

THIRTY-FIFTH DAY

St. Paul, Minnesota, Thursday, April 6, 1995

The Senate met at 8:30 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 Senator Pat Piper.

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

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

The President declared a quorum present.

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

REPORTS OF COMMITTEES

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

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 973: A bill for an act relating to insurance; automobile; permitting users of rental vehicles to benefit from lower price rental periods without losing coverage; amending Minnesota Statutes 1994, section 65B.49, subdivision 5a.

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

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

H.F. No. 1371: A bill for an act relating to commerce; securities; regulating disclosure of payment received for directing order flow; amending Minnesota Statutes 1994, section 80A.06, subdivision 5.

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

Ms. Flynn from the Committee on Judiciary, to which was referred

S.F. No. 864: A bill for an act relating to domestic abuse; eliminating hearing requirements in certain cases; providing for notices; amending Minnesota Statutes 1994, section 518B.01, subdivisions 5 and 7.

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 13.99, is amended by adding a subdivision to read:

Subd. 101c. [DOMESTIC ABUSE PETITIONER'S RESIDENCE.] Court records on the location or residence of a petitioner in a domestic abuse proceeding are governed by section 518B.01, subdivision 3b.

Sec. 2. Minnesota Statutes 1994, section 518B.01, is amended by adding a subdivision to read:

Subd. 3b. [INFORMATION ON PETITIONER'S LOCATION OR RESIDENCE.] The court shall maintain information regarding the petitioner's location or residence separate from the documents contained in the court file. Information maintained by the court regarding the petitioner's location or residence is not accessible to the public and may be disclosed only to court personnel or law enforcement for purposes of service of process, conducting an investigation, or enforcing an order.

Sec. 3. Minnesota Statutes 1994, section 518B.01, subdivision 4, is amended to read:

Subd. 4. [ORDER FOR PROTECTION.] There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

(a) A petition for relief under this section may be made by any family or household member personally or on behalf of minor family or household members.

(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(c) A petition for relief must state whether there is an existing order for protection in effect under this chapter governing both the parties and whether there is a pending lawsuit, complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B, or 518C. The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A subsequent order in a separate action under this chapter may modify only the provision of an existing order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition for relief may be granted, regardless of whether there is a pending action between the parties.

(d) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

(e) The court shall advise a petitioner under paragraph (d) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.

(f) The court shall advise a petitioner under paragraph (d) of the right to serve the respondent by published notice under subdivision 5, paragraph (b), if the respondent is avoiding personal service by concealment or otherwise, and shall assist with the writing and filing of the affidavit.

(g) The court shall advise the petitioner of the right to seek restitution under the petition for relief.

(h) The court shall advise the petitioner of the right to request a hearing under subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.

Sec. 4. Minnesota Statutes 1994, section 518B.01, subdivision 5, is amended to read:

Subd. 5. [HEARING ON APPLICATION; NOTICE.] (a) Upon receipt of the petition, the court shall order a hearing which shall be held not later than 14 days from the date of the order. If an ex parte order has been issued under subdivision 7 and a hearing requested, the time periods under subdivision 7 for holding a hearing apply. Personal service shall be made upon the respondent not less than five days prior to the hearing, if the hearing was requested by the petitioner. If the hearing was requested by the respondent after issuance of an ex parte order under subdivision 7, service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of hearing upon the petitioner by mail in the manner provided in the rules of civil procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that personal service cannot be completed in time to give the respondent or petitioner the minimum notice required under this paragraph, the court may set a new hearing date.

(b) Notwithstanding the provisions of paragraph (a), service on the respondent may be made by one week published notice, as provided under section 645.11, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the respondent at the respondent's residence or that the residence is not known to the petitioner. Service under this paragraph is complete seven days after publication. The court shall set a new hearing date if necessary to allow the respondent the five-day minimum notice required under paragraph (a).

Sec. 5. Minnesota Statutes 1994, section 518B.01, subdivision 7, is amended to read:

Subd. 7. ~~[TEMPORARY EX PARTE ORDER.]~~ (a) Where an application under this section alleges an immediate and present danger of domestic abuse, the court may grant an ex parte ~~temporary~~ order for protection, ~~pending a full hearing~~, and granting relief as the court deems proper, including an order:

- (1) restraining the abusing party from committing acts of domestic abuse;
- (2) excluding any party from the dwelling they share or from the residence of the other except by further order of the court;
- (3) excluding the abusing party from the place of employment of the petitioner or otherwise limiting access to the petitioner by the abusing party at the petitioner's place of employment; and
- (4) continuing all currently available insurance coverage without change in coverage or beneficiary designation.

(b) A finding by the court that there is a basis for issuing an ex parte ~~temporary~~ order for protection constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte ~~temporary~~ relief.

(c) Subject to paragraph (d), an ex parte ~~temporary~~ order for protection shall be effective for a fixed period not to exceed 14 days, except for good cause as provided under paragraph (d) set by the court, as provided in subdivision 6, paragraph (b), or until modified or vacated by the court pursuant to a hearing. Upon request, a full hearing, as provided by this section, shall be set for not later than seven days from the issuance of the ~~temporary~~ ex parte order, if a hearing is requested by the petitioner, or not later than ten days or earlier than eight days from receipt by the court of a request for a hearing by the respondent. Except as provided in paragraph (d), the respondent shall be personally served forthwith with a copy of the ex parte order along with a copy of the petition and, if requested by the petitioner, notice of the date set for the hearing. If the petitioner does not request

a hearing, an order served on a respondent under this subdivision must include a notice advising the respondent of the right to request a hearing, must be accompanied by a form that can be used by the respondent to request a hearing and must include a conspicuous notice that a hearing will not be held unless requested by the respondent within five days of service of the order.

(d) ~~When Service is of the ex parte order may be made by published notice, as provided under subdivision 5, the petitioner may apply for an extension of the period of the ex parte order at the same time provided that the petitioner files the affidavit required under that subdivision. The court may extend the ex parte temporary order for an additional period not to exceed 14 days. The respondent shall be served forthwith a copy of the modified ex parte order along with a copy of the notice of the new date set for the hearing. If personal service is not made or the affidavit is not filed within 14 days of issuance of the ex parte order, the order expires. If the petitioner does not request a hearing, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing and notice described in paragraph (c). Unless personal service is completed, if service by published notice is not completed within 28 days of issuance of the ex parte order, the order expires.~~

(e) If the petitioner seeks relief under subdivision 6 other than the relief described in paragraph (a), the petitioner must request a hearing to obtain the additional relief.

(f) Nothing in this subdivision affects the right of a party to seek modification of an order under subdivision 11."

Delete the title and insert:

"A bill for an act relating to domestic abuse; eliminating hearing requirements in certain cases; providing for notices; amending Minnesota Statutes 1994, sections 13.99, by adding a subdivision; and 518B.01, subdivisions 4, 5, 7, and by adding a subdivision."

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

Ms. Flynn from the Committee on Judiciary, to which was referred

H.F. No. 323: A bill for an act relating to housing; making the landlord the bill payer and customer of record on utility accounts in single-metered multiunit residential buildings; amending Minnesota Statutes 1994, section 504.185, subdivision 1, and by adding a subdivision.

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

Page 1, line 25, delete "In a"

Page 1, delete line 26

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

Ms. Flynn from the Committee on Judiciary, to which was referred

H.F. No. 32: A bill for an act relating to marriage; authorizing retired court administrators to solemnize marriages; amending Minnesota Statutes 1994, section 517.04.

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

Page 1, line 11, after "administrator" insert "with the approval of the chief judge of the judicial district"

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

Ms. Flynn from the Committee on Judiciary, to which was referred

S.F. No. 565: A bill for an act relating to the federal lien registration act; imposing duties on filing officers; providing for filing of notices and of certificates of discharge; designating an official index; providing for the transmission of certain information; amending Minnesota Statutes

1994, sections 272.481; 272.482; 272.483; and 272.488, subdivisions 1, 2, 3, 4, and by adding subdivisions.

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

Page 2, line 11, delete "file" and insert "present" and delete "in the office of" and insert "for filing to"

Page 2, line 13, after the period, insert "The county recorder shall file the certificate of discharge in the real property records of the county."

Page 2, line 33, strike the comma and insert a semicolon

Page 3, line 2, delete "who" and insert "; the county recorder"

Page 3, line 7, reinstate the stricken period and delete the semicolon

Page 3, line 8, delete "(3) each" and insert "Each"

Page 3, line 11, delete the semicolon and insert a period

Page 3, line 12, delete "(4) for" and insert "For"

Page 4, line 36, strike everything after "system"

Page 5, line 1, strike everything before the period

Page 5, line 25, delete "date of filing is the date" and insert "filing officer must file the notices the day"

Page 5, line 26, delete "the notices" and insert "they"

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

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

H.F. No. 957 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS

CONSENT CALENDAR

CALENDAR

H.F. No.
957

S.F. No.
777

H.F. No.

S.F. No.

H.F. No.

S.F. No.

and that the above Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 973, 864 and 565 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1371, 323, 32 and 957 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Solon moved that the name of Mr. Lessard be added as a co-author to S.F. No. 1444. The motion prevailed.

Ms. Johnson, J.B. moved that S.F. No. 1551 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Finance. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Consent Calendar.

CONSENT CALENDAR

S.F. No. 1118: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1994, sections 3A.01, subdivision 7; 3A.02, subdivision 1; 3A.11, subdivision 4; 3C.10, subdivision 3; 9.071; 11A.18, subdivision 10; 13.99, subdivision 92c; 15.061; 15.56, subdivision 5; 17.1015; 29.021; 31.495, subdivisions 1 and 5; 32.01, subdivision 6; 60B.02; 72A.20, subdivision 29; 72C.03; 72C.04, subdivision 4; 82.34, subdivision 6; 84.025, subdivision 7; 84.0895, subdivision 2; 84.0911, subdivision 2; 85.016; 90.251, subdivision 4; 92.46, subdivision 1; 97A.115, subdivision 2; 103F.516, subdivision 2; 103G.2365; 116.03, subdivision 2; 116C.724, subdivision 2; 116C.98, subdivision 3; 116J.035, subdivision 1; 116J.402; 116J.70, subdivision 2a; 124.916, subdivision 1; 126.25, subdivision 3; 134.341; 136A.40; 144.3831, subdivision 1; 145A.07, subdivision 1; 147.01, subdivision 5; 154.161, subdivision 3; 162.09, subdivision 1; 192.261, subdivision 3; 192.501, subdivision 2; 193.36, subdivision 2; 201.15, subdivision 1; 270.69, subdivision 10; 271.21, subdivision 6; 275.066; 290.01, subdivisions 3a and 19d; 290.05, subdivision 3; 294.03, subdivision 2; 297A.25, subdivision 21; 299F.72, subdivision 1; 299L.05; 299L.07, subdivision 2a; 308A.503, subdivision 3; 317A.733, subdivisions 1 and 2; 340A.503, subdivision 1; 349.12, subdivision 25; 349.17, subdivision 6; 352.01, subdivision 2a; 354.07, subdivision 7; 360.305, subdivisions 1, 2, and 5; 365.125, subdivision 2; 383A.90, subdivision 2; 383D.71, subdivision 2; 462C.12, subdivision 2; 473.121, subdivision 11; 473.149, subdivision 4; 473.192, subdivision 4; 473.3993, subdivision 1; 473.405, subdivisions 1 and 12; 473.598, subdivision 4; 473.599, subdivision 8; 473.811, subdivisions 1a and 5; 473.834, subdivision 2; 474A.061, subdivision 2a; 518.551, subdivision 5; 518C.101; 524.2-210; 525.011, subdivision 1; 554.04, subdivision 2; 609.342, subdivision 1; 609.561, subdivision 3; and 609.66, subdivision 1d; Laws 1993, chapter 273, section 1, as amended; Laws 1994, chapter 628, article 2, section 5; and Laws 1994, chapter 647, article 7, section 19, subdivision 4; repealing Minnesota Statutes 1994, sections 13.99, subdivision 71; 103B.151, subdivision 3; 134.32, subdivision 2; 256B.0925; 297A.25, subdivision 50; 383B.614, subdivision 5; 469.110, subdivision 9; 469.170, subdivision 9; 611A.032; 624.01; and 624.03; Laws 1986, First Special Session chapter 1, article 9, section 18; First Special Session chapter 2, article 3, section 1; Laws 1987, chapter 254, section 8; Laws 1988, chapter 486, section 59; Laws 1990, chapter 562, article 10, section 1; Laws 1993, chapter 146, article 5, section 15; Laws 1994, chapter 485, section 14; chapter 647, article 1, section 4; article 8, section 46, paragraph (b); article 13, sections 3 and 14.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Chmielewski	Flynn	Janezich
Beckman	Bertram	Day	Frederickson	Johnson, D.E.
Belanger	Betzold	Dille	Hanson	Johnson, D.J.
Berg	Chandler	Finn	Hottinger	Johnson, J.B.

Johnston	Larson	Murphy	Price	Spear
Kelly	Lesewski	Neuville	Ranum	Stevens
Kiscaden	Lessard	Novak	Reichgott Junge	Stumpf
Kleis	Limmer	Oliver	Riveness	Terwilliger
Knutson	Marty	Olson	Robertson	Vickerman
Kramer	Merriam	Ourada	Runbeck	Wiener
Krentz	Metzen	Pappas	Sams	
Kroening	Moe, R.D.	Pariseau	Samuelson	
Laidig	Mondale	Piper	Scheevel	
Langseth	Morse	Pogemiller	Solon	

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1023: A bill for an act relating to public lands; notice requirements for sales of tax-forfeited lands; leasing of tax-forfeited lands; roads used by counties on tax-forfeited lands; amending Minnesota Statutes 1994, sections 282.02; and 282.04, subdivision 1, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1280: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Meeker county.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1255: A bill for an act relating to corrections; authorizing use of force in defense of assault in correctional facilities under the control of or licensed by the commissioner; amending Minnesota Statutes 1994, section 243.52.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 349: A bill for an act relating to state government; classifying certain data of the economic security department; modifying plain language requirements; amending Minnesota Statutes 1994, section 268.0124.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Finn	Johnson, D.E.	Knutson
Beckman	Chandler	Flynn	Johnson, J.B.	Kramer
Belanger	Chmielewski	Frederickson	Johnston	Krentz
Berg	Cohen	Hanson	Kelly	Kroening
Berglin	Day	Hottinger	Kiscaden	Laidig
Bertram	Dille	Janezich	Kleis	Langseth

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

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be so far suspended as to waive the lie-over requirement on the remainder of the Consent Calendar. The motion prevailed.

H.F. No. 564: A bill for an act relating to notaries; providing licensed peace officers with the powers of a notary public for administering oaths upon information submitted to establish probable cause; amending Minnesota Statutes 1994, section 358.15.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 567: A bill for an act relating to data practices; providing for disclosure of certain hospital and health care provider tax data to the commissioner of human services and the United States Department of Health and Human Services; amending Minnesota Statutes 1994, section 270B.14, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kiscaden	Limmer	Pariseau
Beckman	Finn	Kleis	Metzen	Piper
Belanger	Flynn	Knutson	Mondale	Pogemiller
Berg	Hanson	Kramer	Morse	Price
Berglin	Hottinger	Krentz	Murphy	Ranum
Bertram	Janezich	Kroening	Neuville	Reichgott Junge
Betzold	Johnson, D.E.	Laidig	Novak	Robertson
Chandler	Johnson, D.J.	Langseth	Oliver	Runbeck
Chmielewski	Johnson, J.B.	Larson	Olson	Sams
Cohen	Johnston	Lesewski	Ourada	Samuelson
Day	Kelly	Lessard	Pappas	Scheevel

Solon
SpearStevens
Stumpf

Terwilliger

Vickerman

Wiener

Messrs. Marty, Merriam and Riveness voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1520: A bill for an act relating to the environment; extending the notification requirements for landfarming contaminated soil; amending Minnesota Statutes 1994, section 116.07, subdivision 11.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Belanger and Lessard introduced--

S.F. No. 1640: A bill for an act relating to taxation; exempting used watercraft from the sales and use tax; amending Minnesota Statutes 1994, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.J. introduced--

S.F. No. 1641: A bill for an act relating to taxation; property taxes; providing for an aid reduction to offset the transfer of certain Hennepin county court employees to the state.

Referred to the Committee on Taxes and Tax Laws.

