Subdivision 1. There is hereby created a state ethical practices board composed of six members. The members shall be appointed by the governor with the advice and consent of three-fifths of both the senate and the house of representatives acting separately. If either house fails to confirm the appointment of a board member within 45 legislative days after appointment or by adjournment sine die, whichever occurs first, the appointment shall terminate on the day following

the 45th legislative day or on adjournment sine die, whichever occurs first. If either house votes not to confirm an appointment, the appointment terminates on the day following the vote not to confirm. One member shall be a former member of the legislature from a major political party different from that of the governor; one member shall be a former member of the legislature from the same political party as the governor; two members shall be persons who have not been public officials other than members of the board, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the date of their appointment; and the other two members shall not support the same political party. No more than three of the members of the board shall support the same political party. No member of the board may currently serve as a lobbyist.

Sec. 7. Minnesota Statutes 1994, section 10A.02, subdivision 11, is amended to read:

Subd. 11. The board may investigate any alleged violation of this chapter. The board shall investigate any violation which is alleged in a written complaint filed with the board and, except for alleged violations of section 10A.25 or 10A.27, shall within ~~30~~ 90 days after the filing of the complaint make a public finding of whether or not there is probable cause to believe a violation has occurred. In the case of a written complaint alleging a violation of section 10A.25 or 10A.27, the board shall either enter a conciliation agreement or make a public finding of whether or not there is probable cause, within ~~60~~ 90 days of the filing of the complaint. The deadline for action on any written complaint may be extended by majority vote of the board. Within a reasonable time after beginning an investigation of an individual or association, the board shall notify that individual or association of the fact of the investigation. The board shall make no finding of whether or not there is probable cause to believe a violation has occurred without notifying the individual or association of the nature of the allegations and affording an opportunity to answer those allegations. Any hearing or action of the board concerning any complaint or investigation other than a finding concerning probable cause or a conciliation agreement shall be confidential. Until the board makes a public finding concerning probable cause or enters a conciliation agreement:

(a) No member, employee, or agent of the board shall disclose to any individual any information obtained by that member, employee, or agent concerning any complaint or investigation except as required to carry out the investigation or take action in the matter as authorized by this chapter; and

(b) Any individual who discloses information contrary to the provisions of this subdivision shall be guilty of a misdemeanor. Except as provided in section 10A.28, after the board makes a public finding of probable cause the board shall report that finding to the appropriate law enforcement authorities.

Sec. 8. Minnesota Statutes 1994, section 10A.02, subdivision 12, is amended to read:

Subd. 12. [ADVISORY OPINIONS.] (a) The board may issue and publish advisory opinions on the requirements of this chapter based upon real or hypothetical situations. An application for an advisory opinion may be made only by an individual or association who wishes to use the opinion to guide the individual's or the association's own conduct. The board shall issue written opinions on all such questions submitted to it within ~~30~~ 60 days after receipt of written application, unless a majority of the board agrees to extend the time limit.

(b) A written advisory opinion issued by the board is binding on the board in any subsequent board proceeding concerning the person making or covered by the request and is a defense in a judicial proceeding that involves the subject matter of the opinion and is brought against the person making or covered by the request unless:

(1) the board has amended or revoked the opinion before the initiation of the board or judicial proceeding, has notified the person making or covered by the request of its action, and has allowed at least 30 days for the person to do anything that might be necessary to comply with the amended or revoked opinion;

(2) the request has omitted or misstated material facts; or

(3) the person making or covered by the request has not acted in good faith in reliance on the opinion.

(c) A request for an opinion and the opinion itself are nonpublic data. The board, however, may publish an opinion or a summary of an opinion, but may not include in the publication the name of the requester, the name of a person covered by a request from an agency or political subdivision, or any other information that might identify the requester unless the person consents to the inclusion.

Sec. 9. Minnesota Statutes 1994, section 10A.03, subdivision 2, is amended to read:

Subd. 2. The registration form shall be prescribed by the board and shall include (a) the name and address of the lobbyist, (b) the principal place of business of the lobbyist, (c) the name and address of each person, if any, by whom the lobbyist is retained or employed or on whose behalf the lobbyist appears, and, if different, of each principal by which the lobbyist is engaged, compensated, or authorized to lobby, and (d) a general description of the subject or subjects on which the lobbyist expects to lobby whether the lobbying is to influence legislative action, administrative action, or the official actions of a metropolitan governmental unit. If the lobbyist lobbies on behalf of an association the registration form shall include the name and address of the officers and directors of the association. If the lobbyist lobbies on behalf of a political subdivision, the registration must include the name and address of the chief executive and members of the governing body of the political subdivision.

Sec. 10. Minnesota Statutes 1994, section 10A.03, subdivision 3, is amended to read:

Subd. 3. The board shall notify by certified mail ~~or personal service~~ any lobbyist who fails to file a registration form within five days after becoming a lobbyist. If a lobbyist fails to file a form within ~~seven~~ five days after ~~receiving this~~ the notice was mailed, the board may impose a late filing fee at \$5 ~~\$25~~ per day, not to exceed \$100 ~~\$500~~, commencing with the ~~eighth~~ sixth day after ~~receiving the notice was mailed~~. ~~The board shall further notify by certified mail or personal service any lobbyist who fails to file a form within 21 days of receiving a first notice that the lobbyist may be subject to a criminal penalty for failure to file the form. A lobbyist who knowingly fails to file a form within seven days after receiving a second notice from the board is guilty of a misdemeanor.~~

Sec. 11. Minnesota Statutes 1994, section 10A.04, subdivision 3, is amended to read:

Subd. 3. Each person ~~or~~, association, political subdivision, or public system of higher education about whose activities a lobbyist is required to report shall provide the information required by sections 10A.03 to 10A.05 to the lobbyist no later than five days before the prescribed filing date.

Sec. 12. Minnesota Statutes 1994, section 10A.04, subdivision 4, is amended to read:

Subd. 4. (a) The report shall include such information as the board may require from the registration form and the information required by this subdivision for the reporting period.

(b) Each lobbyist shall report the lobbyist's total disbursements on lobbying, separately listing lobbying to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions of a metropolitan governmental unit, and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.

(c) Each lobbyist shall report the amount and nature of each honorarium, gift, loan, item or benefit, excluding contributions to a candidate, equal in value to \$5 or more, given or paid to any ~~public or local~~ official as defined in section 10A.071, subdivision 1, by the lobbyist or any employer or any employee of the lobbyist. The list shall include the name and address of each ~~public or local~~ official to whom the honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid. A lobbyist need report only the aggregate amount and nature of food or beverages given or made available to all members of the legislature or a house of the legislature or to all members of a local legislative body, along with the name of the legislative body and the date it was given or made available.

(d) Each lobbyist shall report each original source of ~~funds~~ money in excess of \$500 in any

year used for the purpose of lobbying to influence legislative action, each such source of funds money used to influence administrative action, and each such source of funds money used to influence the official action of metropolitan governmental units. For money used to influence administrative action or the official action of metropolitan governmental units, the administrative entities and metropolitan governmental units must be identified. The list shall include the name, address and employer, or, if self-employed, the occupation and principal place of business, of each payer of funds in excess of \$500.

Sec. 13. Minnesota Statutes 1994, section 10A.04, subdivision 5, is amended to read:

Subd. 5. The board shall notify by certified mail ~~or personal service~~ any lobbyist or principal who fails after seven days after a filing date imposed by this section to file a report or statement required by this section. If a lobbyist or principal fails to file a report within ~~seven~~ five days after ~~receiving this the notice was mailed,~~ the board may impose a late filing fee of \$5 ~~\$25~~ per day, not to exceed \$100 ~~\$500~~, commencing with the ~~eighth~~ sixth day after ~~receiving the notice was mailed.~~ ~~The board shall further notify by certified mail or personal service any lobbyist who fails to file a report within 21 days after receiving a first notice that the lobbyist may be subject to a criminal penalty for failure to file the report. A lobbyist who knowingly fails to file such a report or statement within seven days after receiving a second notice from the board is guilty of a misdemeanor.~~

Sec. 14. Minnesota Statutes 1994, section 10A.04, subdivision 6, is amended to read:

Subd. 6. ~~[LOBBYIST AND PRINCIPAL REPORTS.]~~ (a) Each principal shall report to the board as required in this subdivision by March 15 for the preceding calendar year.

(b) ~~Each principal shall report which of the following categories includes the total amount, rounded to the nearest dollar, spent by the principal during the preceding calendar year to influence legislative action, the total amount spent by the principal during the preceding calendar year to influence administrative action, and the total amount spent by the principal during the preceding calendar year to influence the official action of metropolitan governmental units:~~

~~(1) \$501 to \$50,000;~~

~~(2) \$50,001 to \$150,000; or~~

~~(3) \$150,001 to \$250,000.~~

~~(c) Beyond \$250,000, each additional \$250,000 constitutes an additional category, and each principal shall report which of the categories includes the total amount spent by the principal for the purposes provided in this subdivision.~~

~~(d) The principal shall report under this subdivision a total amount that includes amounts reported under paragraph (b) must include:~~

~~(1) all direct payments by the principal to lobbyists in Minnesota;~~

~~(2) all expenditures for advertising, mailing, research, analysis, compilation and dissemination of information, and public relations campaigns related to legislative action, administrative action, or the official action of metropolitan governmental units in Minnesota; and~~

~~(3) an estimate of all salaries and administrative expenses attributable to activities of the principal relating to efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units in Minnesota.~~

~~(d) For amounts used to influence administrative action or the official action of metropolitan governmental units, the administrative entities and metropolitan governmental units must be identified.~~

Sec. 15. Minnesota Statutes 1994, section 10A.04, subdivision 7, is amended to read:

Subd. 7. ~~[FINANCIAL RECORDS.]~~ The board may randomly audit the financial records of lobbyists and principals required to report under this section. Lobbyists and principals shall retain

for four years after the report was filed all records concerning the matters reported under this chapter, including vouchers, canceled checks, bills, invoices, worksheets, and receipts.

