

THIRTY-SIXTH DAY

St. Paul, Minnesota, Friday, April 7, 1995

The Senate met at 9:45 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Pieter Smit.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 5, 1995

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 214 and 739.

Warmest regards,
Arne H. Carlson, Governor

April 5, 1995

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

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

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1995	Date Filed 1995
214		30	10:05 a.m. April 5	April 5
	367	31	10:00 a.m. April 5	April 5
	321	32	10:02 a.m. April 5	April 5
739		33	9:58 a.m. April 5	April 5

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1043.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1995

Mr. President:

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

S.F. No. 188: A bill for an act relating to appropriations; permitting use of appropriation to relocate athletic fields and facilities at Brainerd Technical College; authorizing additional design and construction of space at certain community college campuses; requiring plans to provide for joint use of space with certain technical colleges and state universities; authorizing additional construction using nonstate resources; amending Laws 1992, chapter 558, section 2, subdivision 3; and Laws 1994, chapter 643, section 11, subdivisions 6, 8, 10, and 11.

Senate File No. 188 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1995

Mr. Samuelson moved that the Senate do not concur in the amendments by the House to S.F. No. 188, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the following change in the membership of the Conference Committee on House File No. 5:

Delete the name of Anderson, R. and add the name of Huntley.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 6, 1995

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1052, 1091, 1307, 1425, 1468, 1279, 1003, 1037, 1194, 1746, 1063 and 1159.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 6, 1995

FIRST READING OF HOUSE BILLS

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

H.F. No. 1052: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 565, now on General Orders.

H.F. No. 1091: A bill for an act relating to commerce; regulating sales by transient merchants; prohibiting the sale of certain items by certain merchants; prescribing penalties; amending Minnesota Statutes 1994, sections 329.099; and 329.14; proposing coding for new law in Minnesota Statutes, chapter 329.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1337.

H.F. No. 1307: A bill for an act relating to game and fish; identification required on ice fishing shelters; amending Minnesota Statutes 1994, section 97C.355, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 867.

H.F. No. 1425: A bill for an act relating to tax-forfeited land; modifying the terms of payment for certain tax-forfeited timber; amending Minnesota Statutes 1994, section 282.04, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1250.

H.F. No. 1468: A bill for an act relating to the governor; providing that the governor may declare an inability to discharge duties of the office or may be declared unable to do so; amending Minnesota Statutes 1994, section 4.06.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1268, now on General Orders.

H.F. No. 1279: A bill for an act relating to state parks; requiring a plan for handicapped access trails in state parks; amending Minnesota Statutes 1994, section 85.052, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1003: A bill for an act relating to health; modifying provisions relating to X-ray operators and inspections; establishing an advisory committee; amending Minnesota Statutes 1994, section 144.121, by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1075.

H.F. No. 1037: A bill for an act relating to health; providing rulemaking authority; modifying enforcement and fee provisions; modifying the hearing instrument dispenser trainee period; providing penalties; amending Minnesota Statutes 1994, sections 144.414, subdivision 3; 144.417, subdivision 1; 144.99, subdivisions 1, 4, 6, 8, and 10; 144.991, subdivision 5; 326.71, subdivision

4; 326.75, subdivision 3a; and 326.78, subdivisions 2 and 9; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1994, sections 144.877, subdivision 5; and 144.8781, subdivision 4; Laws 1989, chapter 282, article 3, section 28; and Laws 1993, chapter 286, section 11; Minnesota Rules, part 4620.1500.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 425.

H.F. No. 1194: A bill for an act relating to state government; allocating certain appropriations to regional arts councils; amending Minnesota Statutes 1994, section 129D.01; proposing coding for new law in Minnesota Statutes, chapter 129D.

Referred to the Committee on Finance.

H.F. No. 1746: A resolution memorializing the Congress of the United States to design and implement a 1995 farm bill that is equitable to Minnesota family farmers.

Referred to the Committee on Agriculture and Rural Development.

H.F. No. 1063: A bill for an act relating to the city of Duluth; making certain statutory provisions concerning public utilities applicable to the city of Duluth; authorizing a demonstration project to develop methods to prevent the infiltration and inflow of storm water into the city's sanitary sewer system.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 858, now on General Orders.

H.F. No. 1159: A bill for an act relating to real property; authorizing municipalities to establish trust or escrow accounts for proceeds from losses arising from fire or explosion of certain insured real property; authorizing municipalities to utilize escrowed funds to secure, repair, or demolish damaged or destroyed structures; proposing coding for new law in Minnesota Statutes, chapter 65A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1056.

REPORTS OF COMMITTEES

SUSPENSION OF RULES

Mr. Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to S.F. No. 1103. The motion prevailed.

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1301, 1314, 547 and the report pertaining to appointments. The motion prevailed.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1180: A bill for an act relating to game and fish; penalties, all-terrain vehicle weight; reciprocal agreements; one-day fishing licenses; migratory game birds; fish house identification; amphibian and reptile rules; amending Minnesota Statutes 1994, sections 84.796; 84.92, subdivision 8; 97A.045, by adding a subdivision; 97A.401, subdivision 3; 97A.475, subdivisions 6 and 7; 97B.731, subdivision 1; 97C.355, subdivision 2; 97C.505, subdivision 4; and 97C.601, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 97C; repealing Minnesota Statutes 1994, sections 97C.605, subdivisions 3 and 4; 97C.611; and 97C.621.

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

Page 1, delete section 1 and insert:

"Section 1. [18.316] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to this section and section 18.317.

Subd. 2. [ECOLOGICALLY HARMFUL EXOTIC SPECIES.] "Ecologically harmful exotic species" has the meaning given in section 84.967.

Subd. 3. [UNDESIRABLE EXOTIC SPECIES.] "Undesirable exotic species" means ecologically harmful exotic species that have been determined by the commissioner of natural resources to pose a substantial threat to native species in this state.

Subd. 4. [WATERCRAFT.] "Watercraft" means any contrivance used or designed for navigation on water and includes seaplanes.

Subd. 5. [WATER MILFOIL.] "Water milfoil" means Eurasian, Northern, or whorled water milfoil, or any other species in the genus Myriophyllum.

Subd. 6. [WATERS OF THE STATE.] "Waters of the state" has the meaning given in section 103G.005, subdivision 17.

Subd. 7. [ZEBRA MUSSELS.] "Zebra mussels" means a species of the genus Dreissena.

Sec. 2. Minnesota Statutes 1994, section 18.317, is amended to read:

18.317 [UNDESIRABLE EXOTIC AQUATIC PLANTS OR WILD ANIMALS SPECIES.]

Subdivision 1. [TRANSPORTATION PROHIBITED.] Except as provided in subdivision 2, a person may not transport Eurasian or Northern water milfoil, myriophyllum spicatum or exalbesens, zebra mussels, or undesirable exotic aquatic plants or wild animals identified by the commissioner of natural resources species on a road or highway, as defined in section 160.02, subdivision 7, or on forest roads.

Subd. 1a. [PLACEMENT PROHIBITED.] A person may not intentionally place undesirable exotic aquatic plants or wild animals, as defined in section 84.967, species in public waters within the state.

Subd. 2. [EXCEPTION.] Except as otherwise prohibited by law, a person may transport Eurasian or Northern water milfoil, myriophyllum spicatum or exalbesens, or other undesirable exotic aquatic plants or wild animals identified by the commissioner of natural resources species for disposal as part of a harvest or control activity conducted under a permit or as specified by the commissioner.

Subd. 3. [LAUNCHING OF WATERCRAFT WITH EURASIAN OR NORTHERN WATER MILFOIL OR OTHER HARMFUL UNDESIRABLE SPECIES PROHIBITED.] (a) A person may not place a trailer or launch a watercraft into waters of the state if the trailer or watercraft has attached to it Eurasian or Northern water milfoil, zebra mussels, or other undesirable exotic aquatic plants or wild animals identified by the commissioner of natural resources species. A conservation officer or other licensed peace officer may order the removal of Eurasian or Northern water milfoil, zebra mussels, or other undesirable exotic aquatic plants or wild animals identified by the commissioner of natural resources species from a trailer or watercraft before being the trailer or watercraft is placed or launched into waters of the state.

(b) For purposes of this section, the meaning of watercraft includes a float plane and "waters of the state" has the meaning given in section 103G.005, subdivision 17.

(c) A commercial harvester shall clean aquatic plant harvesting equipment of all aquatic vegetation at a suitable location before launching the equipment in another body of water.

Subd. 3a. [INSPECTION OF WATERCRAFT AND EQUIPMENT.] Watercraft and associated equipment, including weed harvesters, that are removed from any waters of the state that the commissioner of natural resources identifies as being contaminated with Eurasian water milfoil, zebra mussels, or other undesirable exotic aquatic plants or wild animals identified by the

commissioner of natural resources, shall be randomly inspected between May 1 and October 15 for a minimum of 10,000 hours by personnel authorized by the commissioner of natural resources. Beginning in calendar year 1994, a minimum of 20,000 hours of random inspections must be conducted per year.