Mr. Novak introduced--

S.F. No. 1642: A bill for an act relating to utilities; exempting large electric power generating plant from certificate of need proceeding when selected by the public utilities commission from a bidding process to select resources to meet the utility's projected energy demand; amending Minnesota Statutes 1994, section 216B.2422, subdivision 5.

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

Mr. Chandler introduced--

S.F. No. 1643: A bill for an act relating to education; establishing the project extend pilot program; appropriating money.

Referred to the Committee on Education.

Messrs. Marty and Hottinger introduced--

S.F. No. 1644: A bill for an act relating to taxation; eliminating the sales tax exemption for special tooling and the reduced sales tax rate for replacement capital equipment; using the proceeds to increase education funding; amending Minnesota Statutes 1994, sections 124A.22, subdivision 2; 297A.01, subdivision 16; 297A.02, subdivision 2; and 297A.15, subdivision 5; repealing Minnesota Statutes 1994, sections 297A.02, subdivision 5; and 297A.25, subdivision 53.

Referred to the Committee on Taxes and Tax Laws.

Ms. Ranum introduced--

S.F. No. 1645: A bill for an act relating to public safety; establishing a demonstration project for crime prevention.

Referred to the Committee on Crime Prevention.

Mr. Finn introduced--

S.F. No. 1646: A bill for an act relating to public safety; regulating the safe filling of propane gas containers; providing direct safe handling requirements; repealing the owner-only restrictions on filling or refilling propane gas containers; providing penalties; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 299F; repealing Minnesota Statutes 1994, section 299F.40.

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

Mr. Solon introduced--

S.F. No. 1647: A bill for an act relating to insurance; long-term care; permitting the sale of policies with longer waiting periods with disclosure to the purchaser; amending Minnesota Statutes 1994, sections 62A.48, subdivision 1; and 62A.50, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1570 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1570: A bill for an act relating to taxes; freezing property tax values, levies, and rates for taxes payable in 1996; limiting increases in property tax values, levies, and rates for taxes payable in 1997; appropriating money; repealing Minnesota Statutes 1994, sections 124.01; 124.05; 124.06; 124.07; 124.76; 124.82; 124.829; 124.83; 124.84; 124.85; 124.86; 124.90; 124.91; 124.912; 124.914; 124.916; 124.918; 124.95; 124.961; 124.962; 124.97; 124A.02, subdivisions 16, 23, and 24; 124A.03, subdivisions 1b, 1c, 1d, 1e, 1f, 1g, 1h, and 1i; 124A.0311; 124A.032; 124A.04; 124A.22, subdivisions 1, 2, 3, 4, 4a, 4b, 6, 6a, 8, and 9; 124A.23; 124A.24; 124A.26,

subdivisions 1, 2, and 3; 124A.27; 124A.28; 124A.29, subdivision 2; 273.13; 273.1398; 473F.001; 473F.01; 473F.02; 473F.03; 473F.05; 473F.06; 473F.07; 473F.08; 473F.09; 473F.10; 473F.11; 473F.13; 477A.011; 477A.012; 477A.0121; 477A.0122; 477A.013; 477A.0132; 477A.014; 477A.015; 477A.016; 477A.017; 477A.03; 477A.11; 477A.12; 477A.13; 477A.14; and 477A.15; Laws 1991, chapter 265, article 7, section 35.

Mr. Johnson, D.J. moved to amend S.F. No. 1570 as follows:

Page 5, line 8, delete "27" and insert "30" and delete "issue" and insert "sell"

Page 13, line 3, before "Notwithstanding" insert "(a) Except as provided in paragraph (b) or (c),"

Page 13, line 5, delete "27" and insert "30"

Page 13, line 6, delete ", unless the" and insert a period

Page 13, line 7, before the first "referendum" insert:

"(b) If a"

Page 13, after line 19, insert:

"(c) If the levy required under the referendum would not result in an increase for taxes payable in 1996 in the total levy for all purposes imposed by the school district over the total levy imposed by the district for taxes payable in 1995."

Page 16, line 25, after "if" insert ":

(1)"

Page 16, line 26, after "purchaser" insert "or underwriter"

Page 16, line 27, after "date" insert ":

(2) the issuing municipality is a party to contract or letter of understanding entered into before March 30, 1995, with the federal government that requires the municipality to pay for a project, and the project will be funded with the proceeds of the bonds; or

(3) the proceeds of the bonds will be used to fund a project or acquisition with respect to which the municipality has entered into a contract with a builder or supplier before March 30"

Page 21, line 30, after "purpose," insert "or exceeds any payable 1997 levy required as a condition for the issuance of general obligations"

Page 25, line 6, delete "273.1398;"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Oliver moved to amend S.F. No. 1570 as follows:

Page 25, line 5, delete the second comma and insert "; 273.135; 273.136; 273.1391;"

Amend the title as follows:

Page 1, line 15, after "273.13;" insert "273.135; 273.136; 273.1391;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend the Johnson, D.J. amendment to S.F. No. 1570, adopted by the Senate April 6, 1995, as follows:

Page 1, delete line 9 and insert:

"(b) A referendum may authorize such a levy if the"

Page 1, line 11, after "(c)" insert "A referendum may authorize such a levy"

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

Mr. Stevens moved to amend S.F. No. 1570 as follows:

Page 24, after line 19, insert:

"Sec. 73. [UNFUNDED MANDATE PROHIBITION.]

Subdivision 1. [DEFINITION.] As used in this section, "state mandates" has the meaning given in Minnesota Statutes, section 3.881.

Subd. 2. [FUNDING OF THE COST OF MANDATES.] If the fiscal note prepared by the commissioner of finance under Minnesota Statutes, section 3.982, indicates that a new or expanded mandate on a political subdivision in a bill introduced in the legislature will impose a statewide cost on counties in excess of \$500,000 or a statewide cost on cities or townships in excess of \$250,000, the political subdivisions are not required to implement the mandate unless the legislature, by appropriation enacted before the mandate is required to be implemented, provides reimbursement to the political subdivisions for the costs incurred."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Marty moved to amend S.F. No. 1570 as follows:

Page 13, delete lines 3 to 19 and insert:

"Notwithstanding any other provision of this act, a levy authorized at a referendum conducted under Minnesota Statutes, section 124A.03, subdivision 2 or 2b, or 124B.03, subdivision 2, that is conducted before July 1, 1995, may be imposed in excess of any limits on levies imposed under this act."

Page 16, line 25, after "if" insert ": (1)"

Page 16, line 27, after "date" insert "; or (2) issuance of the obligations has been approved under a referendum conducted in the municipality before July 1, 1995"

Mr. Neuville moved to amend the Marty amendment to S.F. No. 1570 as follows:

Page 1, lines 6 and 11, delete "July" and insert "October"

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

The question was taken on the adoption of the Marty amendment, as amended. The motion did not prevail. So the amendment was not adopted.

Mr. Sams moved to amend S.F. No. 1570 as follows:

Page 17, after line 17, insert:

"Sec. 65. [LOCAL MATCH REQUIREMENTS.]

If a taxing authority is required to provide a local financial match under an agreement to award a loan or grant from the federal government and the agreement is entered into by October 1, 1995, the commissioner of finance shall advance to the taxing authority the amount necessary to pay the match during calendar year 1996. The amounts advanced shall be repaid to the state by the taxing authority in three equal annual installments beginning in 1997. No interest will be due on those payments if timely paid by June 15 of the year due. The amount necessary to make these payments is appropriated from the general fund to the commissioner of finance."

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

S.F. No. 1570 was read the third time, as amended, and placed on its final passage.

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.

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

The roll was called, and there were yeas 38 and nays 29, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Johnston	Laidig	Neuville	Runbeck
Berg	Kelly	Larson	Oliver	Scheevel
Day	Kiscaden	Lesewski	Olson	Spear
Dille	Kleis	Limmer	Ourada	Stevens
Frederickson	Knutson	Marty	Pariseau	Terwilliger
Johnson, D.E.	Kramer	Merriam	Robertson	

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

REPORTS OF COMMITTEES

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

Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred

H.F. No. 624: A bill for an act relating to public employees; providing a leave of absence for public employees who are candidates for elective office; proposing coding for new law in Minnesota Statutes, chapter 179A.

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

Page 1, line 8, delete "Any" and insert "A"

Page 1, line 9, delete "shall" and insert "must,"

Page 1, lines 11, 14, and 16, delete "any" and insert "an"

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

Mr. Spear from the Committee on Crime Prevention, to which was referred

H.F. No. 1399: A bill for an act relating to crime; imposing penalties for assaulting a police horse while it is being used for law enforcement purposes; proposing coding for new law in Minnesota Statutes, chapter 609.

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 609.596, is amended to read:

609.596 [KILLING OR HARMING A POLICE DOG OR POLICE HORSE.]

Subdivision 1. [FELONY.] Whoever intentionally and without justification causes the death of a police dog when the dog is involved in law enforcement investigation or apprehension, or the dog is in the custody of or under the control of a peace officer, as defined in section 626.84, subdivision 1, paragraph (e) or police horse, is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000.

Subd. 2. [GROSS MISDEMEANOR.] Whoever intentionally and without justification causes substantial or great bodily harm to a police dog when the dog is involved in law enforcement investigation or apprehension, or the dog is in the custody of or under the control of a peace officer or police horse, is guilty of a gross misdemeanor.

Subd. 3. [HARM TO OTHERS.] Whoever assaults or intentionally harms a police horse while the horse is being used by a law enforcement agency, and harm results to a peace officer or any other person, is guilty of a crime and may be prosecuted under sections 609.221 to 609.224. The assault of the police horse under this subdivision shall constitute an assault on the injured person.

Subd. 4. [DEFINITION.] As used in this section, "police horse" or "police dog" means a horse or dog that has been trained for crowd control or other law enforcement purposes and is used to assist peace officers in the performance of their duties.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on August 1, 1995, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crime; expanding the crime of killing or harming a police dog to include police horses; providing for situations in which persons are injured; amending Minnesota Statutes 1994, section 609.596."

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

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 949: A bill for an act relating to insurance; private passenger vehicle insurance; providing for a premium reduction for vehicles having antitheft alarms or devices; defining terms; proposing coding for new law in Minnesota Statutes, chapter 65B.

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

Page 1, line 10, delete "DEFINITIONS" and insert "DEFINITION"

Page 1, line 12, after "manufacturer" insert "of a vehicle as original equipment"

Page 1, line 13, after "manufacturer" insert "of the vehicle" and after "dealer" insert "of that manufacturer"

Page 1, line 21, after "on" insert "the comprehensive coverage on"

Page 2, after line 2, insert:

"Sec. 2. [EFFECTIVE DATE; APPLICABILITY.]

Section 1 is effective January 1, 1996, and applies to policies issued, delivered, or renewed on or after that date."

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

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 68: A bill for an act relating to insurance; requiring insurers to offer alternative methods for the payment of group life policy proceeds; amending Minnesota Statutes 1994, section 61A.09, subdivision 1.

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

Page 2, line 6, delete "of the" and insert "that"

Page 2, line 7, after "of" insert "group life" and delete "that will" and insert "must"

Page 2, line 8, after "distribution" insert ", at their request" and after "methods" insert "which must be offered at the request of the beneficiaries"

Page 3, line 8, delete "August 1, 1995" and insert "January 1, 1996"

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

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 1390: A bill for an act relating to commerce; specifying kinds of wood for certain exterior construction applications; amending Minnesota Statutes 1994, section 16B.61, subdivision 3.

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 16B.61, subdivision 3, is amended to read:

Subd. 3. [SPECIAL REQUIREMENTS.] (a) [SPACE FOR COMMUTER VANS.] The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a

capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) [SMOKE DETECTION DEVICES.] The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) [DOORS IN NURSING HOMES AND HOSPITALS.] The state building code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) [CHILD CARE FACILITIES IN CHURCHES; GROUND LEVEL EXIT.] A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) [CHILD CARE FACILITIES IN CHURCHES; VERTICAL ACCESS.] Until August 1, 1996, an organization providing child care in an existing church building which is exempt from taxation under section 272.02, subdivision 1, clause (5), shall have five years from the date of initial licensure under chapter 245A to provide interior vertical access, such as an elevator, to persons with disabilities as required by the state building code. To obtain the extension, the organization providing child care must secure a \$2,500 performance bond with the commissioner of human services to ensure that interior vertical access is achieved by the agreed upon date.

(f) [FAMILY AND GROUP FAMILY DAY CARE.] Until the legislature enacts legislation specifying appropriate standards, the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the department of human services under Minnesota Rules, chapter 9502.

(g) [MINED UNDERGROUND SPACE.] Nothing in the state building codes shall prevent cities from adopting rules governing the excavation, construction, reconstruction, alteration, and repair of mined underground space pursuant to sections 469.135 to 469.141, or of associated facilities in the space once the space has been created, provided the intent of the building code to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained.

(h) [ENCLOSED STAIRWAYS.] No provision of the code or any appendix chapter of the code may require stairways of existing multiple dwelling buildings of two stories or less to be enclosed.

(i) [DOUBLE CYLINDER DEAD BOLT LOCKS.] No provision of the code or appendix chapter of the code may prohibit double cylinder dead bolt locks in existing single-family homes, townhouses, and first floor duplexes used exclusively as a residential dwelling. Any recommendation or promotion of double cylinder dead bolt locks must include a warning about their potential fire danger and procedures to minimize the danger.

(j) [RELOCATED RESIDENTIAL BUILDINGS.] A residential building relocated within or into a political subdivision of the state need not comply with the state energy code or section 326.371 provided that, where available, an energy audit is conducted on the relocated building.

(k) [AUTOMATIC GARAGE DOOR OPENING SYSTEMS.] The code must require all residential buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82 and 325F.83.

(l) [EXIT SIGN ILLUMINATION.] For a new building on which construction is begun on or after October 1, 1993, or an existing building on which remodeling affecting 50 percent or more of the enclosed space is begun on or after October 1, 1993, the code must prohibit the use of internally illuminated exit signs whose electrical consumption during nonemergency operation exceeds 20 watts of resistive power. All other requirements in the code for exit signs must be complied with.

(m) [RESIDENTIAL WORK.] By January 1, 1996, the commissioner of administration shall

develop building code provisions in accordance with the directives and provisions developed under section 144.874, subdivision 11a.

(n) [EXTERIOR DECKS, PATIOS, AND BALCONIES.] The code must permit the decking surface and upper portions of exterior decks, patios, and balconies to be constructed of (1) heartwood from species of wood having natural resistance to decay or termites, including redwood and cedars, (2) grades of lumber which contain sapwood from species of wood having natural resistance to decay or termites, including redwood and cedars, or (3) treated wood. The species and grades of wood products used to construct the decking surface and upper portions of exterior decks, patios, and balconies must be made available to the building official on request before final construction approval.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective March 20, 1995."

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

Ms. Berglin from the Committee on Health Care, to which was referred

H.F. No. 778: A bill for an act relating to human services; modifying certain asset and income requirements for medical assistance; modifying the verification requirements for Minnesota supplemental aid; amending Minnesota Statutes 1994, sections 256B.056, by adding subdivisions; and 256D.405, by adding a subdivision; repealing Minnesota Statutes 1994, section 256D.425, subdivision 3.

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

Page 2, after line 16, insert:

"Sec. 6. [WAIVER REQUEST.]

The commissioner of human services shall seek federal approval for the implementation of section 3."

Page 2, line 17, delete "6" and insert "7"

Page 2, line 20, delete "7" and insert "8"

Page 2, delete line 21 and insert:

"Section 3 is effective upon receipt of federal approval pursuant to section 6."

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

Mr. Vickerman from the Committee on Metropolitan and Local Government, to which was referred

H.F. No. 1065: A bill for an act relating to St. Louis county; modifying certain accounting and expenditure requirements for road and bridge fund tax money derived from unorganized townships; proposing coding for new law in Minnesota Statutes, chapter 383C.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred

S.F. No. 1246: A bill for an act relating to state government; abolishing periodic reports.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1
REPORTS ABOLISHED

Section 1. [REPORTS ABOLISHED; EXCEPTIONS.]