Sec. 16. Minnesota Statutes 1994, section 10A.05, is amended to read:

10A.05 [LOBBYIST REPORT.]

Within 30 days after each lobbyist filing date set by section 10A.04, the executive director of the board shall report to the governor, and the presiding officer of each house of the legislature, the names of the lobbyists registered who were not previously reported, the names of the persons ~~or, associations, political subdivisions, or public systems of higher education whom they represent as lobbyists, the subject or subjects on which they are lobbying,~~ and whether in each case they lobby to influence legislative or administrative action or both. At the same times, the executive director of the board shall report to the governing body of each metropolitan governmental unit, the names of the registered lobbyists who attempt to influence the official action of metropolitan governmental units, and the names of the persons ~~or, associations, political subdivisions, or public systems of higher education whom they represent as lobbyists, and the subject or subjects on which they are lobbying.~~

Sec. 17. Minnesota Statutes 1994, section 10A.065, subdivision 1, is amended to read:

Subdivision 1. [REGISTERED LOBBYIST CONTRIBUTIONS; LEGISLATIVE SESSION.] A candidate for the legislature or for constitutional office, a candidate's principal campaign committee, any other political committee with the candidate's name or title, any committee authorized by the candidate, or a political committee established by all or a part of the party organization within a house of the legislature, shall not solicit or accept a contribution on behalf of a candidate's principal campaign committee, any other political committee with the candidate's name or title, any committee authorized by the candidate, or a political committee established by all or a part of the party organization within a house of the legislature, from a registered lobbyist, political committee, or political fund during a regular session of the legislature. However, the party organization within a house of the legislature may receive a member's dues during a regular session of the legislature, even if the dues are paid from the assets of the member's principal campaign committee.

Sec. 18. Minnesota Statutes 1994, section 10A.065, is amended by adding a subdivision to read:

Subd. 6. [FEDERAL OFFICES.] This section does not prohibit a candidate from soliciting or accepting a contribution to a campaign for a federal office.

Sec. 19. Minnesota Statutes 1994, section 10A.08, is amended to read:

10A.08 [REPRESENTATION DISCLOSURE.]

Any public official who represents a client for a fee before any individual, board, commission or agency that has rule making authority in a hearing conducted under chapter 14, shall disclose the official's participation in the action to the board within 14 days after the appearance. The board shall notify by certified mail ~~or personal service~~ any public official who fails to disclose the participation within 14 days after the appearance. If the public official fails to disclose the participation within ~~seven~~ five days ~~of after this notice was mailed,~~ the board may impose a late filing fee of \$5 ~~\$25~~ per day, not to exceed ~~\$100~~ \$500, commencing on the ~~eighth~~ sixth day after ~~receiving the notice was mailed.~~

Sec. 20. Minnesota Statutes 1994, section 10A.09, subdivision 3, is amended to read:

Subd. 3. The board shall notify ~~the secretary of state or the appropriate county auditor and,~~ when necessary in the case of appointive office, the presiding officer of the house that will approve or disapprove the nomination, of the name of the individual who has filed a statement of economic interest with the board, a copy of the statement, and the date on which the statement was filed.

Sec. 21. Minnesota Statutes 1994, section 10A.09, subdivision 7, is amended to read:

Subd. 7. The board shall notify by certified mail ~~or personal service~~ any individual who fails within the prescribed time to file a statement of economic interest required by this section. If an individual fails to file a statement within ~~seven~~ five days after ~~receiving this~~ the notice was mailed, the board may impose a late filing fee of \$5 ~~\$25~~ per day, not to exceed \$100 ~~\$500~~, commencing on the ~~eighth~~ sixth day after ~~receiving~~ the notice was mailed. ~~The board shall further notify by certified mail or personal service any individual who fails to file a statement within 21 days after receiving a first notice that the individual may be subject to a criminal penalty for failure to file a statement. An individual who fails to file a statement within seven days after a second notice is guilty of a misdemeanor.~~

Sec. 22. Minnesota Statutes 1994, section 10A.14, subdivision 4, is amended to read:

Subd. 4. The board shall notify by certified mail ~~or personal service~~ any individual who fails to file a statement required by this section. If an individual fails to file a statement within ~~seven~~ five days after ~~receiving a~~ the notice was mailed, the board may impose a late filing fee of \$5 ~~\$25~~ per day, not to exceed \$100 ~~\$500~~, commencing with the ~~eighth~~ sixth day after ~~receiving~~ the notice was mailed. ~~The board shall further notify by certified mail or personal service any individual who fails to file a statement within 21 days after receiving a first notice that such individual may be subject to a criminal penalty for failure to file the report. An individual who knowingly fails to file the statement within seven days after receiving a second notice from the board is guilty of a misdemeanor.~~

Sec. 23. Minnesota Statutes 1994, section 10A.15, subdivision 3a, is amended to read:

Subd. 3a. No treasurer of a principal campaign committee of a candidate or of a political committee or political fund shall deposit any transfer which on its face exceeds the limit on contributions to that candidate or political committee or political fund prescribed by section 10A.27 unless, at the time of deposit, the treasurer issues a check to the source for the amount of the excess.

Sec. 24. Minnesota Statutes 1994, section 10A.15, subdivision 5, is amended to read:

Subd. 5. [LOBBYIST, POLITICAL COMMITTEE, OR POLITICAL FUND REGISTRATION NUMBER ON CHECKS.] A contribution made to a candidate by a lobbyist, political committee, or political fund that makes a contribution to a candidate must show on the contribution the name of the lobbyist, political committee, or political fund and the number under which it is registered with the board. A candidate may rely upon the presence or absence of a registration number in determining whether the contribution is from a lobbyist and is not subject to a civil penalty for the failure of a contributor to comply with this subdivision. The contributor is subject to a civil penalty imposed by the board.

Sec. 25. Minnesota Statutes 1994, section 10A.20, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF REPORT.] Each report under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or occupation if self-employed, of each individual, political committee or political fund who ~~within the year~~ has made one or more transfers or donations in kind to the political committee or political fund during the reporting period, including the purchase of tickets for all fund raising efforts, which in aggregate within the year equal or exceed \$100 for legislative, judicial district, or statewide candidates or ballot questions, together with the amount and date of each transfer or donation in kind, and the aggregate amount of transfers and donations in kind within the year from each source so disclosed. A donation in kind shall be disclosed at its fair market value. An approved expenditure is listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors shall be listed in alphabetical order;

(c) The sum of contributions to the political committee or political fund during the reporting period;

(d) Each loan made or received by the political committee or political fund within the year in aggregate in excess of \$100, continuously reported until repaid or forgiven, together with the

name, address, occupation and the principal place of business, if any, of the lender and any endorser and the date and amount of the loan. If any loan made to the principal campaign committee of a candidate is forgiven at any time or repaid by any entity other than that principal campaign committee, it shall be reported as a contribution for the year in which the loan was made;

(e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (d);

(f) The sum of all receipts of the political committee or political fund during the reporting period;

(g) The name and address of each individual or association to whom aggregate expenditures, including approved expenditures, have been made by or on behalf of the political committee or political fund during the reporting period that aggregate within the year in excess of \$100, together with the amount, date and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made, identification of the ballot question which the expenditure is intended to promote or defeat, and in the case of independent expenditures made in opposition to a candidate, the name, address and office sought for each such candidate, except that an independent expenditure of less than \$300 per candidate by an association targeted to inform solely its own dues-paying members of the association's position on a candidate need not be itemized and an association that makes only this type of expenditure need not register with the board;

(h) The sum of all expenditures made by or on behalf of the political committee or political fund during the reporting period;

(i) The amount and nature of any advance of credit incurred by the political committee or political fund, continuously reported until paid or forgiven. If any advance of credit incurred by the principal campaign committee of a candidate is forgiven at any time by the creditor or paid by any entity other than that principal campaign committee, it shall be reported as a donation in kind for the year in which the advance of credit was incurred;

(j) The name and address of each political committee, political fund, or principal campaign committee to which ~~aggregate transfers have been made during the reporting period that aggregate in excess of \$100 have been made within the year, together with the amount and date of each transfer;~~

(k) The sum of all transfers made by the political committee, political fund, or principal campaign committee during the reporting period;

(l) ~~Except for contributions to a candidate or committee for a candidate for office in a municipality as defined in section 471.345, subdivision 1, The name and address of each individual or association to whom aggregate nonecampaign disbursements have been made during the reporting period that aggregate in excess of \$100 have been made within the year by or on behalf of a principal campaign committee, political committee, or political fund, together with the amount, date, and purpose of each nonecampaign disbursement;~~

(m) The sum of all ~~nonecampaign~~ disbursements made within the year reporting period by or on behalf of a principal campaign committee, political committee, or political fund; and

(n) A report filed under subdivision 2, clause (b), by a political committee or political fund that is subject to subdivision 14, must contain the information required by subdivision 14, if the political committee or political fund has solicited and caused others to make aggregate contributions greater than \$5,000 between January 1 of the general election year and the end of the reporting period. This disclosure requirement is in addition to the report required by subdivision 14.