Subd. 4. [ENFORCEMENT.] This section may be enforced by conservation officers under sections 97A.205, 97A.211, and 97A.221, subdivision 1, paragraph (a), clause (1), and by other licensed peace officers.

Subd. 5. [PENALTY.] A person who violates subdivision 1, 1a, 3, or 3a is guilty of a misdemeanor. A person who refuses to obey the order of a peace officer or conservation officer to remove ~~Eurasian or Northern~~ water milfoil, zebra mussels, or other undesirable exotic ~~aquatic plants or wild animals species~~ from a trailer or watercraft is guilty of a misdemeanor.

Sec. 3. Minnesota Statutes 1994, section 84.796, is amended to read:

84.796 [PENALTIES.]

(a) A person who violates a provision of section 84.788, 84.789, 84.792, 84.793, or 84.795 is guilty of a misdemeanor.

(b) A person who violates a provision of a rule adopted under section 84.79 is guilty of a petty misdemeanor.

Sec. 4. Minnesota Statutes 1994, section 84.81, is amended by adding a subdivision to read:

Subd. 12. [COLLECTOR SNOWMOBILE.] "Collector snowmobile" means a snowmobile that is 25 years old or older, originally produced as a separate identifiable make by a manufacturer, and that is owned and operated solely as a collectors item.

Sec. 5. Minnesota Statutes 1994, section 84.82, is amended by adding a subdivision to read:

Subd. 7a. [COLLECTOR SNOWMOBILES.] The commissioner of natural resources may issue special permits to a person or organization to operate or transport a collector snowmobile without registration in parades or organized group outings, such as races, rallies, and other promotional events and for up to ten days each year for personal transportation. The commissioner may impose a reasonable restriction on a permittee and may revoke, amend, suspend, or modify a permit for cause."

Page 1, after line 28, insert:

"Sec. 7. Minnesota Statutes 1994, section 84.968, subdivision 1, is amended to read:

Subdivision 1. [MANAGEMENT PLAN.] (a) By January 1, 1993, a long-term statewide ecologically harmful exotic species management plan must be prepared by the commissioner of natural resources and address the following:

- (1) coordinated detection and prevention of accidental introductions;
- (2) coordinated dissemination of information about ecologically harmful exotic species among resource management agencies and organizations;
- (3) a coordinated public awareness campaign regarding ecologically harmful exotic animals and aquatic plants;
- (4) a process, where none exists, for the commissioner to designate identify and classify list appropriate or certain ecologically harmful exotic species into the following categories: as
 - (i) ~~undesirable wild animals that must not be sold, propagated, possessed, or transported; and~~
 - (ii) ~~undesirable aquatic exotic plants~~ exotic species ~~that must not be sold, propagated, possessed, or transported except under permit;~~
- (5) coordination of control and eradication of ecologically harmful exotic species on public lands and public waters; and

(6) development of a list of exotic wild animal species intended for nonagricultural purposes, or propagation for release by state agencies or the private sector.

(b) The plan prepared under paragraph (a) must include containment strategies that include:

(1) participation by lake associations, local citizen groups, and local units of government in the development and implementation of lake management plans;

(2) a reasonable and workable inspection requirement for boats and equipment participating in organized events on waters of the state;

(3) allowing access points infested with ecologically harmful exotic species to be closed, for not more than a total of seven days during an open water season, for control or eradication purposes, and requiring posting of signs stating the reason for closing the access;

(4) provisions for reasonable weed-free maintenance of public accesses to infested waters; and

(5) notice to travelers of the penalties for violation of laws relating to ecologically harmful exotic species.

Sec. 8. Minnesota Statutes 1994, section 84.9691, is amended to read:

84.9691 [RULEMAKING AND PERMITS.]

Subdivision 1. [RULES.] (a) The commissioner of natural resources may adopt emergency and permanent rules restricting the introduction, propagation, use, possession, and spread of ecologically harmful exotic species in the state, as outlined in section 84.967. ~~The emergency rulemaking authority granted in this paragraph expires July 1, 1994.~~

(b) The commissioner shall adopt rules to identify bodies of water with limited infestation of Eurasian water milfoil. The areas that are infested, and where control is planned, shall be marked and prohibited for use.

(c) A violation of a rule adopted under this section is a misdemeanor.

Subd. 2. [PERMITS.] The commissioner may issue permits regulating the propagation, possession, taking, or transportation of undesirable exotic species for disposal, research, education, or control purposes. The commissioner may place conditions on the permit and may deny, modify, suspend, or revoke a permit.

Sec. 9. Minnesota Statutes 1994, section 84.9692, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY TO ISSUE.] After appropriate training, conservation officers, peace officers, and other staff designated by the commissioner may issue warnings or citations to persons who:

(1) unlawfully transport ~~ecologically harmful~~ water milfoil or undesirable exotic species on a public road;

(2) place a trailer or launch a watercraft with ~~ecologically harmful~~ undesirable exotic species attached into waters of the state;

(3) operate a watercraft in a marked Eurasian water milfoil limited infestation area; or

(4) damage, remove, or sink a buoy marking a Eurasian water milfoil infestation area.

Sec. 10. Minnesota Statutes 1994, section 84.9692, is amended by adding a subdivision to read:

Subd. 1a. [DEFINITIONS.] For the purposes of this section, "undesirable exotic species," "water milfoil," "watercraft," "waters of the state," and "zebra mussels" have the meanings given them in section 18.317.

Sec. 11. Minnesota Statutes 1994, section 84.9692, subdivision 2, is amended to read:

Subd. 2. [PENALTY AMOUNT.] A citation issued under this section may impose up to the following penalty amounts:

(1) ~~\$50 for transporting visible Eurasian water milfoil on a public road in each of the following locations:~~

- ~~(i) the exterior of the watercraft below the gunwales including the propulsion system;~~
- ~~(ii) any surface of a watercraft trailer;~~
- ~~(iii) any surface of a watercraft interior of the gunwales;~~
- ~~(iv) any water container including live wells, minnow buckets, or coolers which hold water; or~~
- ~~(v) any other area where visible Eurasian water milfoil is found not previously described in items (i) to (iv);~~

(2) ~~\$150~~ \$100 for transporting visible zebra mussels ~~on a public road;~~

(3) ~~\$300 for transporting~~, live ruffe, or live rusty crayfish on a public road;

(4) (3) for attempting to launch place or launching into noninfested waters placing a watercraft, trailer, or plant harvesting equipment with visible ~~Eurasian water milfoil or adult zebra mussels attached into waters of the state not identified by the commissioner as infested with zebra mussels,~~ \$500 for a first offense and \$1,000 for a second or subsequent offense;

(4) \$100 for attempting to place or placing a watercraft, trailer, or plant harvesting equipment with visible zebra mussels attached into waters of the state identified by the commissioner as infested with zebra mussels;

(5) \$100 for operating a watercraft in a marked Eurasian water milfoil limited infestation area other than as provided by law;

(6) ~~\$150~~ \$100 for intentionally damaging, moving, removing, or sinking a milfoil buoy; or

(7) ~~\$150~~ \$200 for ~~launching or attempting to launch into infested waters~~ attempting to place or placing a watercraft, trailer, or plant harvesting equipment with visible ~~Eurasian water milfoil or visible zebra mussels attached into waters of the state.~~

Sec. 12. Minnesota Statutes 1994, section 86B.401, subdivision 11, is amended to read:

Subd. 11. [SUSPENSION FOR NOT REMOVING WATER MILFOIL OR OTHER UNDESIRABLE EXOTIC SPECIES.] (a) The commissioner, after notice and an opportunity for hearing, may suspend for a period of not more than one year the license of a watercraft if the owner or person in control of the watercraft or its trailer refuses to comply with an inspection order of a conservation officer or other licensed peace officer or an order to remove ~~Eurasian or Northern water milfoil, myriophyllum spicatum or exalbesceens,~~ zebra mussels, or ~~other undesirable exotic aquatic plant and wild animal species identified by the commissioner from the watercraft or its trailer as provided in section 18.317, subdivision 3.~~

(b) For the purposes of this subdivision, "undesirable exotic species," "water milfoil," and "zebra mussels" have the meanings given in section 18.317."

Page 2, after line 19, insert:

"Sec. 14. Minnesota Statutes 1994, section 97A.205, is amended to read:

97A.205 [ENFORCEMENT OFFICER POWERS.]

An enforcement officer is authorized to:

(1) execute and serve court issued warrants and processes relating to wild animals, wild rice, public waters, water pollution, conservation, and use of water, in the same manner as a constable or sheriff;

(2) enter any land to carry out the duties and functions of the division;

(3) make investigations of violations of the game and fish laws;

(4) take an affidavit, if it aids an investigation;

(5) arrest, without a warrant, a person who is detected in the actual violation of the game and fish laws, a provision of chapters 84, 84A, 85, 86A, 88 to 97C, 103E, 103F, 103G, sections 86B.001 to 86B.815, 89.51 to 89.61; or 609.66, subdivision 1, clauses (1), (2), (5), and (7); and 609.68; and

(6) take an arrested person before a court in the county where the offense was committed and make a complaint.

Nothing in this section grants a conservation enforcement officer any greater powers than other licensed peace officers.