Each requirement in law for a periodic report from a state agency to the legislature listed in "Required Periodic Reports to the Legislature" compiled pursuant to Laws 1994, chapter 559, section 4, is abolished, except for the reports required by Minnesota Statutes, sections 1.31, section 5, subdivision 2; 2.91, subdivisions 2 and 4; 3.17; 3.30, subdivision 2; 3.3005, subdivisions 2 and 5; 3.754; 3.85, subdivision 11; 3.855, subdivision 2; 3.873, subdivision 6; 3.885, subdivisions 6 and 7; 3.9227, subdivisions 2 and 3; 3.97, subdivision 12; 3.971, subdivisions 1 and 3; 3.972, subdivision 3; 3.973; 3.974; 3.975; 3C.03, subdivision 4; 3C.12, subdivision 2; 4.071, subdivision 2; 4.47; 4A.06; 5.08, subdivisions 1 and 2; 6.72, subdivision 1; 6.74; 6.75; 8.15, subdivisions 3 and 4; 10.47; 10.48; 10A.02, subdivisions 1, 2, and 8; 10A.07, subdivisions 1 and 2; 11A.04; 11A.041; 11A.07, subdivision 4; 12.221, subdivision 1; 13.32, subdivision 6; 14.18, subdivision 2; 14.46, subdivision 4; 15.0597, subdivision 7; 15.065; 15.50, subdivision 2, paragraph (k); 15.91, subdivision 2; 15A.081, subdivisions 1, 7, and 7b; 15A.082, subdivision 3; 16A.06, subdivision 2; 16A.095, subdivision 2; 16A.10, subdivisions 1 and 2; 16A.102, subdivisions 1 and 3; 16A.103, subdivisions 1, 2, and 3; 16A.105; 16A.11, subdivision 1; 16A.122, subdivision 4; 16A.124, subdivision 7; 16A.127, subdivision 2; 16A.1285, subdivisions 3 and 4; 16A.285; 16A.50; 16A.501; 16A.641, subdivision 2; 16A.671, subdivision 2; 16A.69, subdivision 2; 16B.103, subdivision 2; 16B.17, subdivisions 4 and 5; 16B.24, subdivision 3; 16B.335, subdivisions 1 and 5; 16B.36, subdivision 2; 16D.03, subdivision 3; 17.10; 18.62, article IX; 18B.045, subdivision 1; 32.73, subdivision 7; 37.07; 41.53, subdivision 3; 41B.18, subdivision 6; 41C.08, subdivision 5; 42.04, subdivision 2; 43A.04, subdivision 7; 43A.05, subdivision 3; 43A.18, subdivision 6; 43A.31, subdivision 2; 43A.39, subdivision 2; 60B.09, subdivisions 1 and 2; 62J.04, subdivisions 1a, 4, and 9; 62J.05, subdivision 1; 62J.07, subdivision 3; 62Q.41; 79.251, subdivision 1; 84.026; 84.03; 84.95, subdivision 3; 84.968, subdivision 2; 85.019, subdivision 2; 85A.02, subdivisions 5a and 5c; 86.72, subdivision 3; 88.81; 89.013; 92.27; 94.165; 94.349, subdivision 5; 97A.055, subdivisions 3 and 4; 97A.065, subdivision 3; 97A.345; 103B.255, subdivision 9; 103F.161, subdivision 2; 103F.751; 103G.2373; 103G.511, subdivision 9; 103I.331, subdivision 5; 115.42; 115A.07, subdivisions 2 and 3; 115A.14, subdivision 4; 115A.15, subdivision 5; 115A.165; 115A.29, subdivision 3; 115A.551, subdivisions 4 and 5; 115A.557, subdivision 4; 115A.965, subdivision 7; 115A.981, subdivision 3; 115B.20, subdivisions 5 and 6; 115B.412, subdivision 10; 115D.10; 115E.08; 116.10; 116.62, subdivision 7; 116.98, subdivision 3; 116C.04, subdivision 2; 116C.06, subdivision 3; 116C.712, subdivisions 1 and 5; 116C.731, subdivision 4; 116F.06, subdivision 4; 116J.555, subdivision 2; 116J.58, subdivision 1, clauses (15) and (19); 116J.693, subdivision 8; 116J.986, subdivision 2; 116J.990, subdivision 6; 116M.17, subdivision 4; 116N.04, subdivision 5; 116O.071, subdivision 1; 116O.122, subdivision 2; 116O.15; 116P.05, subdivision 2; 116P.07; 116P.08, subdivisions 3, 4, and 6; 116P.09, subdivision 7; 116R.02, subdivision 3; 121.11, subdivision 7c; 121.14; 121.207, subdivision 3; 124.2131, subdivision 1; 124.431, subdivision 7; 124A.30; 124C.03, subdivision 6; 125.05, subdivision 7; 126B.02, subdivision 2; 128C.02, subdivision 6; 128C.12, subdivision 3; 129D.02, subdivision 5; 135A.06, subdivision 1; 135A.09; 135A.20, article IV, paragraph (A); 136.142, subdivision 1; 136.41, subdivision 8; 136A.07; 136A.1702; 136E.04, subdivision 3; 137.02, subdivision 3a; 137.0245, subdivision 4; 144.07; 144.392; 144.701, subdivision 4; 144.874, subdivision 12; 144.878, subdivision 5; 144A.071, subdivisions 4 and 5; 144A.073, subdivision 3; 144A.31, subdivision 5; 145A.15, subdivision 4; 152.151; 169.435, subdivision 2; 169.685, subdivision 7; 174.02, subdivision 6; 175.171; 176.129, subdivision 12; 176.136, subdivision 3; 192.52; 209.10, subdivision 3; 214.10, subdivision 8; 216C.02, subdivision 1; 236A.01, article III, paragraph (a)(10); 240.18, subdivision 2; 240A.03, subdivision 15; 241.01, subdivision 5; 241.67, subdivision 8; 244.09, subdivisions 6, 11, and 14; 245.494, subdivision 1; 245.98, subdivision 3; 246.12; 252.46, subdivision 3; 256.014, subdivision 3; 256B.0625, subdivision 19b; 256B.0913, subdivision 14; 256B.0915, subdivision 3; 256B.49, subdivision 4; 256B.501, subdivision 3c; 256F.13, subdivision 3; 256I.05, subdivision 7b; 257.0725; 268.36; 268.367; 268.37, subdivision 5; 268.38, subdivision 11; 268.65, subdivision 1; 268.916; 270.06, paragraphs (10) and (12); 270.063; 270.067, subdivisions 2 and 4; 270.0682, subdivision 1; 290.171, article VI, paragraph 4. (a); 290.431; 298.22, subdivision 2; 299A.32, subdivision 3; 299A.35, subdivision 3; 299C.18; 300.63; 352.91, subdivision 4; 353A.05, subdivision 1; 353B.14; 356.20, subdivision 3; 356.215, subdivisions 3 and 6; 356.218, subdivision 1; 356.219, subdivision 4; 356.23, subdivision 2;

356.24, subdivision 2; 356.88; 401.065, subdivision 4; 402.04, subdivision 3; 422A.06, subdivision 8; 423B.15, subdivision 5; 446A.04, subdivision 5; 446A.09; 462A.22, subdivision 9; 465.796, subdivision 2; 473.155, subdivision 4; 473.616, subdivision 4; 473.621, subdivision 1a; 473.661, subdivision 4; 473.846; 473.848, subdivision 4; 490.124, subdivision 11; 609.5315, subdivision 6; 611.215, subdivision 2; 611.216, subdivision 1; 626.553, subdivision 2; 626.5531, subdivision 2; 626.843, subdivision 4; 626A.17, subdivision 3; and 638.075. During the 1995 interim, the revisor of statutes shall prepare a bill to remove from Minnesota Statutes any language that creates a requirement for a report that is abolished by this act. As part of the preparation of the bill, the revisor shall request from the chair of each committee of the house of representatives and senate any changes that the chair recommends regarding the proper recipients of reports, the possibility of combining reports, and the frequency of reports.

ARTICLE 2

REPEALED RULES

Section 1. [REPEALER; DEPARTMENT OF AGRICULTURE.]

Minnesota Rules, parts 1540.0010, subparts 12, 18, 21, 22, and 24; 1540.0060; 1540.0070; 1540.0080; 1540.0100; 1540.0110; 1540.0120; 1540.0130; 1540.0140; 1540.0150; 1540.0160; 1540.0170; 1540.0180; 1540.0190; 1540.0200; 1540.0210; 1540.0220; 1540.0230; 1540.0240; 1540.0260; 1540.0320; 1540.0330; 1540.0340; 1540.0350; 1540.0370; 1540.0380; 1540.0390; 1540.0400; 1540.0410; 1540.0420; 1540.0440; 1540.0450; 1540.0460; 1540.0490; 1540.0500; 1540.0510; 1540.0520; 1540.0770; 1540.0780; 1540.0800; 1540.0810; 1540.0830; 1540.0880; 1540.0890; 1540.0900; 1540.0910; 1540.0920; 1540.0930; 1540.0940; 1540.0950; 1540.0960; 1540.0970; 1540.0980; 1540.0990; 1540.1000; 1540.1005; 1540.1010; 1540.1020; 1540.1030; 1540.1040; 1540.1050; 1540.1060; 1540.1070; 1540.1080; 1540.1090; 1540.1100; 1540.1110; 1540.1120; 1540.1130; 1540.1140; 1540.1150; 1540.1160; 1540.1170; 1540.1180; 1540.1190; 1540.1200; 1540.1210; 1540.1220; 1540.1230; 1540.1240; 1540.1250; 1540.1255; 1540.1260; 1540.1280; 1540.1290; 1540.1300; 1540.1310; 1540.1320; 1540.1330; 1540.1340; 1540.1350; 1540.1360; 1540.1380; 1540.1400; 1540.1410; 1540.1420; 1540.1430; 1540.1440; 1540.1450; 1540.1460; 1540.1470; 1540.1490; 1540.1500; 1540.1510; 1540.1520; 1540.1530; 1540.1540; 1540.1550; 1540.1560; 1540.1570; 1540.1580; 1540.1590; 1540.1600; 1540.1610; 1540.1620; 1540.1630; 1540.1640; 1540.1650; 1540.1660; 1540.1670; 1540.1680; 1540.1690; 1540.1700; 1540.1710; 1540.1720; 1540.1730; 1540.1740; 1540.1750; 1540.1760; 1540.1770; 1540.1780; 1540.1790; 1540.1800; 1540.1810; 1540.1820; 1540.1830; 1540.1840; 1540.1850; 1540.1860; 1540.1870; 1540.1880; 1540.1890; 1540.1900; 1540.1905; 1540.1910; 1540.1920; 1540.1930; 1540.1940; 1540.1950; 1540.1960; 1540.1970; 1540.1980; 1540.1990; 1540.2000; 1540.2010; 1540.2015; 1540.2020; 1540.2090; 1540.2100; 1540.2110; 1540.2120; 1540.2180; 1540.2190; 1540.2200; 1540.2210; 1540.2220; 1540.2230; 1540.2240; 1540.2250; 1540.2260; 1540.2270; 1540.2280; 1540.2290; 1540.2300; 1540.2310; 1540.2320; 1540.2325; 1540.2330; 1540.2340; 1540.2350; 1540.2360; 1540.2370; 1540.2380; 1540.2390; 1540.2400; 1540.2410; 1540.2420; 1540.2430; 1540.2440; 1540.2450; 1540.2490; 1540.2500; 1540.2510; 1540.2530; 1540.2540; 1540.2550; 1540.2560; 1540.2570; 1540.2580; 1540.2590; 1540.2610; 1540.2630; 1540.2640; 1540.2650; 1540.2660; 1540.2720; 1540.2730; 1540.2740; 1540.2760; 1540.2770; 1540.2780; 1540.2790; 1540.2800; 1540.2810; 1540.2820; 1540.2830; 1540.2840; 1540.3420; 1540.3430; 1540.3440; 1540.3450; 1540.3460; 1540.3470; 1540.3560; 1540.3600; 1540.3610; 1540.3620; 1540.3630; 1540.3700; 1540.3780; 1540.3960; 1540.3970; 1540.3980; 1540.3990; 1540.4000; 1540.4010; 1540.4020; 1540.4030; 1540.4040; 1540.4080; 1540.4190; 1540.4200; 1540.4210; 1540.4220; 1540.4320; 1540.4330; and 1540.4340, are repealed.

Sec. 2. [REPEALER; DEPARTMENT OF COMMERCE.]

Minnesota Rules, parts 2642.0120, subpart 1; 2650.0100; 2650.0200; 2650.0300; 2650.0400; 2650.0500; 2650.0600; 2650.1100; 2650.1200; 2650.1300; 2650.1400; 2650.1500; 2650.1600; 2650.1700; 2650.1800; 2650.1900; 2650.2000; 2650.2100; 2650.3100; 2650.3200; 2650.3300; 2650.3400; 2650.3500; 2650.3600; 2650.3700; 2650.3800; 2650.3900; 2650.4000; 2650.4100; 2655.1000; 2660.0070; and 2770.7400, are repealed.

Sec. 3. [REPEALER; DEPARTMENT OF HEALTH.]

Minnesota Rules, part 4610.2210, is repealed.

Sec. 4. [REPEALER; DEPARTMENT OF HUMAN SERVICES.]

Minnesota Rules, parts 9540.0100; 9540.0200; 9540.0300; 9540.0400; 9540.0500; 9540.1000; 9540.1100; 9540.1200; 9540.1300; 9540.1400; 9540.1500; 9540.2000; 9540.2100; 9540.2200; 9540.2300; 9540.2400; 9540.2500; 9540.2600; and 9540.2700, are repealed.

Sec. 5. [REPEALER; POLLUTION CONTROL AGENCY.]

Minnesota Rules, parts 7002.0410; 7002.0420; 7002.0430; 7002.0440; 7002.0450; 7002.0460; 7002.0470; 7002.0480; 7002.0490; 7047.0010; 7047.0020; 7047.0030; 7047.0040; 7047.0050; 7047.0060; 7047.0070; 7100.0300; 7100.0310; 7100.0320; 7100.0330; 7100.0335; 7100.0340; and 7100.0350, are repealed.

Sec. 6. [REPEALER; DEPARTMENT OF PUBLIC SAFETY.]

Minnesota Rules, parts 7510.6100; 7510.6200; 7510.6300; 7510.6350; 7510.6400; 7510.6500; 7510.6600; 7510.6700; 7510.6800; 7510.6900; and 7510.6910, are repealed.

Sec. 7. [REPEALER; DEPARTMENT OF PUBLIC SERVICE.]

Minnesota Rules, parts 7600.0100; 7600.0200; 7600.0300; 7600.0400; 7600.0500; 7600.0600; 7600.0700; 7600.0800; 7600.0900; 7600.1000; 7600.1100; 7600.1200; 7600.1300; 7600.1400; 7600.1500; 7600.1600; 7600.1700; 7600.1800; 7600.1900; 7600.2000; 7600.2100; 7600.2200; 7600.2300; 7600.2400; 7600.2500; 7600.2600; 7600.2700; 7600.2800; 7600.2900; 7600.3000; 7600.3100; 7600.3200; 7600.3300; 7600.3400; 7600.3500; 7600.3600; 7600.3700; 7600.3800; 7600.3900; 7600.4000; 7600.4100; 7600.4200; 7600.4300; 7600.4400; 7600.4500; 7600.4600; 7600.4700; 7600.4800; 7600.4900; 7600.5000; 7600.5100; 7600.5200; 7600.5300; 7600.5400; 7600.5500; 7600.5600; 7600.5700; 7600.5800; 7600.5900; 7600.6000; 7600.6100; 7600.6200; 7600.6300; 7600.6400; 7600.6500; 7600.6600; 7600.6700; 7600.6800; 7600.6900; 7600.7000; 7600.7100; 7600.7200; 7600.7210; 7600.7300; 7600.7400; 7600.7500; 7600.7600; 7600.7700; 7600.7750; 7600.7800; 7600.7900; 7600.8100; 7600.8200; 7600.8300; 7600.8400; 7600.8500; 7600.8600; 7600.8700; 7600.8800; 7600.8900; 7600.9000; 7600.9100; 7600.9200; 7600.9300; 7600.9400; 7600.9500; 7600.9600; 7600.9700; 7600.9800; 7600.9900; 7625.0100; 7625.0110; 7625.0120; 7625.0200; 7625.0210; 7625.0220; and 7625.0230, are repealed.

Sec. 8. [REPEALER; DEPARTMENT OF REVENUE.]

Minnesota Rules, parts 8120.1100, subpart 3; 8121.0500, subpart 2; 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980; and 8130.9992, are repealed.