Sec. 26. Minnesota Statutes 1994, section 10A.20, subdivision 5, is amended to read:

Subd. 5. [PREELECTION REPORTS.] In any statewide election any loan, contribution, or contributions from any one source totaling \$2,000 or more, or in any judicial district or legislative election totaling more than \$400, received between the last day covered in the last report prior to an election and the election shall be reported to the board in one of the following ways:

- (1) in person within 48 hours after its receipt;
- (2) by facsimile transmission and first class mail sent within 48 hours after its receipt;
- ~~(2)~~ (3) by telegram or mailgram within 48 hours after its receipt; or
- ~~(3)~~ (4) by certified mail sent within 48 hours after its receipt.

These loans and contributions must also be reported in the next required report.

The 48-hour notice requirement does not apply with respect to a primary if the statewide or legislative candidate is unopposed in that primary.

Sec. 27. Minnesota Statutes 1994, section 10A.20, subdivision 6b, is amended to read:

Subd. 6b. [INDEPENDENT EXPENDITURES; NOTICE.] (a) Within 24 hours after an individual, political committee, or political fund makes or becomes obligated by oral or written agreement to make an independent expenditure in excess of \$100, other than an expenditure by an association targeted to inform solely its own dues-paying members of the association's position on a candidate, the individual, political committee, or political fund shall file with the board an affidavit notifying the board of the intent to make the independent expenditure and serve a copy of the affidavit on each candidate in the affected race and on the treasurer of the candidate's principal campaign committee. The affidavit must contain the information with respect to the expenditure that is required to be reported under subdivision 3, paragraph (g); except that if an expenditure is reported before it is made, the notice must include a reasonable estimate of the anticipated amount. Each new expenditure requires a new notice.

(b) An individual or the treasurer of a political committee or political fund who fails to give notice as required by this subdivision, or who files a false affidavit of notice, is guilty of a gross misdemeanor and is subject to a civil fine of up to four times the amount of the independent expenditure ~~stated in the notice or of which notice was required or, whichever is greater in the case of a false notice, the difference between the amount stated and the amount required.~~

Sec. 28. Minnesota Statutes 1994, section 10A.20, subdivision 12, is amended to read:

Subd. 12. The board shall notify by certified mail ~~or personal service~~ any individual who fails to file a statement required by this section. If an individual fails to file a statement due January 31 within ~~seven~~ five days after ~~receiving a notice was mailed~~, the board may impose a late filing fee of \$5 ~~\$25~~ per day, not to exceed ~~\$100~~ \$500, commencing on the ~~eighth~~ sixth day after ~~receiving notice was mailed~~. If an individual fails to file a statement due before any primary or election within three days of the date due, regardless of whether the individual has received any notice, the board may impose a late filing fee of \$50 ~~\$100~~ per day, not to exceed \$500 ~~\$1,000~~, commencing on the fourth day after the date the statement was due. ~~The board shall further notify by certified mail or personal service any individual who fails to file any statement within 14 days after receiving a first notice from the board that the individual may be subject to a criminal penalty for failure to file a statement. An individual who knowingly fails to file the statement within seven days after receiving a second notice from the board is guilty of a misdemeanor. The late filing fee may be paid out of the assets of the political committee or fund.~~

Sec. 29. Minnesota Statutes 1994, section 10A.20, is amended by adding a subdivision to read:

Subd. 15. [EQUITABLE RELIEF.] A candidate whose opponent does not timely file the report due ten days before the general election may petition the district court for immediate equitable relief to enforce the filing requirement.

Sec. 30. Minnesota Statutes 1994, section 10A.21, subdivision 3, is amended to read:

Subd. 3. Statements and reports filed with county auditor shall be available to the public in the manner prescribed by section 10A.02, subdivision 8, clause (e). Statements and reports of principal campaign committees shall be retained until four years after the election to which they pertain. Economic interest statements shall be retained until the subject of the statement is no longer a candidate or officeholder. Upon request of a county auditor, the board shall send the auditor a copy of a statement of economic interest filed with the board. The copy need not be certified.

Sec. 31. Minnesota Statutes 1994, section 10A.23, is amended to read:

10A.23 [CHANGES AND CORRECTIONS.]

Subdivision 1. [REPORT.] Any material changes in information previously submitted and any corrections to a report or statement shall be reported in writing to the board within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph containing the information to be changed or corrected. Any person who willfully fails to report a material change or correction is guilty of a gross misdemeanor.

Subd. 2. [NOTICE; PENALTY.] If the board determines that a report or statement is inaccurate, the board shall notify by certified mail the person who filed the report or statement of the need to correct it. If the person fails to file a corrected report or statement within ten days after the notice was mailed, the board may impose a late filing fee at the rate of \$25 a day, not to exceed \$500, commencing with the 11th day after the notice was mailed.

Sec. 32. Minnesota Statutes 1994, section 10A.25, subdivision 2, is amended to read:

Subd. 2. (a) In a year in which an election is held for an office sought by a candidate, no expenditures shall be made by the principal campaign committee of that candidate, nor any approved expenditures made on behalf of that candidate which expenditures and approved expenditures result in an aggregate amount in excess of the following:

- (1) for governor and lieutenant governor, running together, \$1,626,691;
- (2) for attorney general, \$271,116;
- (3) for secretary of state, state treasurer, and state auditor, separately, \$135,559;
- (4) for state senator, \$40,669;
- (5) for state representative, \$20,335.

(b) If a special election cycle occurs during a general election cycle, expenditures by or on behalf of a candidate in the special election do not count as expenditures by or on behalf of the candidate in the general election.

(c) The expenditure limits in this subdivision for an office are increased by ten percent for a candidate who is running a candidate for that office for the first time and who has not ~~run~~ previously been a candidate for any other state, federal, or local office whose territory now includes a population that is more than one-third of the population in the territory of the new office.

Sec. 33. Minnesota Statutes 1994, section 10A.25, subdivision 6, is amended to read:

Subd. 6. During an election cycle, in any year before an the election year for the office held or sought, the aggregate amount of expenditures by and approved expenditures on behalf of a candidate for or holder of that office shall not exceed 20 percent of the expenditure limit set forth in subdivision 2.

Sec. 34. Minnesota Statutes 1994, section 10A.25, subdivision 10, is amended to read:

Subd. 10. [EFFECT OF OPPONENT'S AGREEMENT.] (a) The expenditure limits imposed by this section apply only to candidates ~~whose major political party opponents agree to be bound by the limits and who themselves agree to be bound by the limits as a condition of receiving a public subsidy for their campaigns.~~

(b) A candidate who agrees to be bound by the limits ~~and receives a public subsidy, who has an opponent who: (1) is a candidate of a major political party whose name will appear on the ballot in the general election; and (2) does not agree to be bound by the limits but is otherwise eligible to receive a public subsidy;~~

(i) is no longer bound by the limits, ~~including those in section 10A.324, subdivision 1, paragraph (c);~~

(ii) is eligible to receive a public subsidy; and

(iii) also receives, or shares equally with any other candidate who agrees to be bound by limits, the opponent's share of the general account public subsidy under section 10A.31.

~~For purposes of this subdivision, "otherwise eligible to receive a public subsidy" means that a candidate meets the requirements of sections 10A.31, 10A.315, 10A.321, and 10A.322, but does not mean that the candidate has filed an affidavit of matching funds under section 10A.323.~~

Sec. 35. Minnesota Statutes 1994, section 10A.25, subdivision 11, is amended to read:

Subd. 11. [CARRYFORWARD; DISPOSITION OF OTHER FUNDS.] After all campaign expenditures and noncampaign disbursements for an election cycle have been made, an amount up to 50 percent of the election-year expenditure limit for the office may be carried forward. Any remaining amount up to the total amount of the public subsidy from the state elections campaign fund ~~and any public matching subsidy~~ must be returned to the state treasury for credit to the general fund under section 10A.324. Any remaining amount in excess of the total public subsidy must be contributed to the state elections campaign fund or a political party for multicandidate expenditures as defined in section 10A.275.

Sec. 36. Minnesota Statutes 1994, section 10A.25, subdivision 13, is amended to read:

Subd. 13. [INDEPENDENT EXPENDITURES; LIMITS INCREASED.] (a) The expenditure limits in this section are increased by the sum of independent expenditures made in opposition to a candidate plus independent expenditures made on behalf of the candidate's major political party opponents, other than expenditures by an association targeted to inform solely its own dues-paying members of the association's position on a candidate.

(b) Within 48 hours after receipt of an expenditure report or notice required by section 10A.20, subdivision 3, 6, or 6b, the board shall notify each candidate in the race of the increase in the expenditure limit for the candidates against whom the independent expenditures have been made.

(c) Within three days after providing this notice, the board shall pay each candidate against whom the independent expenditures have been made, if the candidate is eligible to receive a public subsidy and has raised twice the minimum match required, an additional public subsidy equal to one-half the independent expenditures. If the candidate has not already filed with the board an affidavit that the candidate has raised twice the minimum match required, the board need not make the payment until three days after the candidate has filed the affidavit. The amount needed to pay the additional public subsidy under this subdivision is appropriated from the general fund to the board.

Sec. 37. Minnesota Statutes 1994, section 10A.27, subdivision 9, is amended to read:

Subd. 9. (a) A candidate or the treasurer of a candidate's principal campaign committee shall not accept a transfer or contribution from another candidate's principal campaign committee or from any other committee bearing the contributing candidate's name or title or otherwise authorized by the contributing candidate, unless the contributing candidate's principal campaign committee is being dissolved. A candidate's principal campaign committee shall not make a transfer or contribution to another candidate's principal campaign committee, except when the contributing committee is being dissolved.

(b) A candidate's principal campaign committee shall not accept a transfer or contribution from, or make a transfer or contribution to, a committee associated with a person who seeks nomination or election to the office of President, Senator, or Representative in Congress of the United States.