Sec. 15. Minnesota Statutes 1994, section 97A.215, subdivision 1, is amended to read:

Subdivision 1. [STORAGE OF WILD ANIMALS.] (a) When an enforcement officer has probable cause to believe that wild animals possessed or stored in violation of the game and fish laws are present, the enforcement officer may enter and inspect any commercial cold storage warehouse, hotel, restaurant, ice house, locker plant, butcher shop, and other building used to store dressed meat, game, or fish, to determine whether wild animals are kept and stored in compliance with the game and fish laws.

(b) When an enforcement officer has probable cause to believe that wild animals taken or possessed in violation of the game and fish laws are present, the officer may, in accordance with the powers granted to licensed peace officers:

(1) enter and inspect any place or vehicle; and

(2) open and inspect any package or container."

Pages 2 and 3, delete sections 5 and 6 and insert:

"Sec. 17. Minnesota Statutes 1994, section 97A.531, subdivision 1, is amended to read:

Subdivision 1. [~~SHIPPING COUPONS GENERAL.~~] A person may ship, within or out of the state, wild animals lawfully taken and possessed in Canada and that have lawfully entered the state. The shipment must have the shipping coupons required for a shipment originating in the province where the animals were taken. Fish that are lawfully taken and possessed in Canada may be brought into the state and may be transported within the state or out of the state.

Sec. 18. Minnesota Statutes 1994, section 97B.055, subdivision 3, is amended to read:

Subd. 3. [HUNTING FROM VEHICLE BY DISABLED HUNTERS.] The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a licensed hunter that is temporarily or permanently physically ~~unable to walk without crutches, braces, or other mechanical support, or who has a physical disability which substantially limits the person's ability to walk disabled.~~ The physical disability ~~and the substantial inability to walk~~ must be established by medical evidence verified in writing by a licensed physician. A person with a temporary disability may be issued an annual permit and a person with a permanent disability may be issued a permanent permit. A person issued a special permit under this subdivision and hunting deer may take a deer of either sex."

Page 4, delete sections 9 to 11 and insert:

"Sec. 21. Laws 1994, chapter 623, article 1, section 45, is amended to read:

Sec. 45. [ENFORCEMENT OF LAWS RELATED TO BUYING AND SELLING FISH; REPORT.]

By January 15, ~~1995~~ 1996, the commissioner of natural resources shall report to the environment and natural resources committees of the legislature with recommendations for legislation to improve enforcement of Minnesota Statutes, section 97C.391, including record keeping requirements, enhanced remedies, and inspection authorities."

Page 4, delete lines 32 and 33 and insert:

"Minnesota Statutes 1994, sections 97A.531, subdivisions 2, 3, 4, 5, and 6; and 97C.505, subdivision 4, are repealed.

Sec. 23. [EFFECTIVE DATE.]

Sections 17 and 22 are effective the day following final enactment."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to natural resources; off-highway motorcycles; all-terrain vehicles; reciprocal agreements; migratory game birds; fish house identification; fish taken in Canada; exotic species; powers of enforcement officers; collector snowmobiles; disabled hunters; providing penalties; amending Minnesota Statutes 1994, sections 18.317; 84.796; 84.81, by adding a subdivision; 84.82, by adding a subdivision; 84.92, subdivision 8; 84.968, subdivision 1; 84.9691; 84.9692, subdivisions 1, 2, and by adding a subdivision; 86B.401, subdivision 11; 97A.045, by adding a subdivision; 97A.205; 97A.215, subdivision 1; 97A.401, subdivision 3; 97A.531, subdivision 1; 97B.055, subdivision 3; 97B.731, subdivision 1; 97C.355, subdivision 2; and Laws 1994, chapter 623, article 1, section 45; proposing coding for new law in Minnesota Statutes 1994, chapter 18; repealing Minnesota Statutes, sections 97A.531, subdivisions 2, 3, 4, 5, and 6; and 97C.505, subdivision 4."

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1163: A bill for an act relating to motor vehicles; authorizing issuance of original license plates 20 or more years old to a registered passenger automobile; authorizing registrar to charge a fee; amending Minnesota Statutes 1994, section 168.12, by adding a subdivision.

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

Page 2, after line 9, insert:

"(e) Notwithstanding subdivision 1, original license plates assigned under this subdivision need not bear a tab or sticker to indicate the month or year of registration if the vehicle carries the registration certificate issued under section 168.11 at all times when the vehicle is operated on the public highways."

Page 2, line 10, delete "(e)" and insert "(f)"

Page 2, after line 11, insert:

"Sec. 2. Minnesota Statutes 1994, section 169.79, is amended to read:

169.79 [VEHICLE REGISTRATION.]

No person shall operate, drive or park a motor vehicle on any highway unless the vehicle is registered in accordance with the laws of this state and has the number plates for the current year only, except as provided in section 168.12, subdivision 2f, as assigned to it by the commissioner of public safety, conspicuously displayed thereon in a manner that the view of any plate is not obstructed. If the vehicle is a semitrailer, the number plate displayed must be assigned to the registered owner and correlate to the certificate of title documentation on file with the department and shall not display a year indicator. If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer, semitrailer, or vehicle displaying a dealer plate, one plate shall be displayed on the rear thereof; if the vehicle is a truck-tractor, road-tractor or farm truck, as defined in section 168.011, subdivision 17, but excluding from that definition semitrailers and trailers, one plate shall be displayed on the front thereof; if it is any other kind of motor vehicle, one plate shall be displayed on the front and one on the rear thereof. All plates shall be securely

fastened so as to prevent them from swinging. The person driving the motor vehicle shall keep the plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering shall be plainly visible at all times. License plates issued to vehicles registered under section 168.017 must display the month of expiration in the lower left corner as viewed facing the plate and the year of expiration in the lower right corner as viewed facing the plate."

Amend the title as follows:

Page 1, line 6, delete "section" and insert "sections" and after "subdivision" insert "; and 169.79"

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

H.F. No. 901: A bill for an act relating to drivers' licenses; requiring additional information in drivers' education programs, the driver's license examination, and the driver's manual regarding the legal and financial consequences of violating DWI-related laws; amending Minnesota Statutes 1994, sections 169.121, by adding a subdivision; and 171.13, subdivisions 1 and 1b.

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 720: A bill for an act relating to motor vehicles; modifying appearance of special license plates issued to amateur radio station licensees; amending Minnesota Statutes 1994, section 168.12, subdivision 2.

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was re-referred

S.F. No. 1171: A bill for an act relating to occupations and professions; permitting protective agents to perform certain traffic control duties; amending Minnesota Statutes 1994, section 326.338, subdivision 4.

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

H.F. No. 1011: A bill for an act relating to traffic regulations; prohibiting radar jammers; amending Minnesota Statutes 1994, section 169.14, by adding a subdivision.

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

S.F. No. 846: A bill for an act relating to commerce; regulating videotape distributions, sales, and rentals; requiring captioning for deaf or hearing-impaired persons; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325I.

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

Delete everything after the enacting clause and insert:

"Section 1. [325I.05] [VIDEO CAPTIONING.]

Subdivision 1. [REQUIREMENT.] A person may not in the ordinary course of business distribute a prerecorded videocassette tape or similar audio-visual material to a videotape seller or videotape service provider unless it is open-captioned or closed-captioned for the deaf and hard of hearing.

For purposes of this section, "videotape seller" and "videotape service provider" have the meanings given them in section 325I.01.

Subd. 2. [ENFORCEMENT.] A person who violates this section is subject to the penalties and remedies provided in section 8.31, except subdivision 3a.

Subd. 3. [APPLICATION.] This section applies to prerecorded videocassette tapes or similar audio-visual material that:

(1) is primarily produced for sale to educational institutions, training facilities, state or local government agencies, or medical facilities; and

(2) is released or rereleased on or after June 1, 1997, and more than 500 copies are produced in the release or rerelease; or

(3) is produced by a governmental entity for educational purposes."

Delete the title and insert:

"A bill for an act relating to commerce; regulating videotape distributions; requiring certain captioning for deaf or hard of hearing persons; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325I."

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

S.F. No. 1523: A bill for an act relating to the city of Chanhassen; authorizing certain bid specifications for playground equipment on an experimental basis.

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

Page 2, line 3, after the period, insert "The city of Chanhassen shall report to the appropriate standing committees of the senate and house of representatives by February 1, 1997, on the effect of the authority granted in this section to provide playground equipment to the city at the most efficient cost with a view toward granting the authority on a statewide basis."

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

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

S.F. No. 1301: A bill for an act relating to state government; adding duties relating to citizen participation to the office of volunteer services; appropriating money; amending Minnesota Statutes 1994, sections 16B.88, subdivisions 1, 2, 3, 4, and 5; 465.796, subdivision 2; and 465.797, subdivision 2.