ARTICLE 3

CONFORMING AMENDMENTS

Section 1. Minnesota Rules, part 1540.2140, is amended to read:

1540.2140 DISPOSITION OF CONDEMNED MEAT OR PRODUCT AT OFFICIAL ESTABLISHMENTS HAVING NO TANKING FACILITIES.

Any carcass or product condemned at an official establishment which has no facilities for tanking shall be denatured with crude carbolic acid, cresylic disinfectant, or other prescribed agent, or be destroyed by incineration under the supervision of a department employee. When such carcass or product is not incinerated it shall be slashed freely with a knife, before the denaturing agent is applied.

Carcasses and products condemned on account of anthrax, ~~and the materials identified in parts 1540.1300 to 1540.1360,~~ which are derived therefrom at establishments which are not equipped with tanking facilities shall be disposed of by complete incineration, or by thorough denaturing with a prescribed denaturant, and then disposed of in accordance with the requirements of the Board of Animal Health, who shall be notified immediately by the inspector in charge.

Sec. 2. Minnesota Rules, part 7001.0140, subpart 2, is amended to read:

Subp. 2. Agency findings. The following findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:

A. that with respect to the facility or activity to be permitted, the proposed permittee or permittees will not comply with all applicable state and federal pollution control statutes and rules administered by the agency, or conditions of the permit;

B. that there exists at the facility to be permitted unresolved noncompliance with applicable state and federal pollution control statutes and rules administered by the agency, or conditions of the permit and that the permittee will not undertake a schedule of compliance to resolve the noncompliance;

C. that the permittee has failed to disclose fully all facts relevant to the facility or activity to be permitted, or that the permittee has submitted false or misleading information to the agency or to the commissioner;

D. that the permitted facility or activity endangers human health or the environment and that the danger cannot be removed by a modification of the conditions of the permit;

E. that all applicable requirements of Minnesota Statutes, chapter 116D and the rules adopted under Minnesota Statutes, chapter 116D have not been fulfilled;

F. that with respect to the facility or activity to be permitted, the proposed permittee has not complied with any requirement under parts 7002.0210 to 7002.0310, ~~7002.0410 to 7002.0490~~, or chapter 7046 to pay fees; or

G. that with respect to the facility or activity to be permitted, the proposed permittee has failed to pay a penalty owed under Minnesota Statutes, section 116.072.

Sec. 3. Minnesota Rules, part 7001.0180, is amended to read:

7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT REISSUANCE OF PERMIT.

The following constitute justification for the commissioner to commence proceedings to revoke a permit without reissuance:

A. existence at the permitted facility of unresolved noncompliance with applicable state and federal pollution statutes and rules or a condition of the permit, and refusal of the permittee to undertake a schedule of compliance to resolve the noncompliance;

B. the permittee fails to disclose fully the facts relevant to issuance of the permit or submits false or misleading information to the agency or to the commissioner;

C. the commissioner finds that the permitted facility or activity endangers human health or the environment and that the danger cannot be removed by a modification of the conditions of the permit;

D. the permittee has failed to comply with any requirement under parts 7002.0210 to 7002.0310, ~~7002.0410 to 7002.0490~~, or chapter 7046 to pay fees; or

E. the permittee has failed to pay a penalty owed under Minnesota Statutes, section 116.072.

Sec. 4. Minnesota Rules, part 8130.3500, subpart 3, is amended to read:

Subp. 3. Motor carrier direct pay certificate. A motor carrier direct pay certificate will be issued to qualified electing carriers by the commissioner of revenue and will be effective as of the date shown on the certificate. ~~A facsimile of the authorized motor carrier direct pay certificate is reproduced at part 8130.9958.~~

Sec. 5. Minnesota Rules, part 8130.6500, subpart 5, is amended to read:

Subp. 5. Sale of aircraft. When the dealer sells the aircraft, the selling price must be included

in gross sales. The fact that the aircraft commercial use permit has not expired or that the dealer has reported and paid use tax on the aircraft has no effect on the taxability of the sale. The dealer must return the aircraft commercial use permit (unless previously returned) when the dealer files the sales and use tax return for the month in which the sale was made. No credit or refund is given for the \$20 fee originally paid.

~~A facsimile of the authorized aircraft commercial use permit is reproduced at part 8130.9992.~~

ARTICLE 4

DEADLINE FOR AGENCY ACTION

Section 1. [15.99] [TIME DEADLINE FOR AGENCY ACTION.]

Subdivision 1. [DEFINITION.] For purposes of this section, "agency" means a department, agency, board, commission, or other group in the executive branch of state government; a statutory or home rule charter city, county, town, or school district; any metropolitan agency or regional entity; and any other political subdivision of the state.

Subd. 2. [DEADLINE FOR RESPONSE.] Except as otherwise provided in this section and notwithstanding any other law to the contrary, an agency must approve or deny within 60 days a written request relating to zoning, septic systems, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request.

Subd. 3. [APPLICATION; EXTENSIONS.] (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends notice within five business days of receipt of the request telling the requester what information is missing.

(b) If an action relating to land use requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

(f) An agency seeking an extension under this subdivision shall, before the end of the initial 60-day period, provide written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1995, and applies to any written request submitted after that date.

ARTICLE 5

CIVIL SERVICE PILOT PROJECT

Section 1. [HOUSING FINANCE AGENCY PILOT PROJECT.]

Subdivision 1. [WAIVER.] In addition to the waiver provisions in Laws 1993, chapter 301, Minnesota Statutes, sections 43A.07, 43A.10, 43A.12 to 43A.15, 43A.17, 43A.18, and 43A.20, are waived to the extent necessary to implement the civil service pilot project in the housing finance agency as authorized by Laws 1993, chapter 301. If a proposed waiver of any section of Minnesota Statutes, chapter 43A, would violate the terms of a collective bargaining agreement reached under Minnesota Statutes, chapter 179A, the waiver may not be granted without the consent of the exclusive representative that is a party to the agreement.

Subd. 2. [UNREPRESENTED EMPLOYEES.] The salaries of unrepresented employees of the housing finance agency must be administered according to the provisions of a salary plan developed by the commissioner of the housing finance agency and approved by the commissioner of employee relations. The salary plan must be approved under Minnesota Statutes, section 3.855, subdivision 3, before being implemented.

Sec. 2. [TERMINATION.]

The civil service pilot project in the housing finance agency as authorized by Laws 1993, chapter 301, terminates June 30, 1997, or at any earlier time by a method agreed upon by the commissioners of employee relations and housing finance and the affected exclusive bargaining representative of state employees.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 1995.

ARTICLE 6

LEGISLATIVE OVERSIGHT

Section 1. [ECONOMIC-ASSISTANCE AGENCY REVIEW.]

(a) The legislative commission on planning and fiscal policy shall study the desirability and feasibility of merging or otherwise reorganizing the department of trade and economic development, the department of economic security, and other agencies that provide assistance to businesses and promote the economic development of the state. The commission shall report its findings and recommendations to the committee on governmental operations of the house of representatives and the committee on governmental operations and veterans of the senate by February 1, 1996. The commission is responsible for the planning, coordination, and oversight of any subsequent reorganization of agencies covered by its study and recommendations.

(b) The legislative audit commission is asked to consider directing the legislative auditor to:

(1) undertake a program evaluation of the economic recovery grant program and other programs that provide state financial assistance to businesses; and

(2) recommend criteria for grant eligibility and performance measures for evaluating grant and loan programs.

(c) Notwithstanding Minnesota Statutes, sections 4.035 and 16B.37, no reorganization affecting the department of trade and economic development, the department of economic security, or other agencies that provide assistance to businesses or promote the economic development of the state may be implemented until the legislature has received and considered the report required by paragraph (a) and any report issued in accordance with paragraph (b).

Sec. 2. [ADMINISTRATIVE AGENCIES.]

The legislative commission on planning and fiscal policy shall study the desirability and feasibility of reorganizing the executive agencies providing administrative services to state government. The study must consider whether the departments of finance, administration, and employee relations and the office of strategic and long-range planning should be combined into a

department of management and budget. In its study, the commission shall give special attention to personnel, procurement, contracting, and decentralization. The commission shall report its findings and recommendations to the committee on governmental operations of the house of representatives and the committee on governmental operations and veterans of the senate by February 1, 1996.

Sec. 3. [TASK FORCE.]

The government efficiency and oversight division of the committee on ways and means of the house of representatives and the committee on governmental operations and veterans of the senate shall act as a task force of the legislative commission on planning and fiscal policy for the purpose of implementing sections 1 and 2.

ARTICLE 7 CITIZEN ADVOCATE

Section 1. [16B.365] [CITIZEN ADVOCATE.]

Subdivision 1. [OFFICE OF CITIZEN ADVOCATE.] The office of citizen advocate is an office within the department of administration headed by a citizen advocate appointed by the commissioner to serve in the unclassified service. The citizen advocate must have knowledge of and experience in state government, laws, and rules, and the operations of state agencies. The citizen advocate shall represent the interests of persons with unresolved differences with executive branch agencies resulting from agency error or failure to respond adequately to the persons' questions, concerns, or complaints. When there is an appropriate ombudsperson with jurisdiction over a complaint, the citizen advocate shall refer the complaint to the ombudsperson. When there is no ombudsperson with jurisdiction over a complaint, the citizen advocate shall refer the complaint directly to the agency that is the subject of the complaint. The citizen advocate shall monitor the activities of an agency or an ombudsperson with respect to the complaint.

Subd. 2. [DUTIES.] The citizen advocate shall establish, maintain, and publicize a program to enable persons to seek assistance in resolving differences with agencies. The program must publicize the existence and jurisdictions of existing ombudspersons. An agency that does not have an ombudsperson shall notify the citizen advocate of the person within the agency who is designated to receive complaints from and be a liaison with the citizen advocate. The citizen advocate shall maintain a toll-free telephone number and may utilize other means, including electronic means, by which persons can seek assistance, free of charge to the person, from all parts of the state.

Subd. 3. [PROCEDURE.] After determining that a complaint against an agency has a reasonable, good faith basis, the citizen advocate shall notify the appropriate ombudsperson or, if none, the agency of the complaint and allow the ombudsperson or agency a reasonable time, as determined by the citizen advocate, to resolve the difference. The citizen advocate may not duplicate the work of an ombudsperson. If a complaint is about the actions of an ombudsperson, however, the citizen advocate shall report the complaint to the appointing authority for the ombudsperson. If an agency fails to resolve the difference, to the satisfaction of the aggrieved person and the citizen advocate, within a reasonable time, the citizen advocate may direct the agency to take whatever action the citizen advocate deems appropriate. Agencies shall cooperate with the citizen advocate or an ombudsperson in resolving differences in accordance with this section.

Subd. 4. [RECOVERY OF COSTS.] The citizen advocate shall assess an agency the cost of resolving a difference with the agency at a rate no lower than the fee schedule set by the attorney general under section 8.15, subdivision 1, for the provision of legal services to agencies.

Sec. 2. [COMPLEMENT.]

No additional complement may be required to meet the objectives of section 1.

Sec. 3. [APPROPRIATION.]

\$..... is appropriated to the commissioner of administration, to be available in the fiscal year beginning July 1, 1995, to cover the cost of initiating the program required by section 1.

ARTICLE 8
DEPARTMENT OF EMPLOYEE RELATIONS

Section 1. Minnesota Statutes 1994, section 13.67, is amended to read:

13.67 [EMPLOYEE RELATIONS DATA.]

The following data collected, created, or maintained by the department of employee relations are classified as nonpublic data pursuant to section 13.02, subdivision 9:

(a) The commissioner's plan prepared by the department, pursuant to section 3.855, which governs the compensation and terms and conditions of employment for employees not covered by collective bargaining agreements until the plan is submitted to the legislative commission on employee relations;

(b) Data pertaining to grievance or interest arbitration that has not been presented to the arbitrator or other party during the arbitration process;

(c) Notes and preliminary drafts of reports prepared during personnel investigations and personnel management reviews of state departments and agencies;

(d) The managerial plan prepared by the department pursuant to section 43A.18 that governs the compensation and terms and conditions of employment for employees in managerial positions, as specified in section 43A.18, subdivision 3, until the plan is submitted to the legislative commission on employee relations; and

(e) Claims experience and all related information received from carriers and claims administrators participating in either the state group insurance plan or the public employees insurance plan program as defined in chapter 43A, and survey information collected from employees and employers participating in these plans and programs, except when the department determines that release of the data will not be detrimental to the plan or program.

Sec. 2. Minnesota Statutes 1994, section 43A.04, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE LEADERSHIP.] (a) The commissioner is the chief personnel and labor relations manager of the civil service in the executive branch.

Whenever any power or responsibility is given to the commissioner by any provision of Laws 1981, chapter 210, unless otherwise expressly provided, the power or authority applies to all employees of agencies in the executive branch and to employees in classified positions in the office of the legislative auditor, the Minnesota state retirement system, the public employees retirement association, and the teacher's retirement association. Unless otherwise provided by law, the power or authority does not apply to unclassified employees in the legislative and judicial branches.

(b) The commissioner shall operate an information system from which personnel data, as defined in section 13.43, concerning employees and applicants for positions in the classified service can be retrieved.

The commissioner has access to all public and private personnel data kept by appointing authorities that will aid in the discharge of the commissioner's duties.

(c) The commissioner may consider and investigate any matters concerned with the administration of provisions of Laws 1981, chapter 210, and may order any remedial actions consistent with law.

(d) The commissioner has sole authority to settle state employee workers' compensation claims.

(e) The commissioner may assess or establish and collect premiums from all state entities for to cover the costs of programs under sections 15.46 and 176.603.

Sec. 3. Minnesota Statutes 1994, section 43A.08, subdivision 1, is amended to read:

Subdivision 1. [UNCLASSIFIED POSITIONS.] Unclassified positions are held by employees who are:

- (1) chosen by election or appointed to fill an elective office;
- (2) heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions, and institutions specifically established by law in the unclassified service;
- (3) deputy and assistant agency heads and one confidential secretary in the agencies listed in subdivision 1a and in the office of strategic and long-range planning;
- (4) the confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;
- (5) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;
- (6) employees in the offices of the governor and of the lieutenant governor and one confidential employee for the governor in the office of the adjutant general;
- (7) employees of the Washington, D.C., office of the state of Minnesota;
- (8) employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;
- (9) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal economic opportunity act work study program in the school and resource center for the arts, state universities and community colleges, and the higher education board, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;
- (10) officers and enlisted persons in the national guard;
- (11) attorneys, legal assistants, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;
- (12) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;
- (13) members of the state patrol; provided that selection and appointment of state patrol troopers must be made in accordance with applicable laws governing the classified service;
- (14) chaplains employed by the state;
- (15) examination monitors and intermittent training instructors employed by the departments of employee relations and commerce and by professional examining boards and intermittent staff employed by the technical colleges for the administration of practical skills tests and for the staging of instructional demonstrations;
- (16) student workers;
- (17) executive directors or executive secretaries appointed by and reporting to any policy-making board or commission established by statute;
- (18) employees unclassified pursuant to other statutory authority;
- (19) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation; and
- (20) the administrators and the deputy administrators at the state academies for the deaf and the blind.

Sec. 4. Minnesota Statutes 1994, section 43A.10, subdivision 8, is amended to read:

Subd. 8. [ELIGIBILITY FOR QUALIFIED DISABLED EXAMINATIONS.] The commissioner shall establish examination procedures for candidates whose disabilities are of such a severe nature that the candidates are unable to demonstrate their abilities in competitive examination processes. The examination procedures must consist of up to 700 hours on the job trial work experience which will be in lieu of a competitive examination and for which the disabled person has the option of being paid or unpaid. Up to three persons with severe disabilities and their job coach may be allowed to demonstrate their job competence as a unit through the on-the-job trial work experience examination procedure. This work experience must be limited to candidates for appointment, promotion, or transfer who have a physical or mental impairment for which there is no reasonable accommodation in the examination process. Implementation of provisions of this subdivision may not be deemed a violation of other provisions of Laws 1981, chapter 210 or 363. The commissioner shall establish alternative examination methods to assess the qualifications of applicants for a competitive open or competitive promotional examination who have a disability that does not prevent performance of the duties of the class but that cannot be accommodated in the regular examination process. Alternative examination methods offered must allow candidates for competitive open and competitive promotional exams to demonstrate possession of the same knowledge, skills, and abilities essential to satisfactory performance in the job class without compromising inferences about other candidates' qualifications.

Sec. 5. Minnesota Statutes 1994, section 43A.13, subdivision 6, is amended to read:

Subd. 6. [QUALIFIED DISABLED.] For a position to be filled by qualified disabled examination; The commissioner shall certify only the one eligible who has successfully completed the examination processes provided in section 43A.10, subdivision 8, for the position refer qualified disabled candidates in alphabetical order, with eligibles from the competitive open or competitive promotional list established from the same examination announcement.