(c) A candidate or the treasurer of a candidate's principal campaign committee shall not accept a contribution from a candidate for state or political subdivision office, in any state, unless the contribution is from the personal funds of the candidate for state or political subdivision office. A candidate or the treasurer of a candidate's principal campaign committee shall not make a contribution from the principal campaign committee to a candidate for state or political subdivision office in any state.

Sec. 38. Minnesota Statutes 1994, section 10A.27, subdivision 10, is amended to read:

Subd. 10. [PROHIBITED CONTRIBUTIONS.] A candidate who accepts a public subsidy may not contribute to the candidate's own campaign during a year more than ten times the candidate's ~~election-year~~ contribution limit for that year under subdivision 1.

Sec. 39. Minnesota Statutes 1994, section 10A.27, subdivision 12, is amended to read:

Subd. 12. [CONTRIBUTIONS TO OTHER POLITICAL COMMITTEES OR FUNDS.] The treasurer of a political committee or political fund that makes contributions to candidates, other than a candidate's principal campaign committee or a political party unit as defined in section 10A.275, shall not permit the political committee or political fund to accept aggregate contributions from an individual, political committee, or political fund in an amount more than ~~\$100~~ \$1,000 a year.

Sec. 40. Minnesota Statutes 1994, section 10A.275, subdivision 1, is amended to read:

Subdivision 1. [EXCEPTIONS.] Notwithstanding any other provisions of this chapter, the following expenditures by a state political party, a party unit, or two or more party units acting together, with at least one party unit being either: the state party organization or the party organization within a congressional district, county, or legislative district, shall not be considered contributions to or expenditures on behalf of any candidate for the purposes of section 10A.25 or 10A.27, and shall not be allocated to any candidates pursuant to section 10A.22, subdivision 5:

(a) expenditures on behalf of candidates of that party generally without referring to any of them specifically in any advertisement published, posted or broadcast;

(b) expenditures for the preparation, display, mailing or other distribution of an official party sample ballot listing the names of three or more individuals whose names are to appear on the ballot;

(c) expenditures for any telephone conversation including the names of three or more individuals whose names are to appear on the ballot;

(d) expenditures for any political party fundraising effort on behalf of three or more candidates; or

(e) expenditures for party committee staff member services that benefit three or more candidates.

Public subsidy money received from the state and required to be used for multicandidate political expenditures must be kept in a separate account and may not be used on behalf of candidates who are subject to chapter 10A and have not filed a spending limit agreement under section 10A.322.

Sec. 41. Minnesota Statutes 1994, section 10A.28, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATE EXCEEDING EXPENDITURE LIMITS.] A candidate subject to the expenditure limits in section 10A.25 who permits the candidate's principal campaign committee to make expenditures or permits approved expenditures to be made on the candidate's behalf in excess of the limits imposed by section 10A.25, as adjusted by section 10A.255, may be ordered by the board to return part or all of the public subsidy paid to the candidate and is subject to a civil fine up to four times the amount which the expenditures exceeded the limit.

Sec. 42. Minnesota Statutes 1994, section 10A.31, subdivision 3, is amended to read:

Subd. 3. [FORM.] The commissioner of the department of revenue shall provide on the first page of the income tax form and the renter and homeowner property tax refund return a space for the individual to indicate a wish to allocate \$5 (\$10 if filing a joint return) from the general fund of the state to finance election campaigns. The form shall also contain language prepared by the commissioner which permits the individual to direct the state to allocate the \$5 (or \$10 if filing a joint return) to: (i) one of the major political parties and its candidates; (ii) any minor political party as defined in section 10A.01, subdivision 13, which qualifies under the provisions of

subdivision 3a, and its candidates; or (iii) all qualifying candidates as provided by subdivision 7. The renter and homeowner property tax refund return shall include instructions that the individual filing the return may designate \$5 on the return only if the individual has not designated \$5 on the income tax return.

Sec. 43. Minnesota Statutes 1994, section 10A.31, subdivision 4, is amended to read:

Subd. 4. (a) The amounts designated by individuals for the state elections campaign fund, less three percent, are appropriated from the general fund and shall be credited to the appropriate account in the state elections campaign fund and annually appropriated for distribution as set forth in subdivisions 5, 6 and 7. An amount equal to three percent shall be retained in the general fund for administrative costs.

(b) In addition to the amounts in paragraph (a), \$1,500,000 for each general election is appropriated from the general fund for transfer to the general account of the state elections campaign fund.

Sec. 44. Minnesota Statutes 1994, section 10A.31, subdivision 5, is amended to read:

Subd. 5. In each calendar year the money in the general account shall be allocated to candidates as follows:

- (1) 21 percent for the offices of governor and lieutenant governor together;
- (2) 3.6 percent for the office of attorney general;
- (3) 1.8 percent each for the offices of secretary of state, state auditor, and state treasurer;
- (4) In each calendar year during the period in which state senators serve a four-year term, $23\frac{1}{3}$ percent for the office of state senator, and $46\frac{2}{3}$ percent for the office of state representative;
- (5) In each calendar year during the period in which state senators serve a two-year term, 35 percent each for the offices of state senator and state representative.

In each calendar year the money in each party account shall be allocated as follows:

- (1) 14 percent for the offices of governor and lieutenant governor together;
- (2) 2.4 percent for the office of attorney general;
- (3) 1.2 percent each for the offices of secretary of state, state auditor, and state treasurer;
- (4) In each calendar year during the period in which state senators serve a four-year term, $23\frac{1}{3}$ percent for the office of state senator, and $46\frac{2}{3}$ percent for the office of state representative;
- (5) In each calendar year during the period in which state senators serve a two-year term, 35 percent each for the offices of state senator and state representative;

(6) ten percent for the state committee of a political party; money allocated to each state committee under this clause must be deposited in a separate account and must be spent for only those items enumerated in section 10A.275; money allocated to a state committee under this clause must be paid to the committee by the state treasurer as notified by the state ethical practices board as it is received in the account on a monthly basis, with payment on the 15th day of the calendar month following the month in which the returns were processed by the department of revenue, provided that these distributions would be equal to 90 percent of the amount of money indicated in the department of revenue's weekly unedited reports of income tax returns and property tax refund returns processed in the month, as notified by the department of revenue to the state ethical practices board. The amounts paid to each state committee are subject to biennial adjustment and settlement at the time of each certification required of the commissioner of revenue under subdivisions 7 and 10. If the total amount of payments received by a state committee for the period reflected on a certification by the department of revenue is different from the amount that should have been received during the period according to the certification, each

subsequent monthly payment must be increased or decreased to the fullest extent possible until the amount of the overpayment is recovered or the underpayment is distributed.

To assure that moneys will be returned to the counties from which they were collected, and to assure that the distribution of those moneys rationally relates to the support for particular parties or for particular candidates within legislative districts, money from the party accounts for legislative candidates shall be distributed as follows:

Each candidate for the state senate and state house of representatives whose name is to appear on the ballot in the general election shall receive money from the candidate's party account set aside for candidates of the state senate or state house of representatives, whichever applies, according to the following formula;

For each county within the candidate's district the candidate's share of the dollars allocated in that county to the candidate's party account and set aside for that office shall be:

(a) The sum of the votes cast in the last general election in that part of the county in the candidate's district for all candidates of that candidate's party (i) whose names appeared on the ballot in each voting precinct of the state and (ii) for the state senate and state house of representatives, divided by

(b) The sum of the votes cast in that county in the last general election for all candidates of that candidate's party (i) whose names appeared on the ballot in each voting precinct in the state and (ii) for the state senate and state house of representatives, multiplied by

(c) The amount in the candidate's party account allocated in that county and set aside for the candidates for the office for which the candidate is running.

The sum of all the county shares calculated in the formula above is the candidate's share of the candidate's party account.

In a year in which an election for the state senate occurs, with respect to votes for candidates for the state senate only, "last general election" means the last general election in which an election for the state senate occurred.

For any party under whose name no candidate's name appeared on the ballot in each voting precinct in the state in the last general election, amounts in the party's account shall be allocated based on (a) the number of people voting in the last general election in that part of the county in the candidate's district, divided by (b) the number of the people voting in that county in the last general election, multiplied by (c) the amount in the candidate's party account allocated in that county and set aside for the candidates for the office for which the candidate is running.

In a year in which the first election after a legislative reapportionment is held, "the candidate's district" means the newly drawn district, and voting data from the last general election will be applied to the area encompassing the newly drawn district notwithstanding that the area was in a different district in the last general election.

If in a district there was no candidate of a party for the state senate or state house of representatives in the last general election, or if a candidate for the state senate or state house of representatives was unopposed, the vote for that office for that party shall be the average vote of all the remaining candidates of that party in each county of that district whose votes are included in the sums in clauses (a) and (b). The average vote shall be added to the sums in clauses (a) and (b) before the calculation is made for all districts in the county.

Money from a party account ~~not distributed to~~ refused by candidates for state senator and representative in any election year shall be returned to the general fund of the state. Money from a party account not distributed to candidates for other offices in an election year shall be returned to the party account for reallocation to candidates as provided in clauses (1) to (6) in the following year. ~~Money from the general account refused by any candidate shall be distributed to all other qualifying candidates in proportion to their shares as provided in this subdivision.~~

Sec. 45. Minnesota Statutes 1994, section 10A.31, subdivision 6, is amended to read:

Subd. 6. As soon as the board has obtained from the secretary of state the results of the primary election, but in any event no later than one week after certification by the state canvassing board of the results of the primary, the board shall distribute the available funds in each party account, as certified by the commissioner of revenue on September 1, to the candidates of that party who have signed the agreement as provided in section 10A.322 and filed the affidavit required by section 10A.323, and whose names are to appear on the ballot in the general election, according to the allocations set forth in subdivision 5. The distribution must be in the form of a check made "payable to the campaign fund of(name of candidate)....." and may include as an additional payee a financial institution named by the candidate. If a candidate files the affidavit required by section 10A.323 after September 1 of the general election year, the board shall pay the candidate's allocation to the candidate at the next regular payment date for public subsidies for that election cycle that occurs at least 15 days after the candidate files the affidavit.