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

Page 1, line 23, after "(1)" insert "encourage personal responsibility and self-sufficiency of citizens;

(2)"

Page 2, line 1, after the comma, insert "nonprofit organizations, including but not limited to, churches and ecumenical organizations,"

Page 2, delete lines 6 to 11

Page 2, line 12, delete "recommend" and insert "refer"

Page 2, line 13, after "in" insert "state and local government" and delete "made by" and insert "to appropriate"

Page 2, delete lines 17 to 19 and insert:

"(7) promote processes for involving citizens in government decisions; and"

Renumber the clauses in sequence

Page 3, line 7, strike "conduct research to"

Page 3, lines 15 and 16, delete the new language

Page 3, delete section 5

Page 4, after line 17, insert:

"(6) solicit citizen ideas for improvements in state and local government, and assist in presenting these ideas to appropriate state and local officials;

(7) encourage citizens to propose alternative means of providing government services, and assist in developing policies or legislation needed to implement these ideas;"

Page 4, line 18, strike "(6)" and insert "(8)"

Page 4, line 22, delete "(7)" and insert "(9)"

Page 4, line 25, delete "(8)" and insert "(10)"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "3," insert "and"

Page 1, line 6, delete ", and 5"

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1362: A bill for an act relating to natural resources; providing for coordination of efforts of public and private sectors in the sustainable management, use, development, and protection of Minnesota's forest resources; establishing a forest resources council and regional forest resource committees; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 89A.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Veterans, shown in the Journal for April 5, 1995, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1442: A bill for an act relating to energy; allowing a St. Paul district heating cogeneration facility that utilizes metropolitan waste wood as a fuel source to count toward satisfying a biomass mandate.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for April 5, 1995, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Agriculture and Rural Development". Amendments adopted. Report adopted.

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

H.F. No. 399: A bill for an act relating to the secretary of state; regulating filings and related matters; providing for service of process; amending Minnesota Statutes 1994, sections 5.22, subdivision 1; 48.185, subdivision 7; 79A.06, subdivision 5; 168.27, subdivision 19a; 221.67; 302A.115, subdivision 1; 302A.121, subdivision 1; 302A.701; 302A.901, subdivision 1; 303.03; 303.06, subdivision 1; 303.13, subdivision 1; 303.14, subdivision 3; 308A.121, subdivision 1; 309.56, subdivision 1; 317A.115, subdivision 2; 317A.823, subdivision 1; 317A.901, subdivision 1; 319A.03; 319A.06, subdivision 2; 322A.02; 322A.761; 322B.12, subdivision 1; 322B.80, subdivision 1; 322B.876, subdivision 1; 322B.955; 322B.960, subdivisions 1 and 3; 323.02, by adding a subdivision; 323.44, subdivisions 2, 4, 5, and 6; 323.45, subdivisions 1 and 5; 323.46; 323.47, subdivision 1; 325F.70, subdivision 2; 330.11, subdivision 3; 333.001; 333.01; 333.055, subdivision 4; 333.21, subdivision 1; 336.9-403; 336A.11, subdivision 2; 540.152; and 543.08; proposing coding for new law in Minnesota Statutes, chapters 5; and 323; repealing Minnesota Statutes 1994, sections 302A.901, subdivisions 2, 2a, 3, and 4; 303.13, subdivisions 2, 3, 4, and 5; 317A.901, subdivisions 2, 3, and 4; 322B.876, subdivisions 2, 3, and 4; 322B.901; and 323.47, subdivisions 2, 3, and 4.

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

Page 41, after line 23, insert:

"ARTICLE 4

Section 1. Minnesota Statutes 1994, section 302A.409, subdivision 3, is amended to read:

Subd. 3. [ISSUANCE PERMITTED.] A corporation may issue rights to purchase after the terms, provisions, and conditions of the rights to purchase to be issued, including the conversion basis or the price at which securities may be purchased or subscribed for, are fixed by the board, subject to any restrictions in the articles. Notwithstanding any provision of this chapter, a corporation may issue rights to purchase or amend the instrument or agreement fixing the terms, provisions, and conditions of the rights to purchase to include terms and conditions that prevent the holder of a specified percentage of the outstanding shares of the corporation, including subsequent transferees of the holder, from exercising those rights to purchase.

Sec. 2. [APPLICATION.]

Section 1 applies to issuances made before, on, or after the effective date."

Amend the title as follows:

Page 1, line 2, delete "the secretary of state" and insert "business organizations; clarifying corporate authority with respect to rights to purchase"

Page 1, line 7, after the second semicolon, insert "302A.409, subdivision 3;"

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

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

S.F. No. 1314: A bill for an act relating to the environment; modifying provisions relating to

the voluntary investigation and cleanup program; establishing the environmental improvement pilot program; amending Minnesota Statutes 1994, sections 115B.03, by adding a subdivision; 115B.175, subdivisions 2 and 3; and 115B.178, subdivision 1.

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

Page 1, after line 16, insert:

"Sec. 2. Minnesota Statutes 1994, section 115B.03, is amended by adding a subdivision to read:

Subd. 9. [PERSONAL REPRESENTATIVES OF ESTATES.] A personal representative of an estate, who is not otherwise a responsible party for a release or threatened release of a hazardous substance from a facility, is not a responsible person under this section solely because a facility is among the assets of the estate or solely because the personal representative has the capacity to direct the operation of the facility.

Sec. 3. Minnesota Statutes 1994, section 115B.17, is amended by adding a subdivision to read:

Subd. 2a. [CLEANUP STANDARDS.] In determining the appropriate standards to be achieved by response actions taken or requested under this section to protect public health and welfare and the environment from a release or threatened release, the commissioner shall consider the planned use of the property where the release or threatened release is located."

Page 2, line 2, strike everything after "that"

Page 2, line 3, delete the new language and strike the old language

Page 2, line 4, delete "the property" and insert "meets the same standards for protection that apply to response actions taken or requested under section 115B.17, subdivision 1 or 2"

Page 3, line 18, reinstate the stricken language

Page 3, delete lines 19 to 22 and insert "protection of public health and welfare and the environment that apply to response actions taken or requested under section 115B.17, subdivision 1 or 2."

Page 4, line 18, before the period, insert ", or shall take response actions in accordance with a response action plan approved by the commissioner"

Page 4, line 32, delete "5" and insert "7"

Page 4, line 33, delete "13" and insert "15"

Page 5, line 7, after the period, insert "The final audit document must be designated as an "audit report" and must include the date of the final written report of findings for the audit."

Page 6, line 19, after the comma, insert "more than one year must have elapsed since the initiation of an enforcement action that resulted in the imposition of a penalty against the regulated entity. In addition,"

Page 6, line 24, delete "include in" and insert "examine"

Page 6, line 25, delete "the audit or self-evaluation an analysis of"

Page 7, line 16, delete "7" and insert "9"

Page 7, line 32, after "(5)" insert "that is trade secret information as that term is defined in section 13.37"

Page 7, line 33, delete "under Minnesota Statutes, chapter 13"

Page 8, lines 6, 13, and 21, delete "7" and insert "9"

Page 8, line 16, delete "8" and insert "10"

Page 8, line 20, delete "(a)"

Page 8, line 26, delete the colon

Page 8, line 27, delete everything before "the"

Page 8, line 29, delete "; and" and insert a period

Page 8, delete lines 30 to 36

Page 9, delete lines 1 and 2

Page 9, line 8, after "civil" insert "or administrative"

Page 9, line 16, delete "7" and insert "9"

Page 10, lines 13, 31, and 35, delete "7" and insert "9"

Page 10, line 15, delete "that qualifies for participation in the"

Page 10, line 16, delete "environmental improvement program under section 7"

Page 10, line 17, after "if" insert ":

(a) the regulated entity qualifies for participation in the environmental improvement program under section 9;

(b)"

Page 10, line 22, after "self-evaluation" insert "; and

(c) at least one year has elapsed since the final resolution of a notice of violation, an administrative penalty order, or a civil or criminal enforcement action involving the regulated entity"

Page 10, delete lines 24 to 26 and insert "commissioner determines that the requirements of this section have been met."

Page 10, line 29, delete "any documents relating to an environmental" and insert "a final audit report, draft audit reports, a self-evaluation form, the notes or papers prepared by the auditor or the person conducting the self-evaluation in connection with the audit or self-evaluation, or the internal documents of a regulated entity establishing, coordinating, or responding to the"

Page 10, line 36, delete "any documents relating to the environmental" and insert "the final audit report, draft audit reports, the self-evaluation form, any notes or papers prepared by the auditor or the person conducting the self-evaluation, or the internal documents of the regulated entity establishing, coordinating, or responding to the"

Page 11, line 2, after "state" insert "provided that the regulated entity is in compliance with its commitments under sections 9 and 10"

Page 11, line 11, delete "this chapter" and insert "sections 7 to 16"

Page 11, after line 22, insert:

"Sec. 17. [SURVIVAL OF RIGHTS AND PROTECTIONS.]

All rights and protections provided under this act shall survive the repeal of the act with respect to any report filed under section 9, subdivision 2, that is submitted before July 1, 1999."

Page 11, line 24, delete "5 to 14" and insert "7 to 16"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "a subdivision" and insert "subdivisions" and after the semicolon, insert "115B.17, by adding a subdivision;"

And when so amended the bill do pass. Mr. Morse questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 553: A bill for an act relating to motor vehicles; authorizing sale and disposal of unauthorized, abandoned, and junk vehicles by impound lots; amending Minnesota Statutes 1994, sections 168B.04; 168B.05; 168B.06; 168B.07, subdivision 1; 168B.08; 168B.09, subdivision 1; 168B.101; and 169.041, subdivisions 3, 4, and 6; proposing coding for new law in Minnesota Statutes, chapter 168B; repealing Minnesota Statutes 1994, section 168B.02.