Sec. 6. Minnesota Statutes 1994, section 43A.15, is amended by adding a subdivision to read:

Subd. 14. [ON-THE-JOB DEMONSTRATION EXAMINATION AND APPOINTMENT.] The commissioner shall establish qualifying procedures for candidates whose disabilities are of such a severe nature that the candidates are unable to demonstrate their abilities in competitive and qualified disabled examination processes. The qualifying procedures must consist of up to 700 hours on-the-job trial work experience which will be in lieu of a competitive examination and for which the disabled person has the option of being paid or unpaid. Up to three persons with severe disabilities and their job coach may be allowed to demonstrate their job competence as a unit through the on-the-job trial work experience examination procedure. This work experience must be limited to candidates for appointment, promotion, or transfer for which there is no reasonable accommodation in the examination process.

The commissioner may authorize the probationary appointment of a candidate based on the request of the appointing authority that documents that the candidate has successfully demonstrated qualifications for the position through completion of an on-the-job trial work experience. The implementation of this subdivision may not be deemed a violation of chapter 43A or 363.

Sec. 7. Minnesota Statutes 1994, section 43A.19, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE AFFIRMATIVE ACTION PROGRAM.] (a) To assure that positions in the executive branch of the civil service are equally accessible to all qualified persons, and to eliminate the underutilization of qualified members of protected groups, the commissioner shall adopt and periodically revise, if necessary, a statewide affirmative action program. The statewide affirmative action program must consist of at least the following:

- (1) objectives, goals, and policies;
- (2) procedures, standards, and assumptions to be used by agencies in the preparation of agency affirmative action plans, including methods by which goals and timetables are established; and
- (3) the analysis of separation patterns to determine the impact on protected group members; and

(3) (4) requirements for annual objectives and submission of affirmative action progress reports from heads of agencies.

(b) The commissioner shall base affirmative action goals on at least the following factors:

(1) the percentage of members of each protected class in the recruiting area population who have the necessary skills;

(2) the availability for promotion or transfer of members of protected classes in the recruiting area population;

(3) the extent of unemployment of members of protected classes in the recruiting area population;

(4) the existence of training programs in needed skill areas offered by employing agencies and other institutions; and

(5) the expected number of available positions to be filled.

(c) The commissioner shall designate a state director of diversity and equal employment opportunity who may be delegated the preparation, revision, implementation, and administration of the program. The commissioner of employee relations may place the director's position in the unclassified service if the position meets the criteria established in section 43A.08, subdivision 1a.

Sec. 8. Minnesota Statutes 1994, section 43A.191, subdivision 1, is amended to read:

Subdivision 1. [AFFIRMATIVE ACTION OFFICERS.] (a) Each agency with ~~an approved complement over~~ 1,000 employees or more shall have at least one full-time affirmative action officer, who shall have primary responsibility for developing and maintaining the agency's affirmative action plan. The officer shall devote full time to affirmative action activities. The affirmative action officer shall report administratively and on policy issues directly to the agency head.

(b) ~~The commissioner~~ agency heads shall assign affirmative action officers or designees for agencies with ~~approved complements of less~~ fewer than 1,000 employees. The designees shall report administratively and on policy issues directly to the agency head.

Sec. 9. Minnesota Statutes 1994, section 43A.191, subdivision 2, is amended to read:

Subd. 2. [AGENCY AFFIRMATIVE ACTION PLANS.] (a) The head of each agency in the executive branch shall prepare and implement an agency affirmative action plan consistent with this section and rules issued under section 43A.04, subdivision 3.

(b) The agency plan must include a plan for the provision of reasonable accommodation in the hiring and promotion of qualified disabled persons. The reasonable accommodation plan must consist of at least the following:

(1) procedures for compliance with section 363.03 and, where appropriate, regulations implementing United States Code, title 29, section 794, as amended through December 31, 1984, which is section 504 of the Rehabilitation Act of 1973, as amended and the Americans with Disabilities Act, United States Code, title 42, sections 101 to 108, 201 to 231, 241 to 246, 401, 402, and 501 to 514;

(2) methods and procedures for providing reasonable accommodation for disabled job applicants, current employees, and employees seeking promotion; and

(3) provisions for funding reasonable accommodations.

(c) The agency plan must be prepared by the agency head with the assistance of the agency affirmative action officer and the director of diversity and equal employment opportunity. The council on disability shall provide assistance with the agency reasonable accommodation plan.

(d) The agency plan must identify, ~~annually,~~ any positions in the agency that can be used for supported employment as defined in section 268A.01, subdivision 13, of persons with severe

disabilities. The agency shall report this information to the commissioner. An agency that hires more than one supported worker in the identified positions must receive recognition for each supported worker toward meeting the agency's affirmative action goals and objectives.

(e) An agency affirmative action plan may not be implemented without the commissioner's approval.

Sec. 10. Minnesota Statutes 1994, section 43A.191, subdivision 3, is amended to read:

Subd. 3. [AUDITS; SANCTIONS AND INCENTIVES.] (a) ~~The director of equal employment opportunity shall annually audit the record of each agency to determine the rate of compliance with annual hiring goals of each goal unit and to evaluate the agency's overall progress toward its affirmative action goals and objectives. The commissioner shall annually audit the record of each agency to determine the rate of compliance with affirmative action requirements.~~

(b) By March 1 of each odd-numbered year, the commissioner shall submit a report on affirmative action progress of each agency and the state as a whole to the governor and to the finance committee of the senate, the appropriations committee of the house of representatives, the governmental operations committees of both houses of the legislature, and the legislative commission on employee relations. The report must include noncompetitive appointments made under section 43A.08, subdivision 2a, or 43A.15, subdivisions 3 to 13, and cover each agency's rate of compliance with annual hiring goals affirmative action requirements. ~~In addition, any agency that has not met its affirmative action hiring goals, that fails to make an affirmative action hire, or fails to justify its nonaffirmative action hire in 25 percent or more of the appointments made in the previous calendar year must be designated in the report as an agency not in compliance with affirmative action requirements.~~

~~(c) The commissioner shall study methods to improve the performance of agencies not in compliance with affirmative action requirements.~~

~~(d) The commissioner shall establish a program to recognize agencies that have made significant and measurable progress toward achieving affirmative action objectives.~~

(c) An agency that does not meet its hiring goals must justify its nonaffirmative action hires in competitive and noncompetitive appointments according to criteria issued by the department of employee relations. Failure to justify a nonaffirmative action hire is a "missed opportunity." An agency must have 25 percent or less missed opportunities in competitive appointments and 25 percent or less missed opportunities in appointments made under sections 43A.08, subdivisions 1, clauses (9), (11), and (16); and 2a; and 43A.15, subdivisions 3, 10, and 12. In addition, an agency shall:

(1) demonstrate a good faith effort to recruit protected group members by following an active recruitment plan;

(2) implement a coordinated retention plan; and

(3) have an established complaint resolution procedure.

(d) The commissioner shall develop reporting standards and procedures for measuring compliance.

(e) An agency is encouraged to develop other innovative ways to promote awareness, acceptance, and appreciation for diversity and affirmative action. These innovations will be considered when evaluating an agency's compliance with this section.

(f) An agency not in compliance with affirmative action requirements of this section must identify methods and programs to improve performance, to reallocate resources internally in order to increase support for affirmative action programs, and to submit program and resource reallocation proposals to the commissioner for approval. An agency must submit these proposals within 120 days of being notified by the commissioner that it is out of compliance with affirmative action requirements. The commissioner shall monitor quarterly the affirmative action programs of an agency found to be out of compliance.

(g) The commissioner shall establish a program to recognize an agency that has made significant and measurable progress in implementing an affirmative action plan.

Sec. 11. Minnesota Statutes 1994, section 43A.24, subdivision 2, is amended to read:

Subd. 2. [OTHER ELIGIBLE PERSONS.] The following persons are eligible for state paid life insurance and hospital, medical, and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6, or by the board of regents for employees of the University of Minnesota not covered by collective bargaining agreements. Coverages made available, including optional coverages, are as contained in the plan established pursuant to section 43A.18, subdivision 2:

(a) a member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner. The waiver shall not prohibit the member from enrolling the member or dependents for optional coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical, and dental benefits to which the position is entitled;

(b) a permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session;

(c) a judge of the appellate courts or an officer or employee of these courts; a judge of the district court, a judge of county court, a judge of county municipal court, or a judge of probate court; a district court referee, judicial officer, court reporter, or law clerk; a district administrator; an employee of the office of the district administrator that is not in the second or fourth judicial district; a court administrator or employee of the court administrator in the eighth judicial district, and a guardian ad litem program administrator in the eighth judicial district;

(d) a salaried employee of the public employees retirement association;

(e) a full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;

(f) a salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(g) an employee of the regents of the University of Minnesota;

(h) notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982, who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982, who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982, and is covered by the Minnesota state retirement system correctional employee retirement plan or the state patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of March 23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which the employee was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program;

(i) an employee of an agency of the state of Minnesota identified through the process provided in this paragraph who is eligible to retire prior to age 65. The commissioner and the exclusive representative of state employees shall enter into agreements under section 179A.22 to identify employees whose positions are in programs that are being permanently eliminated or reduced due to federal or state policies or practices. Failure to reach agreement identifying these employees is not subject to impasse procedures provided in chapter 179A. The commissioner must prepare a plan identifying eligible employees not covered by a collective bargaining agreement in accordance with the process outlined in section 43A.18, subdivisions 2 and 3. For purposes of this paragraph, a person retires when the person terminates active employment in state service and applies for a retirement annuity. Eligibility ends as provided in the agreement or plan, but must cease at the end of the month in which the retired employee chooses not to receive an annuity, or the employee is eligible for employer-paid health insurance from a new employer. The retired employees shall be eligible for coverages to which they were entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established under section 43A.18 for employees in positions equivalent to that from which they retired, provided that the retired employees shall not be eligible for state-paid life insurance; and

(j) employees of the state public defender's office, and district public defenders and their employees other than in the second and fourth judicial districts, with eligibility determined by the state board of public defense in consultation with the commissioner of employee relations; and

(k) employees of the data institute under section 62J.45, subdivision 8.

Sec. 12. Minnesota Statutes 1994, section 43A.27, subdivision 3, is amended to read:

Subd. 3. [RETIRED EMPLOYEES.] A retired employee of the state or an organization listed in subdivision 2 or section 43A.24, subdivision 2, who receives, at separation of service:

(1) is immediately eligible to receive an annuity under a state retirement program sponsored by the state or such organization of the state and immediately meets the age and service requirements in section 352.115, subdivision 1; and

(2) has five years of service or meets the service requirement of the collective bargaining agreement or plan, whichever is greater;

may elect to purchase at personal expense individual and dependent hospital, medical, and dental coverages ~~that are~~. The commissioner shall offer at least one plan which is actuarially equivalent to those made available through collective bargaining agreements or plans established pursuant to section 43A.18 to employees in positions equivalent to that from which retired. A spouse of a deceased retired employee who received an annuity under a state retirement program may purchase the coverage listed in this subdivision if the spouse was a dependent under the retired employee's coverage at the time of the employee's death. Coverages must be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program. Until the retired employee reaches age 65, the retired employee and dependents must be pooled in the same group as active employees for purposes of establishing premiums and coverage for hospital, medical, and dental insurance. Coverage for retired employees and their dependents may not discriminate on the basis of evidence of insurability or preexisting conditions unless identical conditions are imposed on active employees in the group that the employee left. Appointing authorities shall provide notice to employees no later than the effective date of their retirement of the right to exercise the option provided in this subdivision. The retired employee must notify the commissioner or designee of the commissioner within 30 days after the effective date of the retirement of intent to exercise this option.

Sec. 13. Minnesota Statutes 1994, section 43A.316, is amended to read:

43A.316 [PUBLIC EMPLOYEES INSURANCE PLAN PROGRAM.]

Subdivision 1. [INTENT.] The legislature finds that the creation of a statewide plan program to provide public employees and other eligible persons with life insurance and hospital, medical, and dental benefit coverage through provider organizations would result in a greater utilization of government resources and would advance the health and welfare of the citizens of the state.

Subd. 2. [DEFINITIONS.] For the purpose of this section, the terms defined in this subdivision have the meaning given them.

(a) [COMMISSIONER.] "Commissioner" means the commissioner of employee relations.

(b) [EMPLOYEE.] "Employee" means:

(1) a person who is a public employee within the definition of section 179A.03, subdivision 14, who is insurance eligible and is employed by an eligible employer;

(2) an elected public official of an eligible employer who is insurance eligible; or

(3) a person employed by a labor organization or employee association certified as an exclusive representative of employees of an eligible employer or by another public employer approved by the commissioner, so long as the plan meets the requirements of a governmental plan under United States Code, title 29, section 1002(32).

(c) [ELIGIBLE EMPLOYER.] "Eligible employer" means:

(1) a public employer within the definition of section 179A.03, subdivision 15, that is a town, county, city, school district as defined in section 120.02, educational cooperative service unit as defined in section 123.58, intermediate district as defined in section 136C.02, subdivision 7, cooperative center for vocational education as defined in section 123.351, regional management information center as defined in section 121.935, or an education unit organized under the joint powers action, section 471.59; or

(2) an exclusive representative of employees, as defined in paragraph (b); or

(3) another public employer approved by the commissioner.

(d) [EXCLUSIVE REPRESENTATIVE.] "Exclusive representative" means an exclusive representative as defined in section 179A.03, subdivision 8.

(e) [LABOR-MANAGEMENT COMMITTEE.] "Labor-management committee" means the committee established by subdivision 4.

(f) [PLAN PROGRAM.] "Plan Program" means the statewide public employees insurance plan program created by subdivision 3.

Subd. 3. [PUBLIC EMPLOYEE INSURANCE ~~PLAN~~ PROGRAM.] The commissioner shall be the administrator of the public employee insurance plan program and may determine its funding arrangements. The commissioner shall model the plan program after the plan established in section 43A.18, subdivision 2, but may modify that plan, in consultation with the labor-management committee.

Subd. 4. [LABOR-MANAGEMENT COMMITTEE.] The labor-management committee consists of ten members appointed by the commissioner. The labor-management committee must comprise five members who represent employees, including at least one retired employee, and five members who represent eligible employers. Committee members are eligible for expense reimbursement in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. The commissioner shall consult with the labor-management committee in major decisions that affect the plan program. The committee shall study issues relating to the insurance plan program including, but not limited to, flexible benefits, utilization review, quality assessment, and cost efficiency.

Subd. 5. [PUBLIC EMPLOYEE PARTICIPATION.] (a) Participation in the plan program is subject to the conditions in this subdivision.

(b) Each exclusive representative for an eligible employer determines whether the employees it represents will participate in the plan program. The exclusive representative shall give the employer notice of intent to participate at least ~~90~~ 30 days before the expiration date of the collective bargaining agreement preceding the collective bargaining agreement that covers the date of entry into the plan program. The exclusive representative and the eligible employer shall give

notice to the commissioner of the determination to participate in the plan program at least 90 30 days before entry into the plan program. Entry into the plan program is governed by a schedule established by the commissioner.

(c) Employees not represented by exclusive representatives may become members of the plan program upon a determination of an eligible employer to include these employees in the plan program. Either all or none of the employer's unrepresented employees must participate. The eligible employer shall give at least 90 30 days' notice to the commissioner before entering the plan program. Entry into the plan program is governed by a schedule established by the commissioner.

(d) Participation in the plan program is for a two-year term. Participation is automatically renewed for an additional two-year term unless the exclusive representative, or the employer for unrepresented employees, gives the commissioner notice of withdrawal at least 90 30 days before expiration of the participation period. A group that withdraws must wait two years before rejoining. An exclusive representative, or employer for unrepresented employees, may also withdraw if premiums increase 50 percent or more from one insurance year to the next.

(e) The exclusive representative shall give the employer notice of intent to withdraw to the commissioner at least 90 30 days before the expiration date of a collective bargaining agreement that includes the date on which the term of participation expires.

(f) Each participating eligible employer shall notify the commissioner of names of individuals who will be participating within two weeks of the commissioner receiving notice of the parties' intent to participate. The employer shall also submit other information as required by the commissioner for administration of the plan program.