Sec. 46. Minnesota Statutes 1994, section 10A.31, subdivision 7, is amended to read:

Subd. 7. (a) Within two weeks after certification by the state canvassing board of the results of the general election, the board shall distribute the available funds in the general account, as certified by the commissioner of revenue on November 1 and according to allocations set forth in subdivision 5, in equal amounts to all candidates for each statewide office who received at least five percent of the votes cast in the general election for that office, and to all candidates for legislative office who received at least ten percent of the votes cast in the general election for the specific office for which they were candidates, provided that the public subsidy under this subdivision may not be paid in an amount that would cause the sum of the public subsidy paid from the party account plus the public subsidy paid from the general account and the public subsidy paid to match independent expenditures to exceed 50 percent of the expenditure limit for the candidate, or 50 percent of the expenditure limit that would have applied to the candidate if the candidate had not been freed from expenditure limits under section 10A.25, subdivision 10. If a candidate is entitled to receive an opponent's share of the general account public subsidy under section 10A.25, subdivision 10, the opponent's share must be excluded in calculating the 50 percent limit. Money from the general account not paid to a candidate because of the 50 percent limit must be distributed equally among all other qualifying candidates for the same office until all have reached the 50 percent limit or the balance in the general account is exhausted. ~~The board shall not use the information contained in the report of the principal campaign committee of any candidate due ten days before the general election for the purpose of reducing the amount due that candidate from the general account~~

(b) The distribution must be in the form of a check made "payable to the campaign fund of(name of candidate)....." and may include as an additional payee a financial institution named by the candidate.

(c) If a candidate has not yet filed a campaign finance report required by section 10A.20, subdivision 2, or the candidate owes money to the board, the board shall not pay a public subsidy to the candidate until the report has been filed or the debt has been paid, whichever applies.

Sec. 47. Minnesota Statutes 1994, section 10A.31, subdivision 10, is amended to read:

Subd. 10. [DISTRIBUTION.] In the event that on the date of either certification by the commissioner of revenue as provided in subdivisions 6 and 7, less than 98 percent of the tax returns have been processed, the commissioner of revenue shall certify to the board by December 1 the amount accumulated in each account since the previous certification. By December 15, the board shall distribute to each candidate according to the allocations as provided in subdivision 5 the amounts to which the candidates are entitled in the form of checks made "payable to the campaign fund of(name of candidate)....." A check may include as an additional payee a financial institution named by the candidate. Any money accumulated after the final certification shall be maintained in the respective accounts for distribution in the next general election year.

Sec. 48. Minnesota Statutes 1994, section 10A.31, subdivision 11, is amended to read:

Subd. 11. For the purposes of this section, a write-in candidate is a candidate only upon complying with ~~the provisions of section 10A.322, subdivision 1~~ sections 10A.322 and 10A.323.

Sec. 49. Minnesota Statutes 1994, section 10A.31, subdivision 12, is amended to read:

Subd. 12. [UNOPPOSED CANDIDATE NOT ELIGIBLE.] A candidate who is unopposed in both the primary election and the general election is not eligible to receive a public subsidy from the state election campaign fund. The subsidy from the party account the candidate would otherwise have been eligible to receive must be paid to the state committee of the candidate's political party to be deposited in a special account under ~~section 10A.31~~, subdivision 5, clause (6), and used for only those items permitted under section 10A.275.

Sec. 50. Minnesota Statutes 1994, section 10A.315, is amended to read:

10A.315 [SPECIAL ELECTION SUBSIDY.]

(a) Each eligible candidate for a legislative office in a special election must be paid a public subsidy equal to the sum of:

(1) the party account money at the last general election for the candidate's party for the office the candidate is seeking; and

(2) the general account money paid to candidates for the same office at the last general election.

(b) If the filing period for the special election coincides with the filing period for the general election, the candidate must meet the matching requirements of section 10A.323 and the special election subsidy must be distributed in the same manner as money is distributed to legislative candidates in a general election.

(c) If the filing period for the special election does not coincide with the filing period for the general election, the procedures in this paragraph apply. A candidate who wishes to receive this public subsidy must submit a signed agreement under section 10A.322 to the board not later than the day after the candidate files the affidavit of candidacy or nominating petition for the office. The candidate must meet one-quarter of the matching requirements of section 10A.323. The special election subsidy must be distributed in the same manner as money in the party and general accounts is distributed to legislative candidates in a general election.

(d) The amount necessary to make the payments required by this subdivision is appropriated from the general fund to the ~~state treasurer~~ ethical practices board.

Sec. 51. Minnesota Statutes 1994, section 10A.322, subdivision 1, is amended to read:

Subdivision 1. [AGREEMENT BY CANDIDATE.] (a) As a condition of receiving a public subsidy, a candidate shall sign and file with the board a written agreement in which the candidate agrees that the candidate will comply with sections 10A.25 and 10A.324.

(b) Before the first day of filing for office, the board shall forward agreement forms to all filing officers. The board shall also provide agreement forms to candidates on request at any time. The candidate may sign an agreement and submit it to the filing officer on the day of filing an affidavit of candidacy or petition to appear on the ballot, in which case the filing officer shall without delay forward signed agreements to the board. Alternatively, the candidate may submit the agreement directly to the board at any time before September 1 preceding the candidate's general election. An agreement may not be filed after that date. An agreement once filed may not be rescinded.

(c) The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue.

(d) Notwithstanding any provisions of this section, when a vacancy occurs that will be filled by means of a special election and the filing period does not coincide with the filing period for the general election, a candidate may sign and submit a spending limit agreement at any time before the deadline for submission of a signed agreement under section 10A.315.

(e) A candidate who fills a vacancy in nomination that occurs after the deadline in paragraph (b) may file a spending limit agreement no later than the day after the candidate fills the vacancy.

Sec. 52. Minnesota Statutes 1994, section 10A.322, subdivision 4, is amended to read:

Subd. 4. [REFUND RECEIPT FORMS; PENALTY.] The board shall make available at cost to

a political party on request, other than a political party unit organized at the municipal or precinct level, and to any candidate for whom an agreement under this section is effective, a supply of official refund receipt forms that state in boldface type that (1) a contributor who is given a receipt form is eligible to claim a refund as provided in section 290.06, subdivision 23, and (2) if the contribution is to a candidate, that the candidate has signed an agreement to limit campaign expenditures as provided in this section. The forms must provide duplicate copies of the receipt to be attached to the contributor's claim. A candidate who does not sign an agreement under this section and who willfully issues an official refund receipt form or a facsimile of one to any of the candidate's contributors is guilty of a misdemeanor.

Sec. 53. Minnesota Statutes 1994, section 10A.323, is amended to read:

10A.323 [MATCHING REQUIREMENTS.]

In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy under section 10A.31 ~~or 10A.312~~ a candidate or the candidate's treasurer shall file an affidavit with the board stating that during that calendar year the candidate has accumulated contributions from persons eligible to vote in this state in the amount indicated for the office sought, counting only the first \$50 received from each contributor, or \$100 from a married couple contributing jointly:

- (1) candidates for governor and lieutenant governor running together, \$35,000;
- (2) candidates for attorney general, \$15,000;
- (3) candidates for secretary of state, state treasurer, and state auditor, separately, \$6,000;
- (4) candidates for the senate, \$3,000; and
- (5) candidates for the house of representatives, \$1,500.

~~To be eligible to receive a public matching subsidy under section 10A.312, The affidavit must state the total amount of contributions that have been received from persons eligible to vote in this state and the total amount of those contributions received, disregarding the portion of any contribution in excess of \$50, or in excess of \$100 from a married couple contributing jointly.~~

The candidate or the candidate's treasurer shall submit the affidavit required by this section to the board in writing by September 1 of the general election year to receive the payment ~~based on the results of made following the primary election, by September 15 to receive the payment made October 1, by October 1 to receive the payment made October 15, by November 1 to receive the payment made November 15, following the general election and by December 1 to receive the payment made December 15.~~

Sec. 54. Minnesota Statutes 1994, section 10A.324, subdivision 1, is amended to read:

Subdivision 1. [WHEN RETURN REQUIRED.] A candidate shall return all or a portion of the public subsidy received from the state elections campaign fund or the public matching subsidy received under section 10A.315, under the circumstances in this section or section 10A.25, subdivision 11.

(a) ~~To the extent that the amount of public subsidy received by the candidate exceeds the expenditure limits for the office held or sought, as provided in section 10A.25 and as adjusted by section 10A.255, the treasurer of the candidate's principal campaign committee shall return the excess to the board.~~

(b) To the extent that the amount of public subsidy received exceeds the aggregate of: (1) actual expenditures made by the principal campaign committee of the candidate; and (2) approved expenditures made on behalf of the candidate, the treasurer of the candidate's principal campaign committee shall return an amount equal to the difference to the board.

(b) If the board determines that a candidate has filed an affidavit of matching contributions under section 10A.323 that is not supported by the campaign finance reports filed by the candidate under section 10A.20, the board shall notify the treasurer of the candidate's principal campaign

committee and demand return of any public subsidy paid to the candidate for that election cycle. The treasurer shall return the entire public subsidy to the board.