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

Delete everything after the enacting clause and insert:

"Section 1. [168B.011] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms used in this chapter have the meanings given them in this section.

Subd. 2. [ABANDONED VEHICLE.] (a) "Abandoned vehicle" means a motor vehicle, as defined in section 169.01, that:

(1) has remained illegally:

(i) for a period of more than 48 hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted; or

(ii) on private property for a period of time, as determined under section 168B.04, subdivision 2, without the consent of the person in control of the property; and

(2) lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.

(b) A classic car or pioneer car, as defined in section 168.10, is not considered an abandoned vehicle.

(c) Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with section 161.242, or that are licensed and maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles.

(d) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ, or court order is in effect.

Subd. 3. [JUNK VEHICLE.] "Junk vehicle" means a vehicle that:

(1) is three years old or older;

(2) is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission;

(3) is apparently inoperable;

(4) does not have a valid, current registration plate; and

(5) has an approximate fair market value equal only to the approximate value of the scrap in it.

Subd. 4. [UNAUTHORIZED VEHICLE.] "Unauthorized vehicle" means a vehicle that is

subject to removal and impoundment pursuant to section 168B.04, subdivision 2, or 169.041, but is not a junk vehicle or an abandoned vehicle.

Subd. 5. [AGENCY.] "Agency" means the Minnesota pollution control agency.

Subd. 6. [DEPARTMENT.] "Department" means the Minnesota department of public safety.

Subd. 7. [IMPOUND.] "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds, public and nonpublic.

Subd. 8. [IMPOUND LOT OPERATOR OR OPERATOR.] "Impound lot operator" or "operator" means a person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles. "Operator" includes an operator of a public or nonpublic impound lot, regardless of whether tow truck service is provided.

Subd. 9. [MOTOR VEHICLE OR VEHICLE.] "Motor vehicle" or "vehicle" has the meaning given motor vehicle in section 169.01.

Subd. 10. [MOTOR VEHICLE WASTE.] "Motor vehicle waste" means solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.

Subd. 11. [NONPUBLIC IMPOUND LOT.] "Nonpublic impound lot" means an impound lot that is not a public impound lot.

Subd. 12. [PUBLIC IMPOUND LOT.] "Public impound lot" means an impound lot owned by or contracting with a unit of government under section 168B.09.

Subd. 13. [UNIT OF GOVERNMENT.] "Unit of government" includes a state department or agency, a special purpose district, and a county, statutory or home rule charter city, or town.

Subd. 14. [VITAL COMPONENT PARTS.] "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including such things as the motor, drive train, and wheels.

Sec. 2. Minnesota Statutes 1994, section 168B.04, is amended to read:

168B.04 [CUSTODY OF ABANDONED AUTHORITY TO IMPOUND VEHICLES.]

Subdivision 1. [ABANDONED OR JUNK VEHICLES.] Units of government and peace officers may take into custody and impound any abandoned motor or junk vehicle.

Subd. 2. [UNAUTHORIZED VEHICLES.] (a) Units of government and peace officers may take into custody and impound any unauthorized vehicle under section 169.041.

(b) A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

(1) in a public location not governed by section 169.041:

(i) on a highway and properly tagged by a peace officer, four hours;

(ii) located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; or

(iii) that is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) on private property:

(i) that is single-family or duplex residential property, immediately;

(ii) that is private, nonresidential property, properly posted, immediately;

(iii) that is private, nonresidential property, not posted, 24 hours; or

(iv) that is any residential property, properly posted, immediately.

Sec. 3. [168B.051] [SALE; WAITING PERIODS.]

Subdivision 1. [SALE AFTER 15 DAYS.] An impounded vehicle is eligible for disposal or sale under section 168B.08, 15 days after notice to the owner, if the vehicle is determined to be:

(1) a junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale under this subdivision; or

(2) an abandoned vehicle.

Subd. 2. [SALE AFTER 45 DAYS.] An impounded vehicle is eligible for disposal or sale under section 168B.08, 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle.

Sec. 4. Minnesota Statutes 1994, section 168B.06, is amended to read:

168B.06 [NOTICE OF TAKING AND SALE.]

Subdivision 1. [CONTENTS; NOTICE GIVEN WITHIN TEN DAYS.] When an abandoned motor impounded vehicle does not fall within the provisions of section 168B.05 is taken into custody, the unit of government or impound lot operator taking it into custody shall give notice of the taking within ten days. The notice shall (a) set forth the date and place of the taking, the year, make, model and serial number of the abandoned impounded motor vehicle if such information can be reasonably obtained and the place where the vehicle is being held, (b) inform the owner and any lienholders of their right to reclaim the vehicle under section 168B.07, and (c) state that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under section 168B.051, subdivision 1 or 2, shall be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents at a public auction pursuant to section 168B.08.

Subd. 2. [DELIVERY OF NOTICE BY MAIL OR PUBLICATION.] The notice shall be sent by mail to the registered owner, if any, of the abandoned motor an impounded vehicle and to all readily identifiable lienholders of record. The department shall make this information available to impound lot operators for notification purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy.

Subd. 3. [UNAUTHORIZED VEHICLES; NOTICE.] If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under subdivision 2, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

Sec. 5. Minnesota Statutes 1994, section 168B.07, subdivision 1, is amended to read:

Subdivision 1. [PAYMENT OF CHARGES.] The owner or any lienholder of an abandoned motor impounded vehicle shall have a right to reclaim such vehicle from the unit of government or impound lot operator taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days, as applicable under section 168B.051, subdivision 1 or 2, after the date of the notice required by section 168B.06.

Sec. 6. Minnesota Statutes 1994, section 168B.08, is amended to read:

168B.08 [PUBLIC SALE DISPOSITION BY IMPOUND LOT.]

Subdivision 1. [AUCTION OR SALE.] (a) If an abandoned motor or unauthorized vehicle and contents taken into custody and by a unit of government or any impound lot is not reclaimed under section 168B.07 is, it may be disposed of or sold at public auction or sale, it shall be sold to the highest bidder following reasonable published notice of such auction or sale when eligible pursuant to sections 168B.06 and 168B.07.

(b) The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title it must receive a motor vehicle safety check.

Subd. 2. ~~[DISPOSING OF UNSOLD VEHICLES.]~~ Abandoned ~~motor~~ or junk vehicles not sold by units of government or public impound lots pursuant to subdivision 1 shall be disposed of in accordance with section 168B.09.

Subd. 3. ~~[DISPOSITION OF SALE PROCEEDS; PUBLIC ENTITIES.]~~ From the proceeds of a sale under this section by a unit of government or public impound lot of an abandoned or unauthorized motor vehicle, the unit of government shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle pursuant to sections 168B.01 to 168B.101. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the treasury of the unit of government.

Subd. 4. ~~[SALE PROCEEDS; NONPUBLIC IMPOUND LOTS.]~~ The operator of a nonpublic impound lot may retain any proceeds derived from a sale conducted under the authority of subdivision 1. The operator may retain all proceeds from sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale, except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

Sec. 7. [168B.087] [OPERATOR'S DEFICIENCY CLAIM; CONSENT TO SALE.]

Subdivision 1. ~~[DEFICIENCY CLAIM.]~~ (a) The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage, and inspection of the vehicle minus the proceeds of the sale or auction.

(b) The claim for storage costs may not exceed the costs of:

(1) 25 days storage, for a vehicle described in section 168B.051, subdivision 1; and

(2) 55 days storage, for a vehicle described in section 168B.051, subdivision 2.

Subd. 2. ~~[IMPLIED CONSENT TO SALE.]~~ A registered owner who fails to claim the impounded vehicle within the applicable time period allowed under section 168B.051 is deemed to waive any right to reclaim the vehicle and consents to the disposal or sale of the vehicle and its contents and transfer of title.

Sec. 8. Minnesota Statutes 1994, section 168B.09, subdivision 1, is amended to read:

Subdivision 1. ~~[UNITS OF GOVERNMENT.]~~ A unit of government may contract with others or may utilize its own equipment and personnel for the inventory of abandoned impounded motor vehicles and abandoned scrap metal and, if no bids are received, may utilize its own equipment and personnel for the collection, storage and transportation of abandoned ~~motor~~ these vehicles and abandoned scrap metal; provided, however, that a unit of government may utilize its own equipment and personnel for the collection and storage of not more than five abandoned ~~motor~~ or unauthorized vehicles without advertising for or receiving bids in any 120-day period.

Sec. 9. Minnesota Statutes 1994, section 168B.101, is amended to read:

168B.101 [AGENCY RESPONSIBILITY.]

The agency may contract with others or use its own personnel to study programs for the control of motor vehicle waste, junk and abandoned motor vehicles, or other scrap metal, or any combination of these; or to develop public informational material and programs relating to the proper disposal of motor vehicle waste, junk and abandoned motor vehicle vehicles, or other scrap metal.