Subd. 6. [COVERAGE.] (a) By January 1, 1989, the commissioner shall announce the benefits of the plan program. The plan program shall include employee hospital, medical, dental, and life insurance for employees and hospital and medical benefits for dependents. Health maintenance organization options and other delivery system options may be provided if they are available, cost-effective, and capable of servicing the number of people covered in the plan program. Participation in optional coverages may be provided by collective bargaining agreements. For employees not represented by an exclusive representative, the employer may offer the optional coverages to eligible employees and their dependents provided in the plan program.

(b) The commissioner, with the assistance of the labor-management committee, shall periodically assess whether it is financially feasible for the plan program to offer or to continue an individual retiree program that has competitive premium rates and benefits. If the commissioner determines it to be feasible to offer an individual retiree program, the commissioner shall announce the applicable benefits, premium rates, and terms of participation. Eligibility to participate in the individual retiree program is governed by subdivision 8, but applies to retirees of eligible employers that do not participate in the plan program and to those retirees' dependents and surviving spouses.

Subd. 6a. [CHIROPRACTIC SERVICES.] All benefits provided by the plan program or a successor plan program relating to expenses incurred for medical treatment or services of a physician must also include chiropractic treatment and services of a chiropractor to the extent that the chiropractic services and treatment are within the scope of chiropractic licensure.

This subdivision is intended to provide equal access to benefits for plan program members who choose to obtain treatment for illness or injury from a doctor of chiropractic, as long as the treatment falls within the chiropractor's scope of practice. This subdivision is not intended to change or add to the benefits provided for in the plan program.

Subd. 7. [PREMIUMS.] The proportion of premium paid by the employer and employee is subject to collective bargaining or personnel policies. If, at the beginning of the coverage period, no collective bargaining agreement has been finalized, the increased dollar costs, if any, from the previous year is the sole responsibility of the individual participant until a collective bargaining agreement states otherwise. Premiums, including an administration fee, shall be established by the commissioner. Each employer shall pay monthly the amounts due for employee benefits including the amounts under subdivision 8 to the commissioner no later than the dates established by the

commissioner. If an employer fails to make the payments as required, the commissioner may cancel plan program benefits and pursue other civil remedies.

Subd. 8. [CONTINUATION OF COVERAGE.] (a) A former employee of an employer participating in the plan program who is receiving a public pension disability benefit or an annuity or has met the age and service requirements necessary to receive an annuity under chapter 353, 353C, 354, 354A, 356, 422A, 423, 423A, or 424, and the former employee's dependents, are eligible to participate in the plan program. This participation is at the person's expense unless a collective bargaining agreement or personnel policy provides otherwise. Premiums for these participants must be established by the commissioner.

The commissioner may provide policy exclusions for preexisting conditions only when there is a break in coverage between a participant's coverage under the employment-based group insurance plan program and the participant's coverage under this section. An employer shall notify an employee of the option to participate under this paragraph no later than the effective date of retirement. The retired employee or the employer of a participating group on behalf of a current or retired employee shall notify the commissioner within 30 days of the effective date of retirement of intent to participate in the plan program according to the rules established by the commissioner.

(b) The spouse of a deceased employee or former employee may purchase the benefits provided at premiums established by the commissioner if the spouse was a dependent under the employee's or former employee's coverage under this section at the time of the death. The spouse remains eligible to participate in the plan program as long as the group that included the deceased employee or former employee participates in the plan program. Coverage under this clause must be coordinated with relevant insurance benefits provided through the federally sponsored Medicare program.

(c) The plan program benefits must continue in the event of strike permitted by section 179A.18, if the exclusive representative chooses to have coverage continue and the employee pays the total monthly premiums when due.

(d) A participant who discontinues coverage may not reenroll.

Persons participating under these paragraphs shall make appropriate premium payments in the time and manner established by the commissioner.

Subd. 9. [INSURANCE TRUST FUND.] The insurance trust fund in the state treasury consists of deposits of the premiums received from employers participating in the plan program and transfers before July 1, 1994, from the excess contributions holding account established by section 353.65, subdivision 7. All money in the fund is appropriated to the commissioner to pay insurance premiums, approved claims, refunds, administrative costs, and other related service costs. Premiums paid by employers to the fund are exempt from the tax imposed by sections 60A.15 and 60A.198. The commissioner shall reserve an amount of money to cover the estimated costs of claims incurred but unpaid. The state board of investment shall invest the money according to section 11A.24. Investment income and losses attributable to the fund must be credited to the fund.

Subd. 10. [EXEMPTION.] The public employee insurance plan program and, where applicable, the employers participating in it are exempt from chapters 60A, 62A, 62C, 62D, 62E, and 62H, section 471.617, subdivisions 2 and 3, and the bidding requirements of section 471.6161.

Sec. 14. Minnesota Statutes 1994, section 43A.317, subdivision 5, is amended to read:

Subd. 5. [EMPLOYER ELIGIBILITY.] (a) [PROCEDURES.] All employers are eligible for coverage through the program subject to the terms of this subdivision. The commissioner shall establish procedures for an employer to apply for coverage through the program.

(b) [TERM.] The initial term of an employer's coverage ~~will~~ may be for up to two years from the effective date of the employer's application. After that, coverage ~~will~~ be automatically renewed for an additional ~~two-year terms term~~ unless the employer gives notice of withdrawal from the program according to procedures established by the commissioner or the commissioner gives notice to the employer of the discontinuance of the program. The commissioner may establish conditions under which an employer may withdraw from the program prior to the

expiration of a ~~two-year~~ term, including by reason of a ~~midyear~~ an increase in health coverage premiums of 50 percent or more from one insurance year to the next. An employer that withdraws from the program may not reapply for coverage for a period of ~~two years from its date of withdrawal~~ time equal to its initial term of coverage.

(c) [MINNESOTA WORK FORCE.] An employer is not eligible for coverage through the program if five percent or more of its eligible employees work primarily outside Minnesota, except that an employer may apply to the program on behalf of only those employees who work primarily in Minnesota.

(d) [EMPLOYEE PARTICIPATION; AGGREGATION OF GROUPS.] An employer is not eligible for coverage through the program unless its application includes all eligible employees who work primarily in Minnesota, except employees who waive coverage as permitted by subdivision 6. Private entities that are eligible to file a combined tax return for purposes of state tax laws are considered a single employer, except as otherwise approved by the commissioner.

(e) [PRIVATE EMPLOYER.] A private employer is not eligible for coverage unless it has two or more eligible employees in the state of Minnesota. If an employer has only two eligible employees and one is the spouse, child, sibling, parent, or grandparent of the other, the employer must be a Minnesota domiciled employer and have paid social security or self-employment tax on behalf of both eligible employees.

(f) [MINIMUM PARTICIPATION.] The commissioner must require as a condition of employer eligibility that at least 75 percent of its eligible employees who have not waived coverage participate in the program. The participation level of eligible employees must be determined at the initial offering of coverage and at the renewal date of coverage. For purposes of this section, waiver of coverage includes only waivers due to coverage under another group health benefit plan.

(g) [EMPLOYER CONTRIBUTION.] The commissioner must require as a condition of employer eligibility that the employer contribute at least 50 percent toward the cost of the premium of the employee and may require that the contribution toward the cost of coverage is structured in a way that promotes price competition among the coverage options available through the program.

(h) [ENROLLMENT CAP.] The commissioner may limit employer enrollment in the program if necessary to avoid exceeding the program's reserve capacity.

Sec. 15. Minnesota Statutes 1994, section 62J.45, subdivision 8, is amended to read:

Subd. 8. [STAFF.] The board may hire an executive director. The executive director is not a state employee but is covered by section 3.736. The executive director and staff may participate in the following plans for employees in the unclassified service: the state retirement plan, the state deferred compensation plan, and the ~~health insurance and life insurance plans coverages~~ in section 43A.24, subdivision 2. The attorney general shall provide legal services to the board.

Sec. 16. Minnesota Statutes 1994, section 256B.0644, is amended to read:

256B.0644 [PARTICIPATION REQUIRED FOR REIMBURSEMENT UNDER OTHER STATE HEALTH CARE PROGRAMS.]

A vendor of medical care, as defined in section 256B.02, subdivision 7, and a health maintenance organization, as defined in chapter 62D, must participate as a provider or contractor in the medical assistance program, general assistance medical care program, and MinnesotaCare as a condition of participating as a provider in health insurance plans and programs or contractor for state employees established under section 43A.18, the public employees insurance ~~plan~~ program under section 43A.316, for health insurance plans offered to local statutory or home rule charter city, county, and school district employees, the workers' compensation system under section 176.135, and insurance plans provided through the Minnesota comprehensive health association under sections 62E.01 to 62E.16. The limitations on insurance plans offered to local government employees shall not be applicable in geographic areas where provider participation is limited by managed care contracts with the department of human services. For providers other

than health maintenance organizations, participation in the medical assistance program means that (1) the provider accepts new medical assistance, general assistance medical care, and MinnesotaCare patients or (2) at least 20 percent of the provider's patients are covered by medical assistance, general assistance medical care, and MinnesotaCare as their primary source of coverage. The commissioner shall establish participation requirements for health maintenance organizations. The commissioner shall provide lists of participating medical assistance providers on a quarterly basis to the commissioner of employee relations, the commissioner of labor and industry, and the commissioner of commerce. Each of the commissioners shall develop and implement procedures to exclude as participating providers in the program or programs under their jurisdiction those providers who do not participate in the medical assistance program. The commissioner of employee relations shall implement this section through contracts with participating health and dental carriers.

Sec. 17. Minnesota Statutes 1994, section 356.87, is amended to read:

356.87 [HEALTH INSURANCE WITHHOLDING.]

Upon authorization of a person entitled to receive a retirement annuity, disability benefit or survivor benefit, the executive director of a public pension fund listed in section 356.20, subdivision 2, shall withhold health insurance premium amounts from the retirement annuity, disability benefit or survivor benefit, and pay the premium amounts to the public employees insurance plan program. The public employees insurance plan program shall reimburse a public pension fund for the administrative expense of withholding the premium amounts and shall assume liability for the failure of a public pension fund to properly withhold the premium amounts.

ARTICLE 9

ENVIRONMENTAL REORGANIZATION

Section 1. [REORGANIZATION; GOALS.]

The legislature finds that it is desirable to reorganize state services relating to the protection of the environment, protection of farmland, and the management of natural resources to achieve the following goals:

- (1) sustainable development throughout all regions of the state and all sectors of the economy;
- (2) improved delivery of services;
- (3) a preventative, precautionary approach to environmental degradation;
- (4) citizen participation in all relevant decision making processes and at meaningful points in the processes; and
- (5) progressively less air, land, and water pollution.

Sec. 2. [REORGANIZATION; OUTCOMES.]

Reorganization must achieve the following outcomes:

- (1) increased citizen access to pertinent, understandable information relating to environmental protection, farmland protection, and natural resources management;
- (2) better citizen representation, access, and information through an office of public information and advocacy;
- (3) decentralization of the service-delivery system for the benefit of citizens of the state as consumers of services;
- (4) management based on appropriate geographical natural resource characteristics;
- (5) an integrated service delivery system that includes the elimination of multiple access points to receive the same or related services;

(6) development of the polluter-pays principle through a balanced system of regulatory controls and financial incentives;

(7) integrated licensing and permitting through a single access point;

(8) flattening of the internal organization of the delivery system and consolidation of administrative functions with processes designed to encourage cooperation, consensus, and participation of management and workers;

(9) the capacity to identify and capture cost savings where those savings can be made without reducing the ability to implement the state's environmental policy;

(10) identification and review of specifications and programs that should be eliminated or accomplished by different means;

(11) the flexibility to enable state and local governments to coordinate and cooperate as well as identify and address existing and emerging environmental issues of state, national, and international import;

(12) increased system accountability by reducing the number of executive administrators reporting directly to the governor; and

(13) a commitment to adequate staff development resources sufficient to implement the reorganization.

Sec. 3. [TASK FORCE.]

Subdivision 1. [MEMBERSHIP.] Within 30 days of the effective date of this section, the governor shall convene a task force consisting of four facilitators and four groups:

(1) a group consisting of ten to 15 persons from agencies listed in section 5 who are members of the managerial plan established under Minnesota Statutes, section 43A.18, subdivision 3, appointed by the governor;

(2) a group consisting of employees from agencies listed in section 5 who are represented by exclusive representatives, selected by the exclusive representatives of employees of those agencies;

(3) a group consisting of 15 persons representing local and regional governmental units, including cities, counties, metropolitan and regional agencies, soil and water conservation districts, watershed districts, and watershed management organizations, appointed in equal numbers by the governor, the majority leader of the senate, and the speaker of the house; and

(4) a group consisting of not more than 20 persons jointly appointed by the speaker of the house of representatives and the majority leader of the senate, including:

(i) representatives of rural agricultural interests, environmental and conservation organizations, sports groups, and business;

(ii) a representative of an institution of higher education with expertise in natural sciences;

(iii) a representative of an institution of higher education with expertise in agriculture;

(iv) an attorney experienced in environmental law;

(v) a member of the environmental consulting community; and

(vi) a member of the civil engineering community.

The groups described in clauses (1) and (2) must include managers and classified employees from work stations outside the metropolitan area described in Minnesota Statutes, section 473.121, subdivision 2. Organizations, occupations, and industries described in clause (4) may submit the names of persons they wish considered for appointment to the task force under that clause.

The governor, the speaker of the house of representatives, and the majority leader of the senate shall jointly appoint a facilitator for each group.

Subd. 2. [ACTIVITIES.] (a) Members of the task force established by subdivision 1 shall serve as partners in changing the delivery of state services and the performance of state functions. Each group of the task force shall initially meet separately to develop its own recommendations for a governmental structure to perform the functions and provide the services affected by section 5 in furtherance of the outcomes listed in section 2. A facilitator shall assist each group. The facilitators shall meet periodically with the governmental operations and environment and natural resources committees of the senate and house of representatives. At the meetings, the facilitators shall update the members of the committees on the progress of the groups' discussions and emerging proposals.

(b) As soon as practicable after October 1, 1995, the senate and house committees shall develop a joint recommendation for a governmental structure to perform the functions and provide the services affected by section 5 in furtherance of the goals and outcomes listed in sections 1 and 2. The committees shall submit their joint recommendation for reorganization to the governor and the legislature by January 15, 1996.

(c) The joint recommendation developed under paragraph (b) must provide for:

(1) a separate agency, division, or department to which would be transferred the powers and duties of the department of natural resources relating to fish and wildlife; and

(2) within the agency, division, or department required in clause (1), a structure and process under which:

(i) a board consisting of interested persons that would make recommendations for and comment on expenditures of revenue from the sources listed in Minnesota Statutes, section 97A.055, subdivision 4, paragraph (a), clauses (1) and (2), based on regional plans approved under item (ii);

(ii) the board would establish regional committees of affected persons, based on appropriate natural resource management boundaries, that would develop regional plans for expenditures from the sources listed in Minnesota Statutes, section 97A.055, subdivision 4, paragraph (a), clauses (1) and (2); and

(iii) all fish and wildlife programs not directly related to expenditures from the sources listed in Minnesota Statutes, section 97A.055, subdivision 4, paragraph (a), clauses (1) and (2), would be funded from other sources.

(d) The task force shall also identify and review all grant and loan programs that have environmental impact and make recommendations to the legislature on coordination of delivery systems as part of the proposed budget plan under section 6.

Sec. 4. [EMPLOYEE PARTICIPATION COMMITTEE.]

(a) Before a restructuring of executive branch agencies in accordance with section 5, a committee including representatives of employees and employers within each affected agency must be established and be given adequate time to perform the functions prescribed by paragraph (b). Each exclusive representative of employees shall select a committee member from each of its bargaining units in each affected agency. The head of each agency shall select an employee member from each unit of employees not represented by an exclusive representative. The agency head shall also appoint one or more committee members to represent the agency. The number of members appointed by the agency head, however, may not exceed the total number of members representing bargaining units.

(b) A committee established under paragraph (a) shall:

(1) identify tasks related to agency reorganization and adopt plans for addressing those tasks;

(2) identify other employer and employee issues related to reorganization and adopt plans for addressing those issues;

(3) adopt detailed plans for providing retraining for affected employees; and

(4) guide the implementation of the reorganization.

Sec. 5. [ABOLITION OF AGENCIES, POWERS, AND DUTIES.]

Subdivision 1. [AGENCIES.] The department of natural resources, the board of water and soil resources, the office of environmental assistance, the pollution control agency, the environmental quality board, the harmful substances compensation board, the petroleum tank release compensation board, and the agricultural chemical response board are abolished.