Sec. 55. Minnesota Statutes 1994, section 10A.335, is amended to read:

10A.335 [LEGISLATIVE MONITORING OF TAX CHECKOFF.]

For the purpose of determining whether the distribution formula provided in section 10A.31, subdivision 5, (a) assures that money will be returned to the counties from which they were collected, and (b) continues to have a rational relation to the support for particular parties or particular candidates within legislative districts, it is the intention of this section that future legislatures monitor, using statistical data provided by the department of revenue, income tax returns and renter and homeowner property tax refund returns on which \$2, ~~or in the case of a joint return, \$4, is designated~~ an amount has been checked off for a political party.

Sec. 56. Minnesota Statutes 1994, section 10A.34, is amended to read:

10A.34 [REMEDIES.]

Subdivision 1. [PERSONAL LIABILITY.] A person charged with a duty under ~~sections 10A.02 to 10A.34~~ this chapter shall be personally liable for the penalty for failing to discharge it.

Subd. 1a. [RECOVERY OF MONEY.] The board may bring an action in the district court in Ramsey county to recover any late filing fee imposed or public subsidy paid pursuant to any provision of this chapter. All money recovered shall be deposited in the general fund of the state.

Subd. 2. [INJUNCTION.] The board or a county attorney may seek an injunction in the district court to enforce the provisions of ~~sections 10A.02 to 10A.34~~ this chapter.

Subd. 3. [CIVIL PENALTY.] Unless otherwise provided, a violation of ~~sections 10A.02 to 10A.34~~ this chapter is not a crime, but is subject to a civil penalty imposed by the board in an amount up to \$1,000.

Subd. 4. [AWARD OF COSTS.] If the board prevails in an action to enforce this chapter, the board may request and the court may award to the board its costs, disbursements, reasonable attorney fees, and witness fees.

Subd. 5. [PENALTY FOR FALSE COMPLAINTS.] A person who knowingly makes a false or bad faith complaint or report of an alleged violation of this chapter is subject to a civil penalty imposed by the board of up to \$250.

Sec. 57. Minnesota Statutes 1994, section 211A.12, is amended to read:

211A.12 [CONTRIBUTION LIMITS.]

A candidate or a candidate's committee may not accept aggregate contributions made or delivered by an individual or committee in excess of \$300 in an election year for the office sought and \$100 in other years; except that a candidate or candidate's committee for an office whose territory has a population over 100,000 may not accept aggregate contributions made or delivered by an individual or committee in excess of \$500 in an election year for the office sought and \$100 in other years. The following deliveries are not subject to the bundling limitation in this section:

(1) delivery of contributions collected by a member of the candidate's committee, such as a block worker or a volunteer who hosts a fund raising event, to the committee's treasurer; and

(2) a delivery made by an individual on behalf of the individual's spouse.

Notwithstanding sections 211A.02, subdivision 3, and 410.21, this section supersedes any home rule charter.

Sec. 58. Minnesota Statutes 1994, section 211B.15, subdivision 2, is amended to read:

Subd. 2. [PROHIBITED CONTRIBUTIONS.] A corporation may not make a contribution or offer or agree to make a contribution, directly or indirectly, of any money, property, free service of

its officers, or employees, or ~~members~~, or thing of monetary value to a major political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, "contribution" includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.

Sec. 59. Minnesota Statutes 1994, section 211B.15, subdivision 15, is amended to read:

Subd. 15. [NONPROFIT CORPORATION EXEMPTION.] The prohibitions in this section do not apply to a nonprofit corporation that:

(1) ~~cannot engage in~~ is not organized or operating for the principal purpose of conducting a business activities;

(2) has no shareholders or other persons affiliated so as to have a claim on its assets or earnings; and

(3) was not established by a business corporation or a labor union and has a policy not to accept significant contributions from those entities.

Sec. 60. Minnesota Statutes 1994, section 211B.15, subdivision 16, is amended to read:

Subd. 16. [EMPLOYEE POLITICAL FUND SOLICITATION.] Any solicitation of political contributions by an employee must be in writing, informational and nonpartisan in nature, and not promotional for any particular candidate or group of candidates. The solicitation must consist only of a general request on behalf of ~~an independent political committee (a conduit fund) program that makes contributions to candidates only as directed by its individual contributors~~ and must state that there is no minimum contribution, that a contribution or lack thereof will in no way impact the employee's employment, that the employee must direct the contribution to candidates of the employee's choice, and that any response by the employee shall remain confidential and shall not be directed to the employee's supervisors or managers. Questions from an employee regarding a solicitation may be answered orally or in writing consistent with the above requirements. Nothing in this subdivision authorizes a corporate donation of an employee's time prohibited under subdivision 2.

Sec. 61. Minnesota Statutes 1994, section 290.06, subdivision 23, is amended to read:

Subd. 23. [REFUND OF CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.] (a) A taxpayer may claim a refund equal to the amount of the taxpayer's contributions made in the calendar year to candidates and to any political party. The maximum refund for an individual must not exceed \$50 and, for a married couple filing jointly, must not exceed \$100. A refund of a contribution is allowed only if the taxpayer files a form required by the commissioner and attaches to the form a copy of an official refund receipt form issued by the candidate or party and signed by the candidate, the treasurer of the candidate's principal campaign committee, or the party chair or treasurer, after the contribution was received. The receipt forms must be numbered, and the data on the receipt that are not public must be made available to the ethical practices board upon its request. A claim must be filed with the commissioner not sooner than January 1 of the calendar year in which the contribution is made and no later than April 15 of the calendar year following the calendar year in which the contribution is made. A taxpayer may file only one claim per calendar year. Amounts paid by the commissioner after June 15 of the calendar year following the calendar year in which the contribution is made must include interest at the rate specified in section 270.76.

(b) No refund is allowed under this subdivision for a contribution to any candidate unless the candidate:

(1) has signed an agreement to limit campaign expenditures as provided in section 10A.322 or 10A.43;

(2) is seeking an office for which voluntary spending limits are specified in section 10A.25 or 10A.43; and

(3) has designated a principal campaign committee.

This subdivision does not limit the campaign expenditure of a candidate who does not sign an agreement but accepts a contribution for which the contributor improperly claims a refund.

(c) For purposes of this subdivision, "political party" means a major political party as defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion on the income tax or property tax refund form under section 10A.31, subdivision 3a.

A "major or minor party" includes the aggregate of the party organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts.

"Candidate" means a congressional candidate as defined in section 10A.41, subdivision 4, or a candidate as defined in section 10A.01, subdivision 5, except a candidate for judicial office.

"Contribution" means a gift of money.

(d) The commissioner shall make copies of the form available to the public and candidates upon request.

(e) The following data collected or maintained by the commissioner under this subdivision are private: the identities of individuals claiming a refund, the identities of candidates to whom those individuals have made contributions, and the amount of each contribution.

(f) The commissioner shall report to the ethical practices board by August 1 of each year a summary showing the total number and aggregate amount of political contribution refunds made on behalf of each candidate and each political party. These data are public.

(g) The amount necessary to pay claims for the refund provided in this section is appropriated from the general fund to the commissioner of revenue.

Sec. 62. [ERRONEOUS PAYMENTS RATIFIED.]

Payments made by the state treasurer in 1990 under Minnesota Statutes, section 10A.31, subdivision 6, are ratified, notwithstanding any errors of the commissioner of revenue in certifying the amounts due.

Sec. 63. [REPEALER.]

Minnesota Statutes 1994, sections 6.76; 10A.21, subdivisions 1 and 2; 10A.324, subdivisions 2 and 4; 10A.40; 10A.41; 10A.42; 10A.43; 10A.44; 10A.45; 10A.46; 10A.47; 10A.48; 10A.49; 10A.50; and 10A.51, are repealed.

Sec. 64. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to the ethical practices board; clarifying definitions; strengthening enforcement powers; requiring additional disclosure of lobbyist activities; facilitating reports of last-minute contributions; clarifying campaign finance requirements; requiring return of public subsidies under certain conditions; providing penalties; repealing provisions for state financing of congressional campaigns; amending Minnesota Statutes 1994, sections 10A.01, subdivisions 10c, 11, 25, 28, and by adding a subdivision; 10A.02, subdivisions 1, 11, and 12; 10A.03, subdivisions 2 and 3; 10A.04, subdivisions 3, 4, 5, 6, and 7; 10A.05; 10A.065, subdivision 1, and by adding a subdivision; 10A.08; 10A.09, subdivisions 3 and 7; 10A.14, subdivision 4; 10A.15, subdivisions 3a and 5; 10A.20, subdivisions 3, 5, 6b, and 12, and by adding a subdivision; 10A.21, subdivision 3; 10A.23; 10A.25, subdivisions 2, 6, 10, 11, and 13; 10A.27, subdivisions 9, 10, and 12; 10A.275, subdivision 1; 10A.28, subdivision 1; 10A.31, subdivisions 3, 4, 5, 6, 7, 10, 11, and 12; 10A.315; 10A.322, subdivisions 1 and 4; 10A.323; 10A.324, subdivision 1; 10A.335; 10A.34; 211A.12; 211B.15, subdivisions 2, 15, and 16; and 290.06, subdivision 23; repealing Minnesota Statutes 1994, sections 6.76; 10A.21, subdivisions 1 and 2; 10A.324, subdivisions 2 and 4; 10A.40;

10A.41; 10A.42; 10A.43; 10A.44; 10A.45; 10A.46; 10A.47; 10A.48; 10A.49; 10A.50; and 10A.51."

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 46: A bill for an act relating to lawful gambling; increasing the percentage of gross profit that may be expended for allowable expenses; amending Minnesota Statutes 1994, section 349.15, subdivision 1.