Sec. 10. Minnesota Statutes 1994, section 169.041, subdivision 3, is amended to read:

Subd. 3. [FOUR-HOUR WAITING PERIOD.] In enforcing state and local parking and traffic laws, a towing authority may not tow, or allow or require the towing of, a motor vehicle from public property for a parking or traffic violation until four hours after issuance of the traffic ticket or citation, except as provided in this section or as provided for an unauthorized vehicle in section 168B.04.

Sec. 11. Minnesota Statutes 1994, section 169.041, subdivision 4, is amended to read:

Subd. 4. [TOWING ALLOWED.] A towing authority may tow a motor vehicle without regard to the four-hour waiting period if:

- (1) the vehicle is parked in violation of snow emergency regulations;
- (2) the vehicle is parked in a rush-hour restricted parking area;
- (3) the vehicle is blocking a driveway, alley, or fire hydrant;
- (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;
- (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- (6) the vehicle is parked in a handicap transfer zone or handicapped parking space without a handicapped parking certificate or handicapped license plates;
- (7) the vehicle is parked in an area that has been posted for temporary restricted parking (i) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or (ii) at least 24 hours in advance in another political subdivision;
- (8) the vehicle is parked within the right-of-way of a controlled access highway or within the traveled portion of a public street when travel is allowed there;
- (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the metropolitan airports commission;
- (11) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
- (12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- (13) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;
- (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;
- (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle; or
- (16) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or
- (17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section 168B.011, and subject to immediate removal under chapter 168B.

Sec. 12. Minnesota Statutes 1994, section 169.041, subdivision 6, is amended to read:

Subd. 6. [PRIVATE PROPERTY.] This section does not restrict the authority of the owner of private property to authorize under chapter 168B the towing ~~at any time~~ of a motor vehicle unlawfully parked on the private property.

Sec. 13. [REPEALER.]

Minnesota Statutes 1994, sections 168B.02; and 168B.05, are repealed."

Delete the title and insert:

"A bill for an act relating to motor vehicles; authorizing sale and disposal of unauthorized, abandoned, and junk vehicles by impound lots; amending Minnesota Statutes 1994, sections 168B.04; 168B.06; 168B.07, subdivision 1; 168B.08; 168B.09, subdivision 1; 168B.101; and 169.041, subdivisions 3, 4, and 6; proposing coding for new law in Minnesota Statutes, chapter 168B; repealing Minnesota Statutes 1994, sections 168B.02; and 168B.05."

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

Messrs. Pogemiller and Stumpf from the Committee on Education, to which was referred

S.F. No. 547: A bill for an act relating to environmental education; implementing environmental education; establishing the environmental education council; transferring duties to the office of strategic and long-range planning; appropriating money; amending Minnesota Statutes 1994, sections 126A.01; 126A.02; 126A.04; 126A.07; 126A.08; and 126A.12; Laws 1993, chapter 224, article 12, section 32.

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

Pages 5 to 7, delete sections 4 to 7

Page 8, lines 15 and 16, delete the new language and reinstate the stricken language

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "appropriating money;"

Page 1, line 7, after "126A.02;" insert "and" and delete everything after "126A.04;"

Page 1, line 8, delete "and 126A.12;"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations and Veterans.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 1195: A bill for an act relating to state government; establishing various pilot projects to improve the efficiency and effectiveness of state agencies; repealing Minnesota Rules, parts 3900.0100 to 3900.4700; and 3900.6100 to 3900.9100.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

PURPOSE

Section 1. [PURPOSE.]

The purpose of this act is to make government work better and cost less. To accomplish this purpose, this act creates incentives for state and local employees to act in a manner that provides the best and most efficient services to the public. The act also removes barriers that currently

discourage state and local agencies from taking innovative approaches to improving services and achieving cost savings.

ARTICLE 2 HUMAN RESOURCES SYSTEM

Section 1. [POLICY.]

The legislature reaffirms its commitment to an efficient and effective merit-based human resources system that meets the management needs of the state and that meets the program needs of the people of the state. The purpose of this article is to establish a process to ensure the continuation of merit-based principles, while removing rules and procedures that cause unnecessary inefficiencies in the state human resources system.

Sec. 2. [PILOT PROJECT.]

During the biennium ending June 30, 1997, the governor shall designate an executive agency that will conduct a pilot civil service project. The pilot program must adhere to the policies expressed in section 1 and in Minnesota Statutes, section 43A.01. For the purposes of conducting the pilot project, the commissioner of the designated agency is exempt from the provisions that relate to employment in Minnesota Statutes, chapter 43A, Minnesota Rules, chapter 3900, and administrative procedures and policies of the department of employee relations. If a proposed exemption from the provisions that relate to employment in Minnesota Statutes, chapter 43A, Minnesota Rules, chapter 3900, and administrative procedures and policies of the department of employee relations would violate the terms of a collective bargaining agreement effective under Minnesota Statutes, chapter 179A, the exemption is not effective without the consent of the exclusive representative that is a party to the agreement. Upon request of the commissioner carrying out the pilot project, the commissioner of employee relations shall provide technical assistance in support of the pilot project. This section does not exempt an agency from compliance with Minnesota Statutes, sections 43A.19 and 43A.191, or from rules adopted to implement those sections.

Sec. 3. [EVALUATION.]

The commissioner of employee relations, in consultation with the agency selected in section 2, shall design and implement a system for evaluating the success of the pilot project in section 2. The system specifically must:

- (1) evaluate the extent to which the agency has been successful in maintaining a merit-based human resources system in the absence of the traditional civil service rules and procedures;
- (2) quantify time and money saved in the hiring process under the pilot project as compared to hiring under the traditional rules and procedures; and
- (3) document the extent of complaints or problems arising under the new system.

The agency involved in the pilot project under this article and the department of employee relations must report to the legislature by January 1, 1997, and January 1, 1998, on the progress and results of the project. The report must include at least the elements required in this section, and must also make recommendations for legislative changes needed to ensure the state will have the most efficient and effective merit-based human resources system possible.

Sec. 4. [WORKING GROUP.]

The governor shall appoint a stakeholder working group to advise the agency selected in section 2 and the commissioner of employee relations on implementation of the pilot project under this article. The group shall include not more than 15 people, and must include:

- (1) not more than five representatives of management of the agency selected for the pilot project;
- (2) not more than five representatives of exclusive representatives of the agency selected by the pilot project, chosen by the exclusive representatives, provided that the number of representatives under this clause may not be less than the number of management representatives under clause (1);

(3) up to three representatives of customers of the services provided by the agency selected for the pilot project; and

(4) up to two representatives of nonprofit citizens' organizations devoted to the study and improvement of government services.

Sec. 5. [PILOT PROJECT.]

During the biennium ending June 30, 1997, the human resources innovation committee established under Laws 1993, chapter 301, section 1, subdivision 6, shall designate state job classifications to be included in a pilot project. Under this pilot project: (1) resumes of applicants for positions to be filled through a competitive open process will be evaluated through an objective computerized system that will identify which applicants have the required skills; and (2) information on applicants determined to have required skills will be forwarded to the agency seeking to fill a vacancy, without ranking these applicants, and without a limit on the number of applicants that may be forwarded to the hiring agency. Laws or rules that govern examination, ranking of eligibles, and certification of eligibles for competitive open positions do not apply to those job classifications included in the pilot project. Before designating a job classification under this section, the committee must assure that the hiring process for those job classifications complies with the policies in section 1.

Sec. 6. [EVALUATION.]

The commissioner of employee relations, in consultation with the human resources innovation committee, shall design and implement a system for evaluating the success of the pilot project in section 5. By January 1, 1997, and January 1, 1998, the commissioner must report to the legislature on the pilot project. The report must:

(1) list job classifications subject to the pilot project, and the number of positions filled under these job classes;

(2) evaluate the extent to which the project has been successful in maintaining a merit-based system in the absence of traditional civil service laws and rules;

(3) quantify time and money saved in the hiring process under the pilot project, as compared to hiring under the traditional laws and rules;

(4) document the extent of complaints or problems arising under the new system; and

(5) recommend any changes in laws or rules needed to make permanent the successes of the pilot project.

Sec. 7. [EXTENSION.]

Laws 1993, chapter 301, section 1, subdivision 6, is not repealed until June 30, 1997.

Sec. 8. [REPEALER.]

Minnesota Rules, parts 3900.0100 to 3900.4700 and 3900.6100 to 3900.9100, and all administrative procedures of the department of employee relations that control the manner in which state agencies hire employees, are repealed on June 30, 1999.

ARTICLE 3

GAINSHARING

Section 1. [FINDINGS.]

The legislature recognizes state employees as crucial resources in providing effective and efficient government services to the people of Minnesota. The legislature believes that state employees should benefit from successful efforts they make to improve government efficiency and effectiveness.

Sec. 2. [PILOT PROJECT.]

During the biennium ending June 30, 1997, the department of employee relations must implement a system of incentives including economic incentives for unrepresented employees for employees in the department. The system must be approved by the commissioner of finance before being implemented. The system must have the following characteristics:

(1) it must provide nonmanagerial unrepresented employees within the agency the possibility of earning economic rewards by suggesting changes in operation of the department's programs;

(2) it must provide groups of nonmanagerial represented employees within the agency the possibility of receiving group rewards in the form of training opportunities, additional employee complement, or other resources that benefit overall group performance;

(3) any economic awards must be based on changes in operations suggested by nonmanagerial employees that result in objectively measurable cost savings of at least \$25,000 or significant and objectively measurable efficiencies in services that the agency provides to its customers or clients, without decreasing the quality of these services;

(4) awards must be a minimum of \$500 up to a maximum of \$2,500 per year to unrepresented nonmanagerial employees who were instrumental in identifying and implementing the efficiency and cost-saving measures;

(5) an "efficiency savings account" must be created within each fund that is used to provide money for department services. Each account consists of money saved directly as a result of initiatives under this article. Any awards under this article must be paid from money in an efficiency savings account;

(6) no award shall be given except upon approval of a team comprised of equal numbers of management and nonmanagement employees selected by the commissioner of employee relations from state employees outside of the department; and

(7) the economic awards granted to unrepresented employees must be one-time awards, and must not add to the base salary of employees.

Sec. 3. [REPORTING.]

The department of employee relations must report to the legislature on January 1, 1997, and January 1, 1998, on the progress and results of the incentive programs under this article. The reports must include:

(1) a description of the measurable cost savings and in-agency services that were used as the basis for rewards; and

(2) a list of the number and amount of awards granted.

ARTICLE 4 PROCUREMENT

Section 1. [PURPOSE.]

The primary purpose of the laws governing state contracting is to ensure that state agencies obtain high quality goods and services at the least cost and in the most efficient and effective manner. The purpose of this article is to establish a process to ensure that agencies obtain goods and services in this manner, while removing rules and procedures that cause unnecessary inefficiencies in the purchasing system.

Sec. 2. [PILOT PROJECT.]

Notwithstanding any law to the contrary, the governor shall designate an executive agency that, during the biennium ending June 30, 1997, is exempt from any procurement-related law, rule, or administrative procedure before an agency enters into a contract. The agency selected in this section must establish a process for obtaining goods and services that complies with the policies in section 1. The process must include guidelines to prevent conflicts of interest for agency employees involved in developing bid specifications or proposals, evaluating bids or proposals,

entering into contracts, or evaluating the performance of a contractor. The guidelines must attempt to ensure that such an employee:

- (1) does not have any financial interest in and does not personally benefit from the contract;
- (2) does not accept from a contractor or bidder any promise, obligation, contract for future reward, or gift, other than an item of nominal value; and
- (3) does not appear to have a conflict of interest because of a family or close personal relationship to a contractor or bidder, or because of a past employment or business relationship with a contractor or bidder.

Upon request of the agency, the department of administration shall provide the agency technical assistance in designing such a process.

Sec. 3. [EVALUATION.]

The commissioner of administration, in consultation with the agency selected in section 2, shall design and implement a system for evaluating the success of the pilot project in section 2. The system specifically must:

- (1) evaluate the extent to which the agency has been successful in obtaining high quality goods and services at the least cost in the absence of the traditional checks placed on agencies by laws, rules, and procedures administered by the commissioner of administration;
- (2) quantify time and money saved in the procurement process under the pilot project as compared to purchasing goods and services under the traditional rules and procedures; and
- (3) document the extent of complaints or problems arising under the new system.

The agency involved in the pilot project under this article and the commissioner of administration must report to the legislature by January 1, 1997, and January 1, 1998, on the progress and results of the project. The reports must include at least the elements required in clauses (1) to (3) and must also make recommendations for legislative changes needed to ensure that the state will have the most efficient and effective system possible for purchasing goods and services.

ARTICLE 5

BOARD OF INNOVATION

Section 1. [465.7971] [WAIVERS OF STATE RULES; POLICIES.]

Subdivision 1. [APPLICATION.] A state agency may apply to the board for a waiver from: (1) an administrative rule or policy adopted by the department of employee relations that deals with the state personnel system; (2) an administrative rule or policy of the department of administration that deals with the state procurement system; or (3) a policy of the department of finance that deals with the state accounting system. Two or more state agencies may submit a joint application. A waiver application must identify the rule or policy at issue, and must describe the improved outcome sought through the waiver.

Subd. 2. [REVIEW PROCESS.] (a) The board shall review all applications submitted under this section. The board shall dismiss an application if it finds that the application proposes a waiver that would result in due process violations, violations of federal law or the state or federal constitution, or the loss of services to people who are entitled to them. If a proposed waiver would violate the terms of a collective bargaining agreement effective under chapter 179A the waiver is not effective without the consent of the exclusive representative that is a party to the agreement. The board may approve a waiver only if the board determines that if the waiver is granted: (1) services can be provided in a more efficient or effective manner; and (2) services related to human resources must be provided in a manner consistent with the policies expressed in article 2, section 1, and in section 43A.01 and services related to procurement must be provided in a manner consistent with the policies expressed in article 4, section 1. In the case of a waiver from a policy of the department of finance, the board may approve the waiver only if it determines that services will be provided in a more efficient or effective manner and that state funds will be adequately

accounted for and safeguarded in a manner that complies with generally accepted government accounting principles.

(b) Within 15 days of receipt of the application, the board must send a copy of the application to: (1) the agency whose rule or policy is involved; and (2) all exclusive representatives who represent employees of the agency requesting the waiver. The agency whose rule or policy is involved may mail a copy of the application to all persons who have registered with the agency under section 14.14, subdivision 1a.

(c) The agency whose rule or policy is involved or an exclusive representative must notify the board of its agreement with or objection to and grounds for objection to the waiver within 60 days of the date when the application was transmitted to the agency or the exclusive representative. An agency's or exclusive representative's failure to do so is considered agreement to the waiver.

(d) If the agency or the exclusive representative objects to the waiver, the board must schedule a meeting at which the agency requesting the waiver can present its case for the waiver, and the objecting party can respond. The board shall decide whether to grant a waiver at its next regularly scheduled meeting following its receipt of an agency's response, or the end of the 60-day response period, whichever occurs first. If consideration of an application is not concluded at the meeting, the matter may be carried over to the next meeting of the board. Interested persons may submit written comments to the board on the waiver request.

(e) If the board grants a request for a waiver, the board and the agency requesting the waiver shall enter into an agreement relating to the outcomes desired as a result of the waiver and the means of measurement to determine if these outcomes have been achieved with the waiver. The agreement must specify the duration of the waiver, which must be for at least two years and not more than four years. If the board determines that an agency to which a waiver is granted is failing to comply with the terms of the agreement, the board may rescind the agreement.

Subd. 3. [BOARD.] For purposes of evaluating waiver requests involving rules or policies of the department of administration, the chief administrative law judge shall appoint a third administrative law judge to replace the commissioner of administration on the board.

ARTICLE 6

UNIVERSITY OF MINNESOTA

Section 1. [UNIVERSITY OF MINNESOTA CONTRACTING.]

Notwithstanding any law to the contrary, the governor shall designate one executive agency that will work with the University of Minnesota to develop more efficient and effective procedures for state agencies to contract with the University of Minnesota. Consideration shall be given to using a single agency and a single set of administrative procedures for all state contracting with the University. As part of its 1998-1999 biennial budget request, the University of Minnesota shall include measures demonstrating the efficiency gained through these procedures and any recommendations for further improvements.

ARTICLE 7

PRESERVATION OF COLLECTIVE BARGAINING

Section 1. [POLICY.]

Nothing in articles 1 to 6 authorizes the unilateral modification or abrogation of a right under a collective bargaining agreement. The legislature affirmatively encourages state agencies and bargaining units, when negotiating future agreements, to allow for participation in pilot projects that foster innovation, creativity, and productivity within the state human resource system and within individual agencies, departments, or units thereof.

ARTICLE 8

Section 1. [EFFECTIVE DATE.]

Articles 1 to 7 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public administration; establishing various pilot projects to improve the efficiency and effectiveness of state agencies; authorizing waivers of certain rules and policies; improving the efficiencies of certain human services programs; proposing coding for new law in Minnesota Statutes, chapter 465."

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

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

S.F. No. 566: A bill for an act relating to education; allowing the residential program operated by independent school district No. 518 to remain open until June 1, 1996; amending Laws 1994, chapter 643, section 14, subdivision 8.

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

Page 1, line 9, strike "2,070,000" and insert "1,700,000"

Page 1, line 13 after "cottages" insert "at no more than \$340,000 each"

Page 1, line 31, after "operation" insert "without licensure by the commissioner of human services" and delete "June" and insert "July"

Page 1, line 32, after the period, insert "The commissioner of human services need not pay any of the costs of operating the residential program before it is licensed."

Amend the title as follows:

Page 1, line 4, delete "June" and insert "July"

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

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

S.F. No. 150: A bill for an act relating to game and fish; removing certain requirements relating to fish taken in Canada; appropriating money; amending Minnesota Statutes 1994, section 97A.531, subdivision 1; repealing Minnesota Statutes 1994, section 97A.531, subdivisions 2, 3, 4, 5, and 6.

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

Page 1, line 20, delete "\$....." and insert "\$100,000"

Page 1, line 22, delete "local and regional organizations" and insert "political subdivisions"

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. 68 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS

CONSENT CALENDAR

CALENDAR

H.F. No.

S.F. No.

H.F. No.

S.F. No.

H.F. No.

S.F. No.

68

68

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.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred the following appointment as reported in the Journal for February 16, 1995:

DEPARTMENT OF TRANSPORTATION
COMMISSIONER

James N. Denn

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

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

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

S.F. No. 1103: A bill for an act relating to children's services; establishing the department of children, families, and learning; making related changes; proposing coding for new law as Minnesota Statutes, chapter 119A; repealing Minnesota Statutes 1994, sections 121.02, subdivisions 1, 2a, and 3; 121.03; and 121.04, subdivision 2.

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

Page 4, after line 9, insert:

"No program for which the legislature has appropriated funds may be transferred to the department of children, families, and learning without legislative authority."

Page 5, delete lines 4 to 7

Page 5, delete lines 9 to 14

Page 5, line 16, delete "sections" and insert "section" and delete "and 256F.13"

Page 5, delete lines 17 to 21

Page 5, delete lines 33 to 35

Page 6, delete line 4

Page 6, delete lines 7 to 13

Page 6, line 14, after the semicolon, insert "and"

Page 6, line 15, delete the semicolon and insert a period

Page 6, delete lines 16 to 26

Renumber the clauses in sequence

Page 6, delete lines 27 to 32

Page 6, line 33, delete "4" and insert "3"

Page 7, line 10, delete "5" and insert "4"

Page 7, line 15, delete "6" and insert "5"

Page 7, line 35, delete the second "and"

Page 7, line 36, delete "statutes" and delete ", provided"

Page 8, delete line 1

Page 8, line 2, delete everything before the period

Page 8, line 3, delete "or statutes"

Page 9, delete lines 16 to 18

Page 10, after line 2, insert:

"Sec. 6. Minnesota Statutes 1994, section 256F.13, subdivision 1, is amended to read:

Subdivision 1. [FEDERAL REVENUE ENHANCEMENT.] (a) [DUTIES OF THE COMMISSIONER OF HUMAN SERVICES.] The commissioner of human services may enter into an agreement with one or more family services collaboratives to enhance federal reimbursement under Title IV-E of the Social Security Act and federal administrative reimbursement under Title XIX of the Social Security Act. The commissioner may contract with the department of children, families, and learning for purposes of transferring the federal reimbursement to the commissioner of children, families, and learning to be distributed to the collaboratives according to clause (2). The commissioner shall have the following authority and responsibilities regarding family services collaboratives:

(1) the commissioner shall submit amendments to state plans and seek waivers as necessary to implement the provisions of this section;

(2) the commissioner shall pay the federal reimbursement earned under this subdivision to each collaborative based on their earnings. Notwithstanding section 256.025, subdivision 2, payments to collaboratives for expenditures under this subdivision will only be made of federal earnings from services provided by the collaborative;

(3) the commissioner shall review expenditures of family services collaboratives using reports specified in the agreement with the collaborative to ensure that the base level of expenditures is continued and new federal reimbursement is used to expand education, social, health, or health-related services to young children and their families;

(4) the commissioner may reduce, suspend, or eliminate a family services collaborative's obligations to continue the base level of expenditures or expansion of services if the commissioner determines that one or more of the following conditions apply:

(i) imposition of levy limits that significantly reduce available funds for social, health, or health-related services to families and children;

(ii) reduction in the net tax capacity of the taxable property eligible to be taxed by the lead county or subcontractor that significantly reduces available funds for education, social, health, or health-related services to families and children;

(iii) reduction in the number of children under age 19 in the county, collaborative service delivery area, subcontractor's district, or catchment area when compared to the number in the base year using the most recent data provided by the state demographer's office; or

(iv) termination of the federal revenue earned under the family services collaborative agreement;

(5) the commissioner shall not use the federal reimbursement earned under this subdivision in determining the allocation or distribution of other funds to counties or collaboratives;

(6) the commissioner may suspend, reduce, or terminate the federal reimbursement to a provider that does not meet the reporting or other requirements of this subdivision;

(7) the commissioner shall recover from the family services collaborative any federal fiscal disallowances or sanctions for audit exceptions directly attributable to the family services collaborative's actions in the integrated fund, or the proportional share if federal fiscal disallowances or sanctions are based on a statewide random sample; and

(8) the commissioner shall establish criteria for the family services collaborative for the accounting and financial management system that will support claims for federal reimbursement.

(b) [FAMILY SERVICES COLLABORATIVE RESPONSIBILITIES.] The family services collaborative shall have the following authority and responsibilities regarding federal revenue enhancement:

(1) the family services collaborative shall be the party with which the commissioner contracts. A lead county shall be designated as the fiscal agency for reporting, claiming, and receiving payments;

(2) the family services collaboratives may enter into subcontracts with other counties, school districts, special education cooperatives, municipalities, and other public and nonprofit entities for purposes of identifying and claiming eligible expenditures to enhance federal reimbursement, or to expand education, social, health, or health-related services to families and children;

(3) the family services collaborative must continue the base level of expenditures for education, social, health, or health-related services to families and children from any state, county, federal, or other public or private funding source which, in the absence of the new federal reimbursement earned under this subdivision, would have been available for those services, except as provided in subdivision 1, paragraph (a), clause (4). The base year for purposes of this subdivision shall be the four-quarter calendar year ending at least two calendar quarters before the first calendar quarter in which the new federal reimbursement is earned;

(4) the family services collaborative must use all new federal reimbursement resulting from federal revenue enhancement to expand expenditures for education, social, health, or health-related services to families and children beyond the base level, except as provided in subdivision 1, paragraph (a), clause (4);

(5) the family services collaborative must ensure that expenditures submitted for federal reimbursement are not made from federal funds or funds used to match other federal funds. Notwithstanding section 256B.19, subdivision 1, for the purposes of family services collaborative expenditures under agreement with the department, the nonfederal share of costs shall be provided by the family services collaborative from sources other than federal funds or funds used to match other federal funds;

(6) the family services collaborative must develop and maintain an accounting and financial management system adequate to support all claims for federal reimbursement, including a clear audit trail and any provisions specified in the agreement; and

(7) the family services collaborative shall submit an annual report to the commissioner as specified in the agreement."

Page 10, delete lines 3 to 9 and insert:

"Sec. 7. [PARTNERSHIP PLANNING TEAM AND FAMILY ADVISORY GROUP.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of children, families, and learning shall select not more than 15 persons knowledgeable about serving children and families to serve on the partnership planning team.

In addition, the commissioner shall convene a family advisory group. This 25-member advisory group shall consist of parents, children, and grandparents who represent a broad cross-section of income groups, racial and ethnic groups, and ages of children.

Four members of the family advisory group shall serve on the partnership planning team."

Page 12, delete section 8

Page 15, after line 23, insert:

"Sec. 13. [REVISOR INSTRUCTION.]

The revisor of statutes shall identify in Minnesota Statutes and Minnesota Rules all references to the commissioner of education, the department of education, and the state board of education and shall make the following terminology changes:

(1) all references to the commissioner of education shall be changed to the commissioner of children, families, and learning;

(2) all references to the state board of education or the department of education shall be changed to the department of children, families, and learning;

(3) all references involving both the commissioner of education and the state board of education shall be rewritten to give all relevant responsibilities or authorities to the commissioner of children, families, and learning; and

(4) all references to the programs being transferred to the department of children, families, and learning to reflect that those programs are under the jurisdiction of the commissioner of children, families, and learning.

The revisor shall prepare a report for the 1996 legislature showing where these changes were made.

The changes identified by the revisor shall be made effective October 1, 1995, pursuant to the effective date in section 15."

Page 15, line 31, delete "6" and insert "7" and delete "8" and insert "13"

Page 15, line 33, delete "12" and insert "14"

Page 15, line 34, delete "7" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "changes;" insert "amending Minnesota Statutes 1994, section 256F.13, subdivision 1;"

And when so amended the bill do pass and be re-referred to the Committee on Education.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Joint Rule 2.03 suspended. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1180, 1163, 720, 1171, 846, 1523, 553, 1195, 566 and 150 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 901, 1011, 399 and 68 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Kelly; Merriam; Moe, R.D.; Johnson, D.E. and Novak introduced--

S.F. No. 1648: A resolution memorializing Congress to prohibit states from economic warfare to attract and retain business.

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

Mr. Pogemiller introduced--

S.F. No. 1649: A bill for an act relating to the arts; appropriating money for the Minnesota center for arts education.

Referred to the Committee on Education.

Messrs. Beckman and Kelly introduced--

S.F. No. 1650: A bill for an act relating to crime prevention; delaying the implementation of the extended jurisdiction juvenile system.

Referred to the Committee on Crime Prevention.

MEMBERS EXCUSED

Ms. Flynn, Messrs. Mondale; Johnson, D.J. and Solon were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, April 10, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