Subd. 2. [POWERS AND DUTIES.] (a) The following powers and duties of the department of agriculture are abolished:

(1) regulation of fertilizers, soil amendments, agricultural liming, and plant amendments under Minnesota Statutes, chapter 18C;

(2) pesticide control under Minnesota Statutes, chapter 18B;

(3) agriculture chemical incident response and cleanup under Minnesota Statutes, chapter 18D;

(4) chemical incident reimbursement under Minnesota Statutes, chapter 18E;

(5) urban forest promotion under Minnesota Statutes, section 17.86;

(6) mosquito abatement under Minnesota Statutes, sections 18.041 to 18.161;

(7) groundwater protection under Minnesota Statutes, chapter 103H;

(8) oil and hazardous substance discharge preparedness under Minnesota Statutes, chapter 115E; and

(9) conservation of wildflowers under Minnesota Statutes, section 17.23.

(b) The following powers and duties of the department of health are abolished:

(1) the water well program under Minnesota Statutes, chapter 103I;

(2) the safe drinking water program under Minnesota Statutes, sections 144.381 to 144.387;

(3) health risk assessment under Minnesota Statutes, section 115B.17, subdivision 10;

(4) domestic water supply protection under Minnesota Statutes, sections 144.35 to 144.37;

(5) asbestos contractor licensing under Minnesota Statutes, sections 326.70 to 326.81;

(6) public health laboratory regulation under Minnesota Statutes, section 144.98;

(7) lead abatement under Minnesota Statutes, sections 144.871 to 144.879;

(8) hazardous substance exposure under Minnesota Statutes, section 145.94;

(9) mosquito research under Minnesota Statutes, section 144.95;

(10) water supply monitoring and health assessments under Minnesota Statutes, section 473.845, subdivision 2; and

(11) health risk limits under Minnesota Statutes, section 103H.201.

(c) The powers and duties of the department of trade and economic development relating to environmental permit coordination under Minnesota Statutes, sections 116C.22 to 116C.34, are abolished.

(d) The following powers and duties of the department of public service are abolished: energy conservation under Minnesota Statutes, sections 216C.01 to 216C.35 and 216C.373 to 216C.381.

(e) The following powers and duties of the department of transportation are abolished:

(1) oil and hazardous substance discharge preparedness under Minnesota Statutes, chapter 115E; and

(2) hazardous waste shipment and licensing under Minnesota Statutes, sections 221.033 to 221.036 and 221.172.

Subd. 3. [EFFECTIVE DATE.] This section is effective July 1, 1996, and does not affect functions of the affected agencies relating to special or dedicated funds and accounts during the biennium beginning July 1, 1995.

Sec. 6. [PROPOSED BUDGET PLAN FOR FISCAL YEAR 1997.]

The commissioner of finance shall prepare a proposed budget plan for the fiscal year beginning July 1, 1996, that includes an amount to cover the functions performed and services provided by the agencies abolished in section 5, subdivision 1, and the functions abolished by section 5, subdivision 2. The general fund amount allocated in the budget plan for those functions and services must be at least equal to the amount appropriated for those functions and services in fiscal year 1996. The budget plan must include an amount for staff development in accordance with Minnesota Statutes, section 43A.045, and a substantial increase in overall expenditures for staff development. The budget plan may not require the layoff of classified employees or unclassified employees covered by a collective bargaining agreement except as provided in a plan negotiated under Minnesota Statutes, chapter 179A, that provides options to layoff for employees who would be affected.

Sec. 7. [EFFECTIVE DATE.]

Section 3 is effective the day following final enactment.

ARTICLE 10

TRANSPORTATION REGULATION BOARD

Section 1. Minnesota Statutes 1994, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. [SALARY RANGES.] The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 3.855:

Salary Range

\$57,500-\$78,500

Commissioner of finance;

Commissioner of education;

Commissioner of transportation;

Commissioner of human services;

Commissioner of revenue;

Commissioner of public safety;

Executive director, state board of investment;

\$50,000-\$67,500

Commissioner of administration;

Commissioner of agriculture;

Commissioner of commerce;

Commissioner of corrections;

Commissioner of economic security;

Commissioner of employee relations;

Commissioner of health;

Commissioner of labor and industry;

Commissioner of natural resources;

Commissioner of trade and economic development;

Chief administrative law judge; office of administrative hearings;

Commissioner, pollution control agency;

Director, office of waste management;

Commissioner, housing finance agency;

Executive director, public employees retirement association;

Executive director, teacher's retirement association;

Executive director, state retirement system;

\$42,500-\$60,000

Commissioner of human rights;

Commissioner, department of public service;

Commissioner of veterans affairs;

Commissioner, bureau of mediation services;

Commissioner, public utilities commission;

~~Member, transportation regulation board;~~

Ombudsman for corrections;

Ombudsman for mental health and retardation.

Sec. 2. Minnesota Statutes 1994, section 174.02, subdivision 4, is amended to read:

Subd. 4. [APPEARANCES ON PUBLIC TRANSPORTATION MATTERS.] The commissioner may appear as a party on behalf of the public in any proceeding or matter before the interstate commerce commission, the civil aeronautics board or any other agency or instrumentality of government which regulates public services or rates relating to transportation or other matters related to the powers and responsibilities of the commissioner as prescribed by law. ~~The commissioner shall appear as a party on behalf of the public in proceedings before the transportation regulation board as provided by law on matters which directly relate to the powers and duties of the commissioner or which substantially affect the statewide transportation plan. On all other transportation matters the commissioner may appear before the transportation regulation board. The commissioner may conduct joint hearings with any federal agency or commissioner within or without the state.~~

Sec. 3. Minnesota Statutes 1994, section 174.02, subdivision 5, is amended to read:

Subd. 5. [COOPERATION.] To facilitate the development of a unified and coordinated intrastate and interstate transportation system:

(a) (1) the commissioner shall maintain close liaison, coordination and cooperation with the private sectors of transportation, the upper great lakes seaway development commission corporation, and any multistate organization involved in transportation issues affecting the state;

(b) (2) the commissioner shall participate in the planning, regulation and development of the port authorities of the state; and

(e) (3) the commissioner or the commissioner's designee shall be a nonvoting, ~~ex officio~~ member of the metropolitan airports commission, as organized and established under sections 473.601 to 473.679;

(4) the commissioner shall cooperate with all federal agencies for the purpose of harmonizing state and federal regulations within the state to the extent and in the manner deemed advisable; and

(5) the commissioner shall nominate members to any joint board as provided by federal acts.

Sec. 4. Minnesota Statutes 1994, section 174.02, is amended by adding a subdivision to read:

Subd. 7. [POWER TO HOLD HEARINGS AND ISSUE ORDERS.] The commissioner shall hold hearings and issue orders in cases brought before the department in the following areas:

(1) adequacy of services that carriers of passengers and household goods movers provide to the public, including the continuation, termination, or modification of services and facilities;

(2) reasonableness of tariffs of rates, fares, and charges, or a part or classification of them pertaining to common carriers by rail, carriers of passengers, and household goods movers; and

(3) the issuing of franchises, permits, or certificates of convenience and necessity. The commissioner may authorize common carriers by rail to file tariffs of rates, fares, and charges individually or by group. Carriers participating in group rate making have the free and unrestrained right to take independent action either before or after a determination arrived at through that procedure.

Sec. 5. Minnesota Statutes 1994, section 174.02, is amended by adding a subdivision to read:

Subd. 8. [HEARINGS; NOTICE.] With respect to those matters within its jurisdiction, the commissioner shall receive, hear, and determine all petitions filed in accordance with the procedures established by law and may hold hearings and make determinations upon its own motion to the same extent, and in every instance, as it may do so upon petition. Upon receiving petitions filed under sections 221.061, 221.081, 221.121, subdivision 1, 221.151, and 221.55, the commissioner shall give notice of the filing of the petition to representatives of associations or other interested groups or persons who have registered their names with the commissioner for that purpose and to whomever the commissioner deems to be interested in the petition. The commissioner may grant or deny the request of the petition 30 days after notice of the filing has been fully given. If the commissioner receives a written objection and notice of intent to appear at a hearing to object to the petition from any person within 20 days of the notice having been fully given, the request of the petition must be granted or denied only after a contested case hearing has been conducted on the petition, unless the objection is withdrawn before the hearing. The commissioner may elect to hold a contested case hearing if no objections to the petition are received. If a timely objection is not received, or if received and withdrawn, and the request of the petition is denied without hearing, the petitioner may request within 30 days of receiving the notice of denial, and must be granted, a contested case hearing on the petition.

Sec. 6. Minnesota Statutes 1994, section 174.06, is amended by adding a subdivision to read:

Subd. 5a. [TRANSPORTATION REGULATION BOARD.] All powers, duties, and functions previously vested in or imposed on the transportation regulation board or its members by chapter 174A or any other law relating to the duties and powers of the transportation regulation board, are transferred to, vested in, and imposed on the commissioner of transportation. The position of transportation regulation board member and the transportation regulation board as previously constituted are abolished.

Sec. 7. Minnesota Statutes 1994, section 174.10, is amended to read:

174.10 [CARRIER PROCEEDINGS BEFORE TRANSPORTATION REGULATION BOARD; FEE.]

Subdivision 1. [HEARINGS.] The commissioner in any contested case before the transportation regulation board shall give reasonable notice to representatives of associations or other interested groups or persons who have registered their names with the board for that

~~purpose, to all parties and to cities and municipalities which the board deems to be interested in the proceeding. The commissioner shall hold hearings with respect to those matters within its jurisdiction as provided in section 174.02, subdivision 8.~~

The commissioner may prescribe an annual fee, to be credited to the general fund, which fee ~~shall~~ must be a charge to all registered groups or persons. This charge is to cover the out-of-pocket costs involved in giving ~~such~~ notice under this subdivision.

Subd. 2. [INVESTIGATORY POWERS.] In all matters over which the commissioner has regulatory, or enforcement authority, the commissioner may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material. Any person failing or refusing to appear to testify regarding any matter about which the person may be lawfully questioned or to produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by a subpoena of the commissioner to do so may, upon application by the commissioner to the district court in any district, be ordered to comply ~~therewith~~ with the subpoena. An administrative law judge in a rulemaking or contested case proceeding may, on behalf of the commissioner, issue subpoenas, administer oaths to witnesses, and take their affirmations. Depositions may be taken within or without the state by the commissioner or the commissioner's designee in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon any person named ~~therein~~ in it, anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions, with the same fees and mileage and in the same manner as prescribed by law for service of process issued out of the district court of this state.

Subd. 3. [PROSECUTION.] In proceedings ~~which that~~ involve a ~~hearing before the transportation regulation board~~ motor carrier or common carrier by rail as a party, ~~the matter shall be investigated and prosecuted before the board by the commissioner of transportation representing~~ shall represent the interests of the people of this state.

Subd. 4. [~~WHEN BOARD LACKS~~ LACK OF JURISDICTION.] If, in any proceeding ~~before the transportation regulation board~~ relating to or involving the reasonableness of rates, fares, charges, or classifications, the ~~board~~ commissioner decides that ~~it~~ the department does not have jurisdiction because the traffic covered by the rates, fares, charges, or classifications is interstate commerce, the ~~transportation regulation board~~ commissioner shall issue an order dismissing the proceeding and stating the ground of the dismissal, ~~which.~~ The order may be appealed from in like manner as other appealable orders.

Sec. 8. [174.11] [CARRIER RULES TRANSFERRED.]

Orders and directives in effect before the effective date of this section and issued or adopted by the public service commission, public utilities commission, department of transportation, or transportation regulation board under authority of chapters 174A, 216A, 218, 219, and 222 remain and continue in effect, but without precedential value or authority after the effective date of this section, except as to the specific parties involved who remain subject to the orders and directives, until repealed by duly authorized orders or directives of the commissioner of transportation or adopted by rule under chapter 14. Rules adopted by the public service commission, public utilities commission, department of transportation, or transportation regulation board under authority of the following sections are transferred to the department of transportation and continue in effect until repealed, amended, or superseded by rules adopted by the commissioner of transportation:

(1) section 218.041, except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;

(2) section 219.40;

(3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.031, subdivision 1;

(4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1, or a local cartage carrier under section 221.296, subdivision 8;

(5) rules relating to rates, charges, and practices under section 221.161, subdivision 4; and

(6) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits under sections 221.121, 221.151, and 221.296 or certificates of convenience and necessity under section 221.071.

The commissioner shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives. The commissioner shall not give precedential force or effect to any order or directive issued before the effective date of this section, except to the extent the parties subject to an order or directive remain subject to that order or directive, unless and until the order or directive is adopted by rule under chapter 14.

Sec. 9. Minnesota Statutes 1994, section 218.041, subdivision 6, is amended to read:

Subd. 6. [COMMISSIONER'S POWERS.] The commissioner may:

(1) subpoena books, papers or accounts kept by any regulated business within or without the state, or compel production of verified copies;

(2) prepare all forms or blanks for the purpose of obtaining information which the commissioner may deem necessary or useful for the proper exercise of ~~the its~~ authority and duties ~~of the commissioner or the board~~ in connection with regulated businesses, and prescribe the time and manner within which the blanks and forms shall be completed and filed;

(3) inspect, at all reasonable times, and copy the books, records, memoranda, correspondence or other documents and records of any business under the commissioner's jurisdiction;

(4) examine, under oath, any officer, agent or employee of a business under the commissioner's jurisdiction concerning its business and affairs; ~~and~~

(5) prescribe rules, duly promulgated in accordance with chapter 14, relating to rates, care in handling and other livestock transportation matters;

(6) upon application by a carrier stating that it desires to establish a rate for a temporary period for the protection of the interest of the carriers or its shippers, authorize and establish the temporary rate, extend the rate as the circumstances of the case may require, and permit the restoration of the rate existing at the time of the application without further proceedings;

(7) upon application of the common carrier in writing and when the application appears to be noncontroversial, approve the establishment, change, or alteration of any rate, minimum rate, charge, or classification, or rule governing it, to which a common carrier is a party;

(8) authorize, on less than ten days' public notice, schedules containing classifications, rates, fares, and charges for the transportation of freight and passengers; and

(9) retain general ratemaking authority in intrastate transportation of livestock.

Sec. 10. Minnesota Statutes 1994, section 219.074, subdivision 1, is amended to read:

Subdivision 1. [AGREEMENTS; HEARING.] Public officials having the necessary authority and a railway company operating the railroad may agree to the vacation, relocation, consolidation, or separation of grades at grade crossings. If agreement cannot be reached concerning the location, manner of construction, or a reasonable division of expense, either party may file a petition with the ~~board~~ commissioner, setting forth the facts and submitting the matter to it for determination. The ~~board~~ commissioner shall then conduct a hearing under chapter 14 and shall apply the rules developed under section 219.073 in coming to a determination. The commissioner may also ~~bring~~ determine matters concerning vacation, relocation, consolidation, or separation of grades at public grade crossings ~~to the board for determination~~. If the ~~board~~ commissioner determines that the vacation, relocation, consolidation, or separation is consistent with the standards adopted under section 219.073, the ~~board~~ commissioner may order the crossing vacated, relocated, consolidated, or separated.

Sec. 11. Minnesota Statutes 1994, section 219.074, subdivision 2, is amended to read:

Subd. 2. [CROSSING VACATION PROGRAM.] On or before July 1, 1992, and on or before July 1 of each of the next four years, and as necessary afterward, the commissioner shall ~~propose to the board~~ develop a list of grade crossings proposed to be vacated. The list must be developed by applying the standards set forth in the rules adopted under section 219.073. Grade crossings that are part of an abandonment, closing, or removal under section 219.741 may not be included in the list. The ~~board~~ commissioner shall notify the public officials having the necessary authority and the railway companies operating the railroads of the proposed vacations. Either affected party may request a hearing. If requested, the ~~board~~ commissioner shall hold a contested case hearing applying in its determination the rules developed under section 219.073. If after the hearing the ~~board~~ commissioner determines that the vacation is consistent with the standards adopted under section 219.073, it may order the crossing vacated. If a request for a hearing on a particular crossing is not received within 30 days of the publication in the State Register, the ~~board~~ commissioner shall order the crossing vacated.

Sec. 12. [TRANSFERRING CARRIER REGULATORY RESPONSIBILITIES.]