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

Page 1, line 13, delete "75" and insert "65"

Page 1, line 15, delete "75" and insert "55"

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 91: A bill for an act relating to gambling; providing eligibility for participation as a provider in the state compulsive gambling program; amending Minnesota Statutes 1994, section 245.98, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Health Care. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 141: A bill for an act relating to elections; providing for review of certain school board plans by the secretary of state; changing allocation of certain election expenses; providing for retention of election materials; clarifying terms of office and election frequency in certain cities; providing for transition in certain offices; providing for dissolution of certain election districts; amending Minnesota Statutes 1994, sections 122.23, by adding a subdivision; 122.242, subdivision 1; 204B.32, subdivision 2; 204B.40; 205.07, subdivision 1; 205.84, by adding a subdivision; 205A.12, by adding a subdivision; and Laws 1994, chapter 646, section 26, subdivision 3.

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

Page 3, line 34, delete the new language

Page 4, line 4, delete the new language

Page 4, line 5, after the period, insert "A city may hold elections in either the even-numbered year or the odd-numbered year, but not both."

Page 5, after line 1, insert:

"Sec. 7. Minnesota Statutes 1994, section 205A.11, subdivision 2, is amended to read:

Subd. 2. [COMBINED POLLING PLACE.] ~~If there is an election being conducted in some but not all of the precincts in the school district, for those precincts in which no other election is being conducted~~ When no other election is being held in two or more precincts on the day of a school district election, the school board may designate a one or more combined polling place places at which the voters in up to ten those precincts may vote in the school district election. If there is no other election being conducted in any part of the school district, the school board may establish a single polling place at which all the voters must vote."

Page 5, after line 35, insert:

"Sec. 10. [TRANSITION.]

Before January 1, 1998, on a day when no other election is being held within the school district, a school district election may be held using combined polling places that were established before August 1, 1994."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "authorizing the use of more than one combined polling place in certain school board elections;"

Page 1, line 12, after the semicolon, insert "205A.11, subdivision 2;"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 35, 36, 46 and 141 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Terwilliger be added as a co-author to S.F. No. 14. The motion prevailed.

Mr. Laidig moved that the name of Mrs. Pariseau be added as a co-author to S.F. No. 37. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Marty be added as a co-author to S.F. No. 43. The motion prevailed.

Mr. Day moved that the name of Mr. Ourada be added as a co-author to S.F. No. 111. The motion prevailed.

Mr. Betzold moved that the name of Ms. Kiscaden be added as a co-author to S.F. No. 112. The motion prevailed.

Ms. Robertson moved that the name of Mr. Ourada be added as a co-author to S.F. No. 118. The motion prevailed.

Mr. Mondale moved that the name of Mr. Finn be added as a co-author to S.F. No. 123. The motion prevailed.

Mr. Metzen moved that the name of Mr. Solon be added as a co-author to S.F. No. 128. The motion prevailed.

Mr. Metzen moved that the name of Mr. Finn be added as a co-author to S.F. No. 129. The motion prevailed.

Mr. Cohen moved that the name of Mr. Finn be added as a co-author to S.F. No. 131. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Bertram introduced--

S.F. No. 158: A bill for an act relating to education; providing funding for volunteer firefighter training; appropriating money.

Referred to the Committee on Education.

Mr. Chandler introduced--

S.F. No. 159: A bill for an act relating to retirement; allowing the North St. Paul city manager to retain membership in the public employees police and fire fund.

Referred to the Committee on Governmental Operations and Veterans.

Mses. Reichgott Junge, Ranum, Mr. Kelly and Ms. Anderson introduced--

S.F. No. 160: A bill for an act relating to corrections; expanding eligibility for the work release program to allow inmates to continue caring for their children who have special needs; amending Minnesota Statutes 1994, section 631.425, subdivisions 1 and 3.

Referred to the Committee on Crime Prevention.

Mses. Berglin, Piper, Mr. Samuelson, Ms. Kiscaden and Mr. Day introduced--

S.F. No. 161: A bill for an act relating to human services; authorizing appeals by vendors of day training and habilitation services; amending Minnesota Statutes 1994, section 252.46, by adding a subdivision.

Referred to the Committee on Health Care.

Mr. Lessard introduced--

S.F. No. 162: A bill for an act relating to community colleges; authorizing the state board to construct or acquire student residences; authorizing revenue bonds.

Referred to the Committee on Education.

Mses. Piper; Ranum; Johnson, J.B.; Messrs. Spear and Knutson introduced--

S.F. No. 163: A bill for an act relating to crimes; extending expiration date of crime victim and witness advisory council; amending Minnesota Statutes 1994, section 611A.71, subdivision 7.

Referred to the Committee on Crime Prevention.

Messrs. Hottinger, Chandler and Ms. Kiscaden introduced--

S.F. No. 164: A bill for an act relating to insurance; health plans; prohibiting provisions that grant the health carrier a subrogation right, except where the covered person has been fully compensated from another source; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Murphy, Metzen and Johnson, D.J. introduced--

S.F. No. 165: A bill for an act relating to the city of Hastings; modifying a tax increment financing district.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Metzen; Riveness; Samuelson; Moe, R.D. and Ms. Wiener introduced--

S.F. No. 166: A bill for an act relating to public administration; providing oversight of certain state and metropolitan government contracts; amending Minnesota Statutes 1994, sections 15.061; 16A.11, by adding a subdivision; 16B.17; 16B.19, subdivisions 2 and 10; and 473.129, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Beckman; Johnson, D.E.; Ms. Lesewski, Messrs. Laidig and Sams introduced--

S.F. No. 167: A bill for an act relating to ethanol; modifying provisions relating to producer payments; phasing out ethanol blender credits; appropriating money; amending Minnesota Statutes 1994, sections 41A.09, by adding subdivisions; 41B.02, subdivision 20; and 296.02, by adding a subdivision; repealing Minnesota Statutes 1994, sections 41A.09, subdivisions 2, 3, and 5; and 296.02, subdivision 7.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Solon and Stumpf introduced--

S.F. No. 168: A bill for an act relating to elections; providing for simulated elections for minors; proposing coding for new law in Minnesota Statutes, chapter 204B.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Dille introduced--

S.F. No. 169: A bill for an act relating to taxation; motor vehicle excise; allowing certain fire trucks to qualify for the in lieu tax on collector vehicles; amending Minnesota Statutes 1994, sections 297B.02, subdivision 3; and 297B.025, subdivision 2.

Referred to the Committee on Transportation and Public Transit.

Mr. Dille introduced--

S.F. No. 170: A bill for an act relating to local government; providing that maintenance of abandoned or neglected cemeteries by nonprofit organizations does not create an employment relationship or liability for local governments; amending Minnesota Statutes 1994, sections 306.243, subdivision 3; and 306.246.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Lessard; Johnson, D.J. and Janezich introduced--

S.F. No. 171: A bill for an act relating to state lands; requiring the sale of certain school trust lands bordering public waters in St. Louis county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Lessard; Chmielewski; Johnson, D.J. and Janezich introduced--

S.F. No. 172: A bill for an act relating to motor vehicles; providing for issuance of manufacturer test plates; amending Minnesota Statutes 1994, sections 168.12, subdivisions 1 and 5; and 168.28; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation and Public Transit.

Messrs. Lessard and Solon introduced--

S.F. No. 173: A bill for an act relating to liquor; authorizing the city of International Falls to issue a temporary on-sale intoxicating liquor license for sales on property owned by a school district.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Lessard, Merriam, Chmielewski, Stevens and Sams introduced--

S.F. No. 174: A bill for an act relating to game and fish; continuing the authorization for residents under the age of 16 to take deer of either sex; amending Minnesota Statutes 1994, section 97B.301, subdivision 6.

Referred to the Committee on Environment and Natural Resources.

Messrs. Lessard, Finn, Vickerman, Sams and Samuelson introduced--

S.F. No. 175: A bill for an act relating to health; modifying provisions relating to nursing home swing beds; amending Minnesota Statutes 1994, section 144.562, subdivisions 2 and 4.

Referred to the Committee on Health Care.

Messrs. Lessard, Frederickson, Ms. Hanson, Messrs. Johnson, D.J. and Samuelson introduced--

S.F. No. 176: A bill for an act proposing an amendment to the Minnesota Constitution, article I; providing that the right of citizens to bear arms for certain purposes is fundamental and shall not be abridged.

Referred to the Committee on Judiciary.

Messrs. Janezich, Johnson, D.J. and Lessard introduced--

S.F. No. 177: A bill for an act relating to retirement; authorizing a benefit increase for certain retired police officers, firefighters, and surviving spouses in the city of Eveleth.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Frederickson, Morse, Price, Pogemiller and Ms. Olson introduced--

S.F. No. 178: A bill for an act relating to education; modifying staff development to include environmental education; amending Minnesota Statutes 1994, section 126.70, subdivision 2a.

Referred to the Committee on Education.

Messrs. Price, Chmielewski, Sams and Johnson, D.J. introduced--

S.F. No. 179: A bill for an act relating to taxation; property; providing for deferment of taxes of senior citizens who meet certain income requirements; appropriating money; amending Minnesota Statutes 1994, sections 275.065, subdivision 3; and 276.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Ms. Reichgott Junge introduced--

S.F. No. 180: A bill for an act relating to peace officers; authorizing certain expenditures by a surviving spouse from a dependent child's share of a peace officer's survivor benefits; amending Minnesota Statutes 1994, section 299A.44.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Cohen introduced--

S.F. No. 181: A bill for an act relating to elections; allowing time off to vote in elections to fill a vacancy in the legislature; amending Minnesota Statutes 1994, section 204C.04, subdivision 2.