Subdivision 1. [RESPONSIBILITIES TRANSFERRED.] All responsibilities, as defined in Minnesota Statutes, section 15.039, subdivision 1, held by the transportation regulation board including but not limited to responsibilities relating to administration, regulation, record keeping, operating authority, permitting, ratemaking, rulemaking, and enforcement of motor carrier transportation laws, rules, and regulations relating to motor carriers and common carriers by rail are transferred to the department of transportation.

Subd. 2. [RULES.] Rules adopted under the responsibilities transferred to the department of transportation remain effective and must be enforced until amended or repealed in accordance with law by the commissioner of transportation. The rulemaking authority that existed to implement the responsibilities transferred is transferred to the commissioner of transportation.

Subd. 3. [COURT ACTIONS.] A proceeding, court action, prosecution, or other business or matter pending on the effective date of this section may be conducted and completed by the department of transportation in the same manner, under the same terms and conditions, and with the same effect as though it involved or was begun and conducted or completed by the transportation regulation board before the transfer.

Subd. 4. [CONTRACTS; RECORDS.] The transportation regulation board shall give the accounts, contracts, books, maps, plans, papers, records, documents, and property of every description relating to the transferred responsibilities and within its jurisdiction or control to the department of transportation. The department of transportation shall accept the material presented. The transfer must be made in accordance with the directions of the department of transportation.

Subd. 5. [OBLIGATIONS.] The department of transportation is the legal successor of the transportation regulation board for the responsibilities transferred. On and after the effective date of this section, the bonds, resolutions, contracts, and liabilities of the transportation regulation board relating to the responsibilities transferred become those of the department of transportation.

Subd. 6. [UNEXPENDED FUNDS.] The unexpended balance of appropriations to the transportation regulation board for the purposes of the responsibilities transferred are reappropriated under the same conditions as the original appropriation to the department of transportation on the effective date of this section. The department of transportation, on and after the effective date of this section, shall pay valid claims presented against those appropriations.

Subd. 7. [PERSONNEL.] The classified and unclassified positions of the transportation regulation board, except positions to which members are appointed by the governor, are transferred with their incumbents to the department of transportation. The approved complement for the department of transportation is increased accordingly. Personnel changes are effective on the effective date of this section. This subdivision does not change the rights enjoyed before the effective date of this section under the managerial or commissioner's plan under Minnesota Statutes, section 43A.18, or the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 13. [INSTRUCTIONS TO REVISOR.]

Subdivision 1. Except when used in the phrases to be changed by the revisor under subdivision 2, the revisor of statutes is directed to change the word "board" or "board's" when it refers to the transportation regulation board, to the term "commissioner," "commissioner's," or "commissioner of transportation," as appropriate, for:

(1) Minnesota Statutes 1996 and subsequent editions of the statutes, where it appears in Minnesota Statutes, sections 218.021, subdivision 1; 218.025; 218.031, subdivisions 1 and 8; 218.041, subdivisions 1, 2, 4, 5, and 7; 219.074, subdivisions 1 and 2; 219.14, subdivisions 1 and 2; 219.23; 219.24; 219.383, subdivisions 1 and 2; 219.39; 219.40; 219.41; 219.42; 219.46, subdivision 7; 219.47, subdivision 1; 219.52; 219.54; 219.55; 219.562, subdivision 3; 219.681; 219.70; 219.71; 219.741; 219.85; 219.98; 221.025; 221.031, subdivision 1; 221.041, subdivisions 1, 2, and 3; 221.051; 221.061; 221.071, subdivision 1; 221.081; 221.101; 221.121, subdivisions 1, 2, 3, 4, 5, 6, 6a, and 6b; 221.122, subdivisions 1 and 3; 221.123; 221.124; 221.131, subdivision 6; 221.151; 221.161, subdivisions 2, 3, and 4; 221.165; 221.171, subdivision 1; 221.185, subdivisions 2 and 3a; 221.221, subdivision 2; 221.291, subdivision 5; 221.293; 221.296, subdivisions 3, 4, and 8; 221.55; and 222.632; and

(2) Minnesota Rules, chapters 8855; 8900; 8910; and 8920.

Subd. 2. The revisor of statutes is directed to change the phrases "board or commissioner," "commissioner or board," "board or the commissioner," "commissioner or the board," "commissioner and the board," "commissioner and board," "board and the commissioner," "board and commissioner," "department and board," "board or department," and "board and the department," when the word "board" refers to the transportation regulation board, to the term "commissioner," or "commissioner of transportation," as appropriate, for:

(1) Minnesota Statutes 1996 and subsequent editions of the statutes, where it appears in Minnesota Statutes, sections 218.031, subdivisions 1, 6, 8, and 10; 218.041, subdivisions 5 and 6; 218.071, subdivisions 1, 2, and 4; 219.402; 219.51, subdivisions 2 and 3; 221.011, subdivision 15; 221.021; 221.031, subdivision 5; 221.061; 221.081; 221.121, subdivisions 1 and 5; 221.122, subdivision 1; 221.151, subdivision 2; 221.221, subdivisions 1 and 3; 221.261; 221.271; 221.281; 221.291, subdivisions 1 and 3; 221.293; 221.295; 221.296, subdivisions 3 and 4; and 221.68; and

(2) Minnesota Rules, chapter 8850.

Subd. 3. Except when amended accordingly in sections 1 to 12, the revisor of statutes is directed to change the words "transportation regulation board" to "commissioner of transportation" wherever they appear in Minnesota Statutes 1996 and Minnesota Rules, and subsequent editions of the statutes and rules.

Subd. 4. The revisor of statutes shall make other changes in chapter titles; section, subdivision, part, and subpart headnotes; and in other terminology necessary as a result of the enactment of sections 1 to 12.

Sec. 14. [TRANSITION STUDY.]

The transportation regulation board and the commissioner of transportation shall conduct a transition study which must result in recommendations concerning the most effective and efficient means to implement sections 1 to 13 and transfer the powers, duties, and functions of the board to an appropriate agency. In performing the study and making recommendations, the board and commissioner shall solicit input from truckers and other transportation organizations and entities concerning the effects of the federal preemption and the transfer of powers, duties, and functions from the board to an appropriate agency. The board and commissioner shall report its recommendations to the legislature no later than February 1, 1996.

Sec. 15. [REPEALER.]

Minnesota Statutes 1994, sections 174A.01; 174A.02; 174A.03; 174A.04; 174A.05; 174A.06; 218.011, subdivision 7; and 218.041, subdivision 7, are repealed. Minnesota Rules, part 8850.6900, is repealed.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 13 and 15 are effective on July 1, 1996. Section 14 is effective on July 1, 1995."

Delete the title and insert:

"A bill for an act relating to state government; abolishing periodic reports; repealing obsolete rules of the departments of agriculture, commerce, health, human services, public safety, public service, and revenue and the pollution control agency; removing internal references to repealed rules; providing a deadline for certain actions by state and local government agencies; clarifying statutory waiver requirements with respect to the housing finance agency for the civil service pilot project; requiring legislative review of certain agency reorganization efforts; establishing the office of citizen advocate in the department of administration; modifying provisions relating to data classification; workers' compensation premium collection; employment classifications and procedures; and benefits; providing penalties; establishing a task force to recommend a governmental structure for environmental and natural resource functions and services; requiring establishment of an employee participation committee before agency restructuring; abolishing the department of natural resources, the board of water and soil resources, the office of environmental assistance, the pollution control agency, the environmental quality board, the harmful substances compensation board, the petroleum tank release compensation board, and the agricultural chemical response board; providing for appointments; abolishing the transportation regulation board; transferring its functions to other agencies; appropriating money; amending Minnesota Statutes 1994, sections 13.67; 15A.081, subdivision 1; 43A.04, subdivision 1; 43A.08, subdivision 1; 43A.10, subdivision 8; 43A.13, subdivision 6; 43A.15, by adding a subdivision; 43A.19, subdivision 1; 43A.191, subdivisions 1, 2, and 3; 43A.24, subdivision 2; 43A.27, subdivision 3; 43A.316; 43A.317, subdivision 5; 62J.45, subdivision 8; 174.02, subdivisions 4, 5, and by adding subdivisions; 174.06, by adding a subdivision; 174.10; 218.041, subdivision 6; 219.074, subdivisions 1 and 2; 256B.0644; and 356.87; Minnesota Rules, parts 1540.2140; 7001.0140, subpart 2; 7001.0180; 8130.3500, subpart 3; and 8130.6500, subpart 5; proposing coding for new law in Minnesota Statutes, chapters 15; 16B; and 174; repealing Minnesota Statutes 1994, sections 174A.01; 174A.02; 174A.03; 174A.04; 174.05; 174.06; 218.011, subdivision 7; 218.041, subdivision 7; Laws 1987, chapter 186, section 11; Laws 1994, chapter 560, article 2, section 15; Minnesota Rules, parts 1540.0010, subparts 12, 18, 21, 22, and 24; 1540.0060; 1540.0070; 1540.0080; 1540.0100; 1540.0110; 1540.0120; 1540.0130; 1540.0140; 1540.0150; 1540.0160; 1540.0170; 1540.0180; 1540.0190; 1540.0200; 1540.0210; 1540.0220; 1540.0230; 1540.0240; 1540.0260; 1540.0320; 1540.0330; 1540.0340; 1540.0350; 1540.0370; 1540.0380; 1540.0390; 1540.0400; 1540.0410; 1540.0420; 1540.0440; 1540.0450; 1540.0460; 1540.0490; 1540.0500; 1540.0510; 1540.0520; 1540.0770; 1540.0780; 1540.0800; 1540.0810; 1540.0830; 1540.0880; 1540.0890; 1540.0900; 1540.0910; 1540.0920; 1540.0930; 1540.0940; 1540.0950; 1540.0960; 1540.0970; 1540.0980; 1540.0990; 1540.1000; 1540.1005; 1540.1010; 1540.1020; 1540.1030; 1540.1040; 1540.1050; 1540.1060; 1540.1070; 1540.1080; 1540.1090; 1540.1100; 1540.1110; 1540.1120; 1540.1130; 1540.1140; 1540.1150; 1540.1160; 1540.1170; 1540.1180; 1540.1190; 1540.1200; 1540.1210; 1540.1220; 1540.1230; 1540.1240; 1540.1250; 1540.1255; 1540.1260; 1540.1280; 1540.1290; 1540.1300; 1540.1310; 1540.1320; 1540.1330; 1540.1340; 1540.1350; 1540.1360; 1540.1380; 1540.1400; 1540.1410; 1540.1420; 1540.1430; 1540.1440; 1540.1450; 1540.1460; 1540.1470; 1540.1490; 1540.1500; 1540.1510; 1540.1520; 1540.1530; 1540.1540; 1540.1550; 1540.1560; 1549.1570; 1540.1580; 1540.1590; 1540.1600; 1540.1610; 1540.1620; 1540.1630; 1540.1640; 1540.1650; 1540.1660; 1540.1670; 1540.1680; 1540.1690; 1540.1700; 1540.1710; 1540.1720; 1540.1730; 1540.1740; 1540.1750; 1540.1760; 1540.1770; 1540.1780; 1540.1790; 1540.1800; 1540.1810; 1540.1820; 1540.1830; 1540.1840; 1540.1850; 1540.1860; 1540.1870; 1540.1880; 1540.1890; 1540.1900; 1540.1905; 1540.1910; 1540.1920; 1540.1930; 1540.1940; 1540.1950; 1540.1960; 1540.1970; 1540.1980; 1540.1990; 1540.2000; 1540.2010; 1540.2015; 1540.2020; 1540.2090; 1540.2100; 1540.2110; 1540.2120; 1540.2180; 1540.2190; 1540.2200; 1540.2210; 1540.2220; 1540.2230; 1540.2240; 1540.2250; 1540.2260; 1540.2270; 1540.2280; 1540.2290; 1540.2300; 1540.2310; 1540.2320; 1540.2325; 1540.2330; 1540.2340; 1540.2350; 1540.2360; 1540.2370; 1540.2380; 1540.2390; 1540.2400; 1540.2410; 1540.2420; 1540.2430; 1540.2440; 1540.2450; 1540.2490; 1540.2500; 1540.2510; 1540.2530; 1540.2540; 1540.2550; 1540.2560; 1540.2570; 1540.2580; 1540.2590; 1540.2610; 1540.2630; 1540.2640; 1540.2650; 1540.2660; 1540.2720; 1540.2730; 1540.2740; 1540.2760; 1540.2770; 1540.2780; 1540.2790; 1540.2800; 1540.2810; 1540.2820; 1540.2830; 1540.2840; 1540.3420; 1540.3430; 1540.3440; 1540.3450; 1540.3460; 1540.3470; 1540.3560; 1540.3600; 1540.3610; 1540.3620; 1540.3630; 1540.3700; 1540.3780; 1540.3960; 1540.3970; 1540.3980; 1540.3990; 1540.4000;

1540.4010; 1540.4020; 1540.4030; 1540.4040; 1540.4080; 1540.4190; 1540.4200; 1540.4210; 1540.4220; 1540.4320; 1540.4330; 1540.4340; 2642.0120, subpart 1; 2650.0100; 2650.0200; 2650.0300; 2650.0400; 2650.0500; 2650.0600; 2650.1100; 2650.1200; 2650.1300; 2650.1400; 2650.1500; 2650.1600; 2650.1700; 2650.1800; 2650.1900; 2650.2000; 2650.2100; 2650.3100; 2650.3200; 2650.3300; 2650.3400; 2650.3500; 2650.3600; 2650.3700; 2650.3800; 2650.3900; 2650.4000; 2650.4100; 2655.1000; 2660.0070; 2770.7400; 4610.2210; 7002.0410; 7002.0420; 7002.0430; 7002.0440; 7002.0450; 7002.0460; 7002.0470; 7002.0480; 7002.0490; 7047.0010; 7047.0020; 7047.0030; 7047.0040; 7047.0050; 7047.0060; 7047.0070; 7100.0300; 7100.0310; 7100.0320; 7100.0330; 7100.0335; 7100.0340; 7100.0350; 7510.6100; 7510.6200; 7510.6300; 7510.6350; 7510.6400; 7510.6500; 7510.6600; 7510.6700; 7510.6800; 7510.6900; 7510.6910; 7600.0100; 7600.0200; 7600.0300; 7600.0400; 7600.0500; 7600.0600; 7600.0700; 7600.0800; 7600.0900; 7600.1000; 7600.1100; 7600.1200; 7600.1300; 7600.1400; 7600.1500; 7600.1600; 7600.1700; 7600.1800; 7600.1900; 7600.2000; 7600.2100; 7600.2200; 7600.2300; 7600.2400; 7600.2500; 7600.2600; 7600.2700; 7600.2800; 7600.2900; 7600.3000; 7600.3100; 7600.3200; 7600.3300; 7600.3400; 7600.3500; 7600.3600; 7600.3700; 7600.3800; 7600.3900; 7600.4000; 7600.4100; 7600.4200; 7600.4300; 7600.4400; 7600.4500; 7600.4600; 7600.4700; 7600.4800; 7600.4900; 7600.5000; 7600.5100; 7600.5200; 7600.5300; 7600.5400; 7600.5500; 7600.5600; 7600.5700; 7600.5800; 7600.5900; 7600.6000; 7600.6100; 7600.6200; 7600.6300; 7600.6400; 7600.6500; 7600.6600; 7600.6700; 7600.6800; 7600.6900; 7600.7000; 7600.7100; 7600.7200; 7600.7210; 7600.7300; 7600.7400; 7600.7500; 7600.7600; 7600.7700; 7600.7750; 7600.7800; 7600.7900; 7600.8100; 7600.8200; 7600.8300; 7600.8400; 7600.8500; 7600.8600; 7600.8700; 7600.8800; 7600.8900; 7600.9000; 7600.9100; 7600.9200; 7600.9300; 7600.9400; 7600.9500; 7600.9600; 7600.9700; 7600.9800; 7600.9900; 7625.0100; 7625.0110; 7625.0120; 7625.0200; 7625.0210; 7625.0220; 7625.0230; 8120.1100, subpart 3; 8121.0500, subpart 2; 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; 8850.6900; 9540.0100; 9540.0200; 9540.0300; 9540.0400; 9540.0500; 9540.1000; 9540.1100; 9540.1200; 9540.1300; 9540.1400; 9540.1500; 9540.2000; 9540.2100; 9540.2200; 9540.2300; 9540.2400; 9540.2500; 9540.2600; and 9540.2700."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 949, 68 and 1390 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 624, 1399, 778 and 1065 were read the second time.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:45 a.m., Friday, April 7, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