Referred to the Committee on Ethics and Campaign Reform.

Messrs. Vickerman, Langseth, Janezich, Day and Mrs. Pariseau introduced--

S.F. No. 182: A bill for an act relating to towns; clarifying the procedure to fill a vacancy in the office of town supervisor; amending Minnesota Statutes 1994, section 367.03, subdivision 6.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Hottinger, Frederickson, Dille, Ms. Lesewski and Mr. Chmielewski introduced--

S.F. No. 183: A bill for an act relating to telecommunications; providing for regulation of small telephone companies; limiting discriminatory practices, services, rates, and pricing; providing for investigation, hearings, and appeals regarding telecommunications services; delineating telecommunications practices allowed; providing penalties and remedies; amending Minnesota Statutes 1994, section 237.01, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Messrs. Murphy, Larson, Vickerman, Metzen and Bertram introduced--

S.F. No. 184: A bill for an act relating to veterans; clarifying authority for use of funds from surplus facilities of the veterans homes board; amending Minnesota Statutes 1994, section 198.003, subdivisions 3 and 4.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Kramer, Scheevel, Oliver, Ms. Hanson and Mr. Chmielewski introduced--

S.F. No. 185: A bill for an act proposing an amendment to the Minnesota Constitution, by adding a section to article XII requiring full funding of state mandates on local governments.

Referred to the Committee on Metropolitan and Local Government.

Mr. Stumpf introduced--

S.F. No. 186: A bill for an act relating to drainage; allowing a county to charge an outlet fee for use of a drainage system by another county; amending Minnesota Statutes 1994, section 103E.401, by adding a subdivision.

Referred to the Committee on Metropolitan and Local Government.

Mr. Hottinger introduced--

S.F. No. 187: A bill for an act relating to retirement; teachers retirement associations; modifying particular term certain and life retirement annuities; amending Minnesota Statutes 1994, section 354.45, by adding a subdivision.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Samuelson, Merriam, Sams and Stumpf introduced--

S.F. No. 188: A bill for an act relating to appropriations; permitting use of appropriation to relocate athletic fields and facilities at Brainerd Technical College; amending Laws 1992, chapter 558, section 2, subdivision 3.

Referred to the Committee on Finance.

Messrs. Morse; Metzen; Johnson, D.E.; Stumpf and Samuelson introduced--

S.F. No. 189: A bill for an act relating to retirement; state employees; contribution rates and annuity formulas for state troopers; amending Minnesota Statutes 1994, sections 352B.02, subdivisions 1a and 1c; 352B.08, subdivision 2; 352B.10, subdivision 1; and 356.30, subdivision 1.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Bertram, Langseth, Mses. Lesewski and Johnston introduced--

S.F. No. 190: A bill for an act relating to traffic regulations; extending the length limitations and easing the weight restrictions for trucks hauling milk; amending Minnesota Statutes 1994, sections 169.81, subdivision 2; and 169.87, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

Mr. Solon introduced--

S.F. No. 191: A bill for an act relating to insurance; providing that nonrenewals on homeowner's policies must be based on the total amount paid by the insurer on claims and not the number of claims; amending Minnesota Statutes 1994, section 65A.29, subdivision 8.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Marty, Stumpf, Morse and Johnson, D.E. introduced--

S.F. No. 192: A bill for an act relating to elections; eliminating the presidential primary election; amending Minnesota Statutes 1994, sections 204C.04, subdivision 2; and 204D.24, subdivision 2; repealing Minnesota Statutes 1994, sections 204B.06, subdivision 1a; 207A.01; 207A.02; 207A.03; 207A.04; 207A.06; 207A.07; 207A.08; 207A.09; and 207A.10.

Referred to the Committee on Ethics and Campaign Reform.

Messrs. Bertram and Metzen introduced--

S.F. No. 193: A bill for an act relating to veterans; authorizing an annual expense allowance for the veterans homes board of directors; amending Minnesota Statutes 1994, section 15A.081, subdivision 8.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Bertram, Kleis and Stevens introduced--

S.F. No. 194: A bill for an act relating to highways; designating bridge as Bridge of Hope; amending Minnesota Statutes 1994, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

Mr. Metzen introduced--

S.F. No. 195: A bill for an act relating to health care; adding an exception to the nursing home moratorium; expanding a special provision for medical assistance reimbursement of moratorium exceptions; appropriating money; amending Minnesota Statutes 1994, sections 144A.071, subdivision 4a; and 256B.431, subdivision 17.

Referred to the Committee on Health Care.

Messrs. Betzold and Kramer introduced--

S.F. No. 196: A bill for an act relating to highways; requiring construction of a noise barrier on marked trunk highway No. 252 in Brooklyn Park.

Referred to the Committee on Transportation and Public Transit.

Messrs. Beckman and Vickerman introduced--

S.F. No. 197: A bill for an act relating to corrections; prohibiting correctional inmates from applying for name changes more than once a year; proposing coding for new law in Minnesota Statutes, chapter 259.

Referred to the Committee on Crime Prevention.

Messrs. Larson and Johnson, D.E. introduced--

S.F. No. 198: A bill for an act relating to human services; modifying prior authorization requirements for certain therapy services; amending Minnesota Statutes 1994, section 256B.0625, subdivision 25.

Referred to the Committee on Health Care.

Messrs. Solon; Metzen; Johnson, D.J. and Janezich introduced--

S.F. No. 199: A bill for an act relating to motor vehicles; requiring certain notices to secured lienholders when vehicles are towed and stored; amending Minnesota Statutes 1994, section 514.20.

Referred to the Committee on Judiciary.

Mr. Betzold, Mses. Hanson, Runbeck, Messrs. Merriam and Novak introduced--

S.F. No. 200: A bill for an act relating to human services; authorizing changes in maximum rates of reimbursement for certain home care services provided in Anoka county; amending Minnesota Statutes 1994, sections 256B.0913, by adding a subdivision; and 256B.0915, by adding a subdivision.

Referred to the Committee on Health Care.

Messrs. Stumpf; Moe, R.D.; Langseth; Larson and Bertram introduced--

S.F. No. 201: A bill for an act relating to agriculture; appropriating money for wheat and barley scab research.

Referred to the Committee on Agriculture and Rural Development.

Mr. Chandler and Ms. Runbeck introduced--

S.F. No. 202: A bill for an act relating to education; allowing school districts to not comply with state program mandates that are not funded; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Mses. Hanson, Runbeck, Messrs. Betzold and Novak introduced--

S.F. No. 203: A bill for an act relating to Anoka county; allowing awards of contracts to resident bidders under certain circumstances.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Chandler; Merriam; Moe, R.D.; Knutson and Ms. Runbeck introduced--

S.F. No. 204: A bill for an act relating to state government; requiring reporting on and certain analysis of federal mandates imposed on state agencies; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Finance.

Ms. Reichgott Junge, Messrs. Metzen and Riveness introduced--

S.F. No. 205: A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1994, sections 2.021; and 2.031, subdivision 1.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Merriam introduced--

S.F. No. 206: A bill for an act relating to data practices; eliminating a sunset on computer matching agreement requirements; repealing Laws 1990, chapter 566, section 9, as amended.

Referred to the Committee on Judiciary.

Mr. Samuelson introduced--

S.F. No. 207: A bill for an act relating to appropriations; appropriating money for the operation and maintenance of the Cuyuna Country state recreation area.

Referred to the Committee on Finance.

Mr. Bertram introduced--

S.F. No. 208: A bill for an act relating to nursing facility resident classification; providing facilities the opportunity to correct errors in a request for reconsideration; amending Minnesota Statutes 1994, section 144.0722, subdivisions 3b and 4.

Referred to the Committee on Health Care.

Ms. Pappas, Messrs. Vickerman, Metzen, Mses. Anderson and Flynn introduced--

S.F. No. 209: A bill for an act relating to government operations; requiring a study of the feasibility of consolidating counties and rationalizing other internal boundaries; appropriating money.

Referred to the Committee on Metropolitan and Local Government.

Mr. Morse introduced--

S.F. No. 210: A bill for an act relating to local government; authorizing the city of Winona to use its lodging tax revenues for certain purposes; amending Laws 1991, chapter 291, article 8, section 28, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Ms. Johnson, J.B.; Messrs. Chmielewski and Johnson, D.J. introduced--

S.F. No. 211: A bill for an act relating to taxation; providing a reduced class rate for certain commercial-industrial property; amending Minnesota Statutes 1994, section 273.13, subdivision 24.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sams, Ms. Berglin and Mr. Vickerman introduced--

S.F. No. 212: A bill for an act relating to health care; modifying reimbursement methodologies for certain services; increasing reimbursement rates for certain services; appropriating money; amending Minnesota Statutes 1994, section 256B.0627, by adding a subdivision.

Referred to the Committee on Health Care.

Messrs. Johnson, D.J.; Chmielewski; Metzen; Novak and Dille introduced--

S.F. No. 213: A bill for an act relating to utilities; abolishing sunset provision related to competitive rates for electric utilities; making technical changes; amending Laws 1990, chapter 370, section 7; repealing Minnesota Statutes 1994, section 216B.162, subdivision 9.

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

Mr. Spear, Ms. Pappas, Mr. Knutson and Ms. Berglin introduced--

S.F. No. 214: A bill for an act relating to crime prevention; providing an exception to the prohibition on concealing identity; amending Minnesota Statutes 1994, section 609.735.

Referred to the Committee on Crime Prevention.

MEMBERS EXCUSED

Mses. Anderson, Hanson, Flynn, Olson and Mr. Novak were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:30 a.m., Monday, January 30, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate