

FIFTY-FIRST DAY

St. Paul, Minnesota, Tuesday, May 2, 1995

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Ms. Reichgott Junge 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. John Estrem.

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

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

The President declared a quorum present.

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

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. 973.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1995

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1856:

H.F. No. 1856: A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, the state board of technical colleges, state board for community colleges, state university board, board of regents of the University of

Minnesota, and Mayo Medical Foundation, with certain conditions; altering requirements for the youth works program; modifying appropriations for instructional services; imposing conditions on participation in post-secondary enrollment options; removing requirements for certain reports; establishing a semester system and common calendar; requiring administrative interaction with students; modifying use of education institution data; extending time for POST board funding change; requiring review of Akita program; requiring efficiency in use of facilities; establishing a model instruction program in translating and interpreting services; requiring distribution of career planning and job placement information; prohibiting student discipline for speech or communication; abolishing the higher education coordinating board and transferring its duties; creating the higher education service office and higher education administrators council; prescribing changes in certain financial assistance programs; repealing the merger of the community colleges, state universities, and technical colleges; abolishing the higher education board; amending Minnesota Statutes 1994, sections 121.707, subdivisions 2 and 3; 121.709; 126.56; 126.663, subdivision 3; 126A.02, subdivision 2; 135A.031, subdivision 2; 135A.12, subdivision 1; 135A.15, subdivision 1; 135A.153, subdivision 1; 136.172; 136A.01; 136A.03; 136A.07; 136A.08; 136A.101, subdivisions 2, 3, 5, 7, 8, and 10; 136A.121, subdivisions 5, 6, and 9; 136A.125, subdivision 6; 136A.1359, subdivisions 1, 2, and 3; 136A.15, subdivisions 3 and 4; 136A.16, subdivision 1; 136A.233, subdivision 2; 136A.26, subdivisions 1 and 2; 136A.42; 136A.62, subdivision 2; 136A.63; 136A.69; 136A.81, subdivision 1; 141.25, subdivision 8; 144.1487, subdivision 1; 144.1488, subdivisions 1 and 4; 144.1489, subdivisions 1, 3, and 4; 144.1490; 144.1491, subdivision 2; 298.2214, subdivision 5; and 363.03, subdivision 5; Laws 1986, chapter 398, article 1, section 18, as amended; and Laws 1993, First Special Session chapter 2, article 1, section 2, subdivision 3, and section 9, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; and 136E; repealing Minnesota Statutes 1994, sections 135A.052, subdivisions 2 and 3; 135A.08; 135A.09; 135A.10; 135A.11; 135A.12, subdivision 5; 136A.02; 136A.04; 136A.041; 136A.125, subdivision 5; 136A.1352; 136A.1353; 136A.1354; 136A.16, subdivision 11; 136A.85; 136A.86; 136A.87; 136A.88; 136E.01; 136E.02; 136E.021; 136E.03; 136E.04; 136E.05; 136E.31; 136E.395; 136E.525; 136E.692; 137.31, subdivision 6; 137.35, subdivision 4; 137.38; 144.1488, subdivision 2; and 148.236; Laws 1991, chapter 356, article 9, as amended; and Laws 1994, chapter 532, articles 5, sections 1, 2, and 3; and 7, section 9.

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

Kinkel, Kelso, Pelowski, Dehler and Leppik have been appointed as such committee on the part of the House.

House File No. 1856 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1995

Mr. Stumpf moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1856, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 365:

H.F. No. 365: A bill for an act relating to insurance; no-fault auto; regulating priorities of coverage for taxis; amending Minnesota Statutes 1994, section 65B.47, subdivision 1a.

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

Jennings, Simoneau and Molnau have been appointed as such committee on the part of the House.

House File No. 365 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1995

Mr. Chandler moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 365, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1678: A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative and administrative expenses of state government; providing for the transfer of certain money in the state treasury; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; amending Minnesota Statutes 1994, sections 3.9741, subdivision 2; 5.14; 15.50, subdivision 2; 15.91, subdivision 2; 16B.39, by adding a subdivision; 16B.42, subdivision 3; 16B.88, subdivisions 1, 2, 3, and 4; 126A.01; 126A.02; 126A.04; 197.05; 240A.08; 309.501, by adding a subdivision; and 349A.08, subdivision 5; Laws 1993, chapter 224, article 12, section 33; proposing coding for new law in Minnesota Statutes, chapters 16B; and 43A.

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

Rukavina; Jefferson; Johnson, R.; Kahn and Rostberg.

Senate File No. 1678 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1995

Mr. President:

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

S.F. No. 1670: A bill for an act relating to the organization and operation of state government; appropriating money for community development and certain agencies of state government, with certain conditions; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; requiring studies and reports; amending Minnesota Statutes 1994, sections 116J.873, subdivision 3, and by adding subdivisions; 116M.16, subdivision 2; 116M.18, subdivisions 4, 5, and by adding a subdivision; 116N.03, subdivision 2; 116N.08, subdivisions 5, 6, and by adding a subdivision; 124.85, by adding a subdivision; 175.171; 268A.01, subdivisions 4, 5, 6, 9, and 10; 268A.03; 268A.06, subdivision 1; 268A.07; 268A.08, subdivisions 1 and 2; 268A.13; 462A.201, subdivision 2; 462A.204, subdivision 1; and 462A.21, subdivisions 3b, 8b, 21, and by adding a subdivision; Laws 1994, chapter 643, section 19, subdivision 9; proposing coding for new law in Minnesota Statutes, chapters 178; 268A; and 462A; repealing Minnesota Statutes 1994, sections 116J.874, subdivision 6; 268A.01, subdivisions 7, 11, and 12; and 268A.09.

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

Rice, Clark, Mahon, Leighton and Ozment.

Senate File No. 1670 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1995

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 536:

H.F. No. 536: A bill for an act relating to commerce; residential building contractors; regulating licensees; providing a clarification; amending Minnesota Statutes 1994, sections 326.83, subdivision 5, and by adding a subdivision; 326.84, subdivision 3; 326.91, subdivision 1; 326.95, subdivision 2; and 326.975, subdivision 1.

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

Entenza, Sarna and Pellow have been appointed as such committee on the part of the House.

House File No. 536 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1995

Mr. Limmer moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 536, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1055:

H.F. No. 1055: A bill for an act relating to waters; eliminating the position of board of water and soil resources secretary; increasing board members' compensation; duties of advisory committees; rule approval procedure; guidelines for management plans; exemptions from review; appeals from rules, permit decisions, and orders; informal dispute resolution; assessment basis; amending Minnesota Statutes 1994, sections 103D.011, subdivision 21; 103D.101, subdivision 4; 103D.205, subdivisions 1 and 4; 103D.221, subdivision 2; 103D.255, subdivision 1; 103D.261, subdivision 1; 103D.271, subdivisions 2 and 4; 103D.305, subdivision 1; 103D.311, subdivision 4; 103D.315, subdivisions 1, 8, and 11; 103D.321, subdivision 2; 103D.331; 103D.335, subdivisions 5, 6, and 13; 103D.341, subdivision 2; 103D.351; 103D.401, subdivisions 1 and 2; 103D.405, subdivision 1; 103D.515, subdivision 4; 103D.531; 103D.535, subdivisions 1, 4, and 5; 103D.537; 103D.611, subdivisions 1, 4, and 5; 103D.621, subdivision 4; 103D.625, subdivisions 3 and 4; 103D.631, subdivision 2; 103D.635, subdivisions 1 and 3; 103D.705, subdivision 1; 103D.711, subdivision 2; 103D.715, subdivision 3; 103D.721, subdivision 2; 103D.741, subdivision 1; 103D.745, subdivisions 2 and 3; 103D.811, subdivisions 1 and 3; 103D.901, subdivisions 2, 4, and 5; 103D.905, subdivisions 3 and 5; 103D.921, subdivisions 1 and 3; and 103D.925; proposing coding for new law in Minnesota Statutes, chapter 103D.

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

Dauner, Olson, E. and Finseth have been appointed as such committee on the part of the House.

House File No. 1055 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1995

Mr. Price moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1055, and that a Conference Committee of 3 members be appointed by the

Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 778:

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

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

Orenstein, Marko and Girard have been appointed as such committee on the part of the House.

House File No. 778 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1995

Mr. Riveness moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 778, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1159:

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.

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

Jefferson, Clark and Rostberg have been appointed as such committee on the part of the House.

House File No. 1159 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1995

Mr. Kroening moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1159, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1132:

H.F. No. 1132: A bill for an act relating to alcoholic beverages; providing restrictions on brewers who have retail on-sale licenses; imposing licensing and permitting requirements;

requiring a license for charging for possession of alcoholic beverages; requiring a permit to allow consumption and display of all alcoholic beverages; authorizing additional licenses in Minneapolis; authorizing Clay and St. Louis counties to issue on-sale licenses; requiring a study of application of primary source law; defining home brewing equipment; listing items that may be sold in exclusive liquor stores; repealing requirement for permit for transportation of alcoholic beverages; amending Minnesota Statutes 1994, sections 340A.101, subdivision 10, and by adding a subdivision; 340A.301, subdivisions 6 and 7; 340A.401; 340A.404, subdivision 2; 340A.408, subdivision 2; 340A.412, by adding a subdivision; and 340A.414, subdivision 1; repealing Minnesota Statutes 1994, sections 340A.301, subdivision 10; and 340A.32.

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

Jennings, Sarna and Holsten have been appointed as such committee on the part of the House.

House File No. 1132 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1995

Mr. Solon moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1132, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1134: A bill for an act relating to financial institutions; regulating notices, electronic financial terminals, mergers with subsidiaries, the powers and duties of the commissioner of commerce, reporting and records requirements, lending powers, the powers and duties of institutions, detached facilities, and interstate banking; making technical changes; regulating mortgage prepayments; allowing written waivers of the right to prepay without penalty under certain circumstances; clarifying definition of franchise; permitting a delinquency and collection charge; amending Minnesota Statutes 1994, sections 46.04, subdivision 1, and by adding a subdivision; 46.041, subdivision 4; 46.046, subdivision 1; 46.048, subdivision 1, and by adding subdivisions; 47.10, subdivision 3; 47.11; 47.20, subdivisions 5 and 10; 47.28, subdivision 1; 47.52; 47.56; 47.58, subdivision 2; 47.61, subdivision 3; 47.62, subdivisions 2, 3, and by adding subdivisions; 47.67; 47.69, subdivisions 3 and 5; 47.78; 48.16; 48.194; 48.24, subdivision 5; 48.475, subdivision 3; 48.48, subdivisions 1 and 2; 48.49; 48.61, subdivision 7, and by adding a subdivision; 48.65; 48.90, subdivision 1; 48.91; 48.92, subdivisions 1, 2, 6, 7, 8, 9, and by adding a subdivision; 48.93, subdivisions 1, 3, and 4; 48.96; 48.99, subdivision 1; 49.01, subdivision 3; 51A.02, subdivisions 6, 26, and 40; 51A.19, subdivision 9; 51A.50; 51A.58; 52.04, subdivision 2a; 52.05, subdivision 2; 53.015, subdivision 4; 53.04, subdivisions 3a, 3c, 4a, and 5a; 53.09, subdivisions 1, 2, and by adding a subdivision; 56.11; 56.12; 56.125, subdivisions 1, 2, and 3; 56.131, subdivisions 1, 2, 4, and 6; 56.132; 56.14; 56.155, subdivision 1; 56.17; 59A.06, subdivision 2; 61A.09, subdivision 3; 62B.04, subdivision 1; 62B.08, subdivision 2; 80C.01, subdivision 4; 300.20, subdivision 1; 327B.04, subdivision 1; 327B.09, subdivision 1; 332.23, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 45; 47; 48; 51A; 52; and 334; repealing Minnesota Statutes 1994, sections 46.03; 47.80; 47.81; 47.82; 47.83; 47.84; 47.85; 48.1585; 48.512, subdivision 6; 48.611; 48.95; 48.97; 48.98; 48.991; and 51A.385.

Senate File No. 1134 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1995

Mr. Solon moved that the Senate do not concur in the amendments by the House to S.F. No.

1134, 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 that the House refuses to concur in the Senate amendments to House File No. 96:

H.F. No. 96: A bill for an act relating to insurance; health plans; prohibiting provisions that grant the health carrier a subrogation right, except where the covered person has been fully compensated from another source; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Bishop, Van Dellen and Pugh have been appointed as such committee on the part of the House.

House File No. 96 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1995

Mr. Hottinger moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 96, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1864:

H.F. No. 1864: A bill for an act relating to the financing of government in this state; adopting federal income tax law changes; providing for deferment of certain property taxes for senior citizens; providing for an income tax credit; modifying certain tax rates, credits, refunds, bases, and exemptions; providing for deduction of property tax refunds from property taxes; modifying and restricting certain requirements or uses of tax increment financing; providing for dedication of certain revenues; modifying certain motor vehicle registration taxes; establishing a sales tax advisory council; authorizing certain local taxes, special districts and other local authority; creating a local government review panel; modifying revenue recapture rules; changing the property tax treatment of certain wind property; allowing pass through of certain utility taxes; requiring studies; adjusting the amount of the budget reserve and debt limit; changing certain aids to local governments; appropriating money; amending Minnesota Statutes 1994, sections 14.61; 14.62, by adding a subdivision; 16A.152, subdivisions 1 and 2; 60A.15, subdivision 1; 69.021, subdivision 2; 124.918, subdivisions 1 and 2; 168.012, subdivision 9; 168.013, subdivision 1a; 168.017, subdivision 3, and by adding a subdivision; 216B.16, by adding a subdivision; 216C.01, subdivisions 1a and 1b; 270.273, subdivisions 1 and 2; 270A.03, subdivision 7; 270A.04, subdivision 2; 270A.06; 270A.07, subdivision 2; 270A.09, by adding a subdivision; 270A.11; 270B.12, by adding a subdivision; 272.02, subdivision 1; 273.124, subdivision 13; 273.13, subdivisions 24 and 25; 273.1398, subdivision 1; 273.1399, subdivisions 1, 2, 6, and by adding a subdivision; 273.37, by adding a subdivision; 275.065, subdivisions 1 and 3; 276.09; 276.111; 279.01, subdivision 1, and by adding subdivisions; 289A.50, by adding a subdivision; 289A.60, subdivision 12; 290.01, subdivisions 19, 19a, and by adding a subdivision; 290.06, by adding a subdivision; 290A.02; 290A.03, subdivisions 6, 13, and by adding a subdivision; 290A.04, subdivisions 2h, 3, and by adding subdivisions; 290A.07; 290A.09; 290A.10; 290A.15; 290A.18; 290A.23, subdivision 3; 296.01, subdivisions 30, 34, and by adding subdivisions; 296.02, subdivisions 1, 1a, and 1b; 296.025, subdivisions 1, 1a, and by adding a subdivision; 296.0261, by adding a subdivision; 297A.01, subdivision 3, and by adding a subdivision; 297A.02, subdivision 4; 297A.135, subdivision 1; 297A.25, subdivisions 11, 57, 59, and by adding subdivisions;

297A.45; 297B.02, subdivision 3; 297B.025, subdivision 2; 297B.032; 298.28, subdivision 9a; 298.75, subdivision 1; 349.12, subdivision 25; 375.192, by adding a subdivision; 375.83; 469.174, subdivisions 4, 12, 19, 21, and by adding subdivisions; 469.175, subdivisions 1, 3, 5, 6, and 6a; 469.176, subdivisions 4b, 4c, and 7; 469.1763, subdivisions 2 and 4; 469.177, subdivisions 1, 1a, 2, 6, 9, and by adding a subdivision; 469.1771, subdivision 1; 469.179, by adding subdivisions; 477A.013, subdivision 9; and 477A.0132; Laws 1985, chapter 302, section 2, subdivision 1, as amended; Laws 1986, chapter 400, section 44; Laws 1991, chapter 291, article 8, section 28, subdivision 1; Laws 1993, chapter 375, article 5, section 40, subdivision 3; Laws 1994, chapter 587, articles 5, section 27; 9, section 10, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 3; 8; 13; 16A; 272; 273; 276; 282; 290A; 297; 469; 473; and 477A; repealing Minnesota Statutes 1994, sections 168.013, subdivision 1j; 296.0261, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, and 9; 297A.136; and 469.175, subdivision 7a.

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

Rest, Winter, Dawkins, Milbert and Goodno have been appointed as such committee on the part of the House.

House File No. 1864 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1995

Mr. Moe, R.D., for Mr. Johnson, D.J., moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1864, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce 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. 1110: A bill for an act relating to human services; appropriating money for the department of human services and health, for the veterans nursing homes board, for the health-related boards, for the council on disability, for the ombudsman for mental health and mental retardation, and for the ombudsman for families; modifying day training and habilitation services; creating the consumer support program; modifying child care programs; defining and including essential persons in determining AFDC eligibility; modifying the Minnesota Supplemental Aid program by making it consistent with the federal SSI program; modifying group residential housing; limiting the admission of certain high-functioning persons to nursing facilities; modifying hospital inflation and requiring inflation adjustments to reflect prior overpayments; modifying medical assistance disproportionate share payments; establishing hospital peer groups; establishing long-term hospital rates; modifying treatment of certain trusts; modifying treatment of assets and income for institutionalized persons; reducing the pharmacy dispensing fee; establishing pharmacy copayments in medical assistance and general assistance medical care; establishing a service allowance for certain persons denied admission to a nursing facility; increasing reimbursement rates for certain home care services provided in Anoka county; modifying certain intergovernmental transfers; clarifying the county nursing home payment adjustment; requiring a discount in general assistance medical care prepaid contracts; eliminating payment for gender reassignment services under general assistance medical care; providing a two percent rate increase for certain providers; authorizing certain demonstration projects; modifying certain parental fees; modifying medical assistance eligibility criteria for certain disabled children; modifying requirements for personal care assistants and personal care assistant organizations; modifying coverage for personal care services and reducing maximum hours of service; expanding certain services under medical assistance managed care for disabled children; authorizing certain studies; authorizing exceptions to the nursing home moratorium and modifying reimbursements for legislatively-approved exceptions; modifying requirements for hospital-attached nursing

facility status; modifying nursing facility reimbursement and inflationary adjustments; establishing a contractual alternative payment system for nursing facilities; modifying reimbursement for intermediate care facilities for persons with mental retardation or related conditions; establishing transition mental health services; modifying chemical dependency treatment programs; providing Faribault and Cambridge regional human services center downsizing agreements; decreasing certain license and permit fees; modifying the licensing and inspecting of hotel, restaurant, and other food and lodging establishments; amending Minnesota Statutes 1994, sections 62A.045; 62A.046; 62A.048; 62A.27; 144.0721, by adding subdivisions; 144.122; 144.226, subdivision 1; 144A.071, subdivision 4a; 144A.33, subdivision 3; 144A.43, subdivision 3; 144A.47; 147.01, subdivision 6; 157.03; 198.003, subdivisions 3 and 4; 245.4882, subdivision 5; 245.4886, by adding a subdivision; 246.18, subdivision 4, and by adding a subdivision; 246.23, subdivision 2; 252.27, subdivision 2a; 252.292, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 254A.17, subdivision 3; 254B.05, subdivision 4; 256.025, subdivisions 1 and 2; 256.026; 256.73, subdivision 3a; 256.736, subdivisions 3 and 13; 256.74, subdivision 1; 256.9365; 256.9657, subdivision 3; 256.9685, subdivision 1b, and by adding subdivisions; 256.969, subdivisions 1, 9, 24, and by adding subdivisions; 256B.055, subdivision 12; 256B.056, by adding a subdivision; 256B.0575; 256B.0625, subdivisions 8, 8a, 13, 19a, and by adding subdivisions; 256B.0627, subdivisions 1, 2, 4, and 5; 256B.0641, subdivision 1; 256B.0911, subdivisions 4 and 7; 256B.0913, by adding subdivisions; 256B.0915, subdivision 2, and by adding a subdivision; 256B.092, subdivision 4; 256B.15, subdivisions 1a, 2, and by adding a subdivision; 256B.19, subdivisions 1c and 1d; 256B.431, subdivisions 2b, 2j, 17, 23, and by adding subdivisions; 256B.49, subdivision 1, and by adding subdivisions; 256B.501, subdivisions 3, 3c, and by adding a subdivision; 256B.69, subdivisions 4, 5, 6, 9, and by adding subdivisions; 256D.03, subdivisions 3b, 4, and by adding a subdivision; 256D.051, subdivision 6; 256D.36, subdivision 1; 256D.385; 256D.405, subdivision 3; 256D.425, subdivision 1, and by adding a subdivision; 256D.435, subdivisions 1, 3, 4, 5, 6, and by adding a subdivision; 256D.44, subdivisions 1, 2, 3, 4, 5, and 6; 256D.45, subdivision 1; 256D.48, subdivision 1; 256H.03, subdivision 4; 256H.05, subdivision 6; 256I.04, subdivision 3; 256I.05, subdivision 1a; 393.07, subdivision 10; 501B.89, subdivision 1, and by adding a subdivision; and Laws 1993, First Special Session chapter 1, article 8, section 51, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 157; 256; and 256B; proposing coding for new law as Minnesota Statutes, chapter 144D; repealing Minnesota Statutes 1994, sections 38.161; 38.162; 144.0723, subdivision 5; 157.01; 157.02; 157.031; 157.04; 157.045; 157.05; 157.08; 157.12; 157.13; 157.14; 252.47; 256.851; 256B.501, subdivisions 3d, 3e, and 3f; 256D.35, subdivisions 14 and 19; 256D.36, subdivision 1a; 256D.37; 256D.425, subdivision 3; 256D.435, subdivisions 2, 7, 8, 9, and 10; 256D.44, subdivision 7; 256E.06, subdivisions 12 and 13; 256I.04, subdivision 1b; and Minnesota Rules, part 9500.1452, subpart 2, item B.

Senate File No. 1110 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1995

Mr. Moe, R.D., for Mr. Samuelson, moved that the Senate do not concur in the amendments by the House to S.F. No. 1110, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

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

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

S.F. No. 255: A bill for an act relating to elevators; regulating persons who may do elevator work; appropriating money; amending Minnesota Statutes 1994, sections 183.355, subdivision 3; 183.357, subdivisions 1, 2, and 4; and 183.358; proposing coding for new law in Minnesota Statutes, chapter 183.

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 806: A bill for an act relating to retirement; higher education supplemental retirement and individual retirement plans; revising laws governing certain faculty in the state university and community college systems who return to teaching part time after retirement; part-time faculty program participation; investment options; amending Minnesota Statutes 1994, sections 136.90; 354.445; 354.66, by adding a subdivision; 354B.05, subdivisions 2 and 3; 354B.07, subdivisions 1 and 2; and 354B.08, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Veterans, shown in the Journal for April 12, 1995, be adopted; that committee recommendation being:

"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.

SECOND READING OF SENATE BILLS

S.F. No. 255 was read the second time.

MOTIONS AND RESOLUTIONS

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Samuelson moved that the following members be excused for a Conference Committee on H.F. No. 5 at 9:00 a.m.:

Mr. Betzold, Mses. Hanson, Piper, Robertson and Mr. Samuelson. The motion prevailed.

Ms. Reichgott Junge introduced--

Senate Resolution No. 62: A Senate resolution observing the 20th anniversary of the Parent-Child Center and honoring Delores Fletcher on her retirement.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Spear in the chair.

After some time spent therein, the committee arose, and Mr. Spear reported that the committee had considered the following:

H.F. No. 1678, which the committee recommends to pass with the following amendment offered by Mr. Stumpf:

Page 1, delete lines 14 to 18 and insert:

"Subd. 2. [JOINT BOARD.] The boards of commissioners of Red Lake and Polk counties shall appoint from their members a joint board consisting of an equal number of members from each board."

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Spear in the chair.

After some time spent therein, the committee arose, and Mr. Spear reported that the committee had considered the following:

S.F. Nos. 877, 1362, 1079, 1503, 979, 1122, 1173 and H.F. No. 1371, which the committee recommends to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Murphy moved that H.F. No. 1207 be taken from the table. The motion prevailed.

H.F. No. 1207: A bill for an act relating to traffic regulations; increasing maximum length of certain combinations of vehicles from 65 to 70 feet; amending Minnesota Statutes 1994, section 169.81, subdivision 3.

Mr. Dille moved to amend H.F. No. 1207, as amended pursuant to Rule 49, adopted by the Senate April 18, 1995, as follows:

(The text of the amended House File is identical to S.F. No. 571.)

Page 3, after line 36, insert:

"Sec. 2. Minnesota Statutes 1994, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. [RECREATIONAL VEHICLE COMBINATIONS.] Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed 60 feet in length;

(3) the camper-semitrailer in the combination does not exceed ~~26~~ 28 feet in length;

(4) the operator of the combination is at least 18 years of age;

(5) the trailer carrying a watercraft meets all requirements of law;

(6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and

(7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1207 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 3, as follows:

Those who voted in the affirmative were:

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

Mr. Finn, Ms. Johnston and Mr. Merriam voted in the negative.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1310 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1310: A bill for an act relating to state government; providing for the development of a long-range expenditure plan for state expenditures; amending Minnesota Statutes 1994, section 16A.152, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 617 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 617: A bill for an act relating to retirement; various public pension plans; providing for the suspension or forfeiture of certain survivor benefits in the event of certain felonious deaths; making various individual and small group pension accommodations; making various pension plan administrative changes; recodifying the individual retirement account plan and making various other modifications; amending Minnesota Statutes 1994, sections 11A.23, subdivision 4; 352.12, subdivisions 1, 2, 2a, and 6; 352B.105; 352D.02, subdivision 1; 354.05, subdivisions 2a, 5, 35, and 40; 354.06, subdivision 4; 354.44, by adding a subdivision; 354.52, subdivision 4a; 354A.011, subdivision 27, and by adding a subdivision; 354A.12, subdivision 3d; 354A.31, by adding a subdivision; 355.61; 356.215, subdivisions 4d and 4g; 356.24, subdivision 1; 383B.48; and 383B.49; proposing coding for new law in Minnesota Statutes, chapters 354B; 354C and 356; repealing Minnesota Statutes 1994, sections 352D.02, subdivision 1a; 354B.01; 354B.015; 354B.02; 354B.035; 354B.04; 354B.045; 354B.05; 354B.06; 354B.07; 354B.08; 354B.085; 354B.09; and 354B.15; Laws 1990, chapter 570, article 3, sections 10 and 11, as amended; Laws 1993, chapters 192, section 89, and 239, article 5, section 2; and Laws 1994, chapters 508, article 1, section 14; and 572, sections 11 and 12.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 308 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 308

A bill for an act relating to crime prevention; authorizing special registration plates for certain persons subject to an impoundment order; expanding the definition of prior license revocation; amending Minnesota Statutes 1994, sections 168.042, subdivision 8; and 169.121, subdivision 3.

April 24, 1995

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 308, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 308 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 168.042, subdivision 8, is amended to read:

Subd. 8. [REISSUANCE OF REGISTRATION PLATES.] (a) The commissioner shall rescind the impoundment order of a person subject to an order under this section, other than the violator, if a:

(1) the violator had a valid driver's license on the date of the violation and the person subject to an impoundment order under this section, other than the violator, files with the commissioner an acceptable sworn statement containing the following information:

(1) (i) that the person is the registered owner of the vehicle from which the plates have been impounded under this section;

(2) (ii) that the person is the current owner and possessor of the vehicle used in the violation;

(3) (iii) the date on which the violator obtained the vehicle from the registered owner;

(4) (iv) the residence addresses of the registered owner and the violator on the date the violator obtained the vehicle from the registered owner;

(5) (v) that the person was not a passenger in the vehicle at the time of the violation; and

(6) (vi) that the person knows that the violator may not drive, operate, or be in physical control of a vehicle without a valid driver's license; or

(2) the violator did not have a valid driver's license on the date of the violation and the person made a report to law enforcement before the violation stating that the vehicle had been taken from the person's possession or was being used without permission.

(b) The commissioner may not rescind the impoundment order nor reissue registration plates to a registered owner if the owner knew or had reason to know that the violator did not have a valid driver's license on the date the violator obtained the vehicle from the owner. A person who has failed to make a report as provided in paragraph (a), clause (2), may be issued special registration plates under subdivision 12 for a period of one year from the effective date of the impoundment order. At the next registration renewal following this period, the person may apply for regular registration plates.

(c) If the order is rescinded, the owner shall receive new registration plates at no cost, if the plates were seized and destroyed.

Sec. 2. Minnesota Statutes 1994, section 168.042, is amended by adding a subdivision to read:

Subd. 13a. [ACQUIRING ANOTHER VEHICLE.] If during the effective period of the plate impoundment the violator applies to the commissioner for registration plates for any vehicle, the commissioner shall not issue registration plates unless the violator qualifies for special registration plates under subdivision 12 and unless the plates issued are special plates as described in subdivision 12.

Sec. 3. Minnesota Statutes 1994, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] (a) As used in this subdivision:

(1) "prior impaired driving conviction" means a prior conviction under this section; section 84.91, subdivision 1, paragraph (a); 86B.331, subdivision 1, paragraph (a); 169.129; 360.0752; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); 609.21, subdivision 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult; and

(2) "prior license revocation" means a driver's license suspension, revocation, or cancellation under this section; section 169.123; 171.04; 171.14; 171.16; 171.17; or 171.18 because of an alcohol-related incident; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); or 609.21, subdivision 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them.

(b) A person who violates subdivision 1 or 1a, or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1 within five years of a prior impaired driving conviction, or within ten years of the first of two or more prior impaired driving convictions;

(2) the person violates subdivision 1a within five years of a prior license revocation, or within ten years of the first of two or more prior license revocations;

(3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 or 1a while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

(e) The court must impose consecutive sentences when it sentences a person for a violation of this section or section 169.29 arising out of separate behavioral incidents. The court also must impose a consecutive sentence when it sentences a person for a violation of this section or section 169.129 and the person, at the time of sentencing, is on probation for, or serving, an executed sentence for a violation of this section or section 169.29 and the prior sentence involved a separate behavioral incident. The court also may order that the sentence imposed for a violation of this section or section 169.29 shall run consecutively to a previously imposed misdemeanor, gross misdemeanor or felony sentence for a violation other than this section or section 169.129.

(f) When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

(g) A violation of subdivision 1a may be prosecuted either in the jurisdiction where the arresting officer observed the defendant driving, operating, or in control of the motor vehicle or in the jurisdiction where the refusal occurred."

Delete the title and insert:

"A bill for an act relating to crime prevention; authorizing special registration plates for certain persons subject to an impoundment order; clarifying definition of prior license revocation; amending Minnesota Statutes 1994, sections 168.042, subdivision 8, and by adding a subdivision; and 169.121, subdivision 3."

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

Senate Conferees: (Signed) John Marty, Jane B. Ranum, David L. Knutson

House Conferees: (Signed) Wesley J. "Wes" Skoglund, Matt Entenza, Doug Swenson

Mr. Marty moved that the foregoing recommendations and Conference Committee Report on S.F. No. 308 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 308 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1303 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1303: A bill for an act relating to the city of Richfield; authorizing the formation of nonprofit corporations for the purpose of owning low and moderate income housing developments.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 358 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 358: A bill for an act relating to utilities; clarifying that public utilities commission

may extend deadline for rate suspension period by 20 days when necessary to first make final determination on another, previously filed rate case; allowing exemption from rate regulation for small electric utility franchise; allowing longer review time for granting petition for rehearing by public utilities commission; amending Minnesota Statutes 1994, sections 216B.16, subdivision 2, and by adding a subdivision; and 216B.27, subdivision 4.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1256 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1256: A bill for an act relating to energy; adopting federal energy standards for air conditioners, certain gas-burning equipment, lamps, showerheads, and faucets; amending Minnesota Statutes 1994, section 216C.19, subdivisions 13, 14, 16, and 19.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1246 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1246: A bill for an act relating to child care; requiring child care for school age children not operated by a school to be licensed; changing the definition of toddler and preschooler for family day care programs serving siblings; amending Minnesota Statutes 1994, sections 245A.02, by adding subdivisions; 245A.03, subdivision 2; 245A.10; and 245A.14, subdivision 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Chmielewski, Finn and Scheevel voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 265 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 265: A bill for an act relating to gambling; making technical amendments to eliminate references to teleracing facilities; regulating testing facilities for the testing of gambling devices; regulating bingo and lawful purpose expenditures, and credit and sales to delinquent organizations; providing for contributions to certain compulsive gambling programs; amending Minnesota Statutes 1994, sections 240.01, subdivisions 18 and 23; 240.10; 240.19; 240.23; 240.27, subdivisions 2, 3, 4, and 5; 299L.01, subdivision 1; 299L.03, subdivision 1; 299L.07, subdivisions 1, 2, 4, 5, 6, and by adding a subdivision; 349.12, subdivision 25, and by adding a subdivision; 349.17, subdivision 1; 349.191, subdivision 1a; and 349.211, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299L; repealing Minnesota Statutes 1994, section 240.01, subdivisions 17 and 21.

Mr. Berg moved to amend H.F. No. 265, as amended pursuant to Rule 49, adopted by the Senate April 19, 1995, as follows:

(The text of the amended House File is identical to S.F. No. 619.)

Page 11, line 12, strike everything after "(i)"

Page 11, line 13, strike "rule on rent" and after "bingo" insert ", the amount which an organization may expend under board rules on rent for bingo" and strike "or" and insert "and"

Page 11, line 14, strike "\$15,000 per year"

Page 11, line 15, before the semicolon, insert ":

(A) 100 percent of the real estate taxes and assessments for premises constructed, acquired, or expanded, if the construction, acquisition, or expansion was started before August 1, 1990; and

(B) for other premises, \$35,000 per year"

Page 13, after line 15, insert:

"Sec. 21. Minnesota Statutes 1994, section 349.162, subdivision 1, is amended to read:

Subdivision 1. [STAMP REQUIRED.] (a) A distributor may not sell, transfer, furnish, or otherwise provide to a person, and no person may purchase, borrow, accept, or acquire from a distributor gambling equipment for use within the state unless the equipment has been registered with the board and has a registration stamp affixed, except for gambling equipment not stamped by the manufacturer pursuant to section 349.163, subdivision 5 or 8. The board shall charge a fee of five cents for each stamp. Each stamp must bear a registration number assigned by the board. A distributor or manufacturer is entitled to a refund for unused registration stamps and replacement for registration stamps which are defective or canceled by the distributor or manufacturer.

(b) A manufacturer must return all unused registration stamps in its possession to the board by February 1, 1995. No manufacturer may possess unaffixed registration stamps after February 1, 1995.

(c) After February 1, 1996, no person may possess any unplayed pull-tab or tipboard deals with a registration stamp affixed to the flare or any unplayed paddleticket cards with a registration stamp affixed to the master flare. This paragraph shall not apply to unplayed pull-tab or tipboard deals with a registration stamp affixed to the flare or to unplayed paddleticket cards with a registration stamp affixed to the master flare that are identified on a list of existing inventory submitted by a licensed organization or a licensed distributor to the commissioner of revenue on or before February 1, 1996. The list of existing inventory must be submitted in a format prescribed by the commissioner of revenue. Gambling equipment kept in violation of this paragraph is contraband under section 349.2125.

Sec. 22. Minnesota Statutes 1994, section 349.17, subdivision 1, is amended to read:

Subdivision 1. [BINGO OCCASIONS.] Not more than ~~seven~~ ten bingo occasions each week may be conducted by an organization. At least 15 bingo games must be held at each occasion and a bingo occasion must continue for at least 1-1/2 hours but not more than four consecutive hours.

Sec. 23. Minnesota Statutes 1994, section 349.191, subdivision 1a, is amended to read:

Subd. 1a. [CREDIT AND SALES TO DELINQUENT ORGANIZATIONS.] (a) If a distributor does not receive payment in full from an organization within ~~30~~ 35 days of the delivery of gambling equipment, the distributor must notify the board in writing of the delinquency.

(b) If a distributor who has notified the board under paragraph (a) has not received payment in full from the organization within 60 days of the notification under paragraph (a), the distributor must notify the board of the continuing delinquency.

(c) On receipt of a notice under paragraph (a), the board shall order all distributors that until further notice from the board, they may sell gambling equipment to the delinquent organizations only on a cash basis with no credit extended. On receipt of a notice under paragraph (b), the board shall order all distributors not to sell any gambling equipment to the delinquent organization.

(d) No distributor may extend credit or sell gambling equipment to an organization in violation of an order under paragraph (c) until the board has authorized such credit or sale.

Sec. 24. Minnesota Statutes 1994, section 349.211, subdivision 1, is amended to read:

Subdivision 1. [BINGO.] Except as provided in subdivision 2, prizes for a single bingo game may not exceed \$100 except prizes for a cover-all game, which may exceed \$100 if the aggregate value of all cover-all prizes in a bingo occasion does not exceed \$1,000. Total prizes awarded at a bingo occasion may not exceed \$2,500, unless a cover-all game is played in which case the limit is \$3,500. A prize may be determined based on the value of the bingo packet sold to the player. For

purposes of this subdivision, a cover-all game is one in which a player must cover all spaces except a single free space to win.

Sec. 25. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change the words "lawful gambling" wherever they appear in Minnesota Statutes and Minnesota Rules to "nonprofit gambling."

Page 13, delete lines 20 and 21 and insert:

"Sections 1 to 9, 12, and 19 to 25 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "modifying provisions related to bingo; changing the term lawful gambling to nonprofit gambling;"

Page 1, line 13, delete "and" and before "proposing" insert "349.162, subdivision 1; 349.17, subdivision 1; 349.191, subdivision 1a; and 349.211, subdivision 1;"

The motion prevailed. So the amendment was adopted.

H.F. No. 265 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1136 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1136: A bill for an act relating to human services; providing firearms background check; providing mental health services; adding provisions for paternity testing; adding provisions for paternity and child support; consolidating the prepaid medical assistance; providing penalties; amending Minnesota Statutes 1994, sections 245.041; 245.4871, subdivisions 12 and 33a; 245.4873, subdivision 6; 245.4874; 245.4875, subdivision 2; 245.4878; 245.4885, subdivision 2; 253B.091; 256.015, subdivision 7; 256.025, subdivisions 1 and 3; 256.12, subdivision 14; 256.74, by adding a subdivision; 256.76, subdivision 1; 256B.69, subdivisions 4, 6, and by adding subdivisions; 256E.08, subdivision 8; 257.55, subdivision 1; 257.57, subdivision 2; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 518.171, subdivisions 1, 3, 4, 5, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 7; and 518.615, subdivision 3; repealing Minnesota Statutes 1994, sections 62C.141; 62C.143; 62D.106; and 62E.04, subdivisions 9 and 10.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1078 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1078: A bill for an act relating to state finance; changing certain accounting procedures; changing the dollar threshold for approval of gifts to the state; changing procedures for collection of debt by the state; changing terminology for the petroleum tank release cleanup account; amending Minnesota Statutes 1994, sections 7.09, subdivision 1; 15A.15; 16A.127, subdivision 8; 16A.129, subdivision 3; 16A.28, subdivisions 5 and 6; 16A.40; 16A.57; 16A.72; 115C.02, by adding a subdivision; and 115C.08, subdivisions 1, 2, and 4; proposing coding for new law in Minnesota Statutes, chapter 16D; repealing Minnesota Statutes 1994, section 115C.02, subdivision 1a.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1103 a Special Order to be heard immediately.

SPECIAL ORDER

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; amending Minnesota Statutes 1994, section 256F.13, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 119A.

CALL OF THE SENATE

Ms. Ranum imposed a call of the Senate for the balance of the proceedings on S.F. No. 1103. The Sergeant at Arms was instructed to bring in the absent members.

Ms. Ranum moved to amend S.F. No. 1103 as follows:

Page 5, line 9, delete "and"

Page 5, line 11, before the period, insert ";

(10) the early childhood care and education council under section 256H.195;

(11) the child care programs under sections 256H.01 to 256H.19;

(12) the migrant child care program under section 256.01;

(13) the child care resource and referral program under sections 256H.196 and 256H.20;

(14) the child care service development program under sections 256H.21 to 256H.24;

(15) the family preservation and family preservation bonus incentive programs under chapter 256F;

(16) the adoption assistance program under section 259.67;

(17) the child foster care program under chapter 257;

(18) the families first program under chapter 256F;

(19) the independent living program under section 256.01;

(20) the Asian youth and child welfare services program under section 256.485;

(21) the foster care program for unaccompanied refugee minors under section 256.01;

(22) the Asian youth intervention and prevention grants program under section 256.486;

(23) the Asian coalition for youth program under section 256.486;

(24) the minority families first program under chapter 256F;

(25) the children's mental health program under chapter 245; and

(26) the Indian family preservation program under sections 257.35 to 257.3579"

Page 12, delete lines 3 to 8

Page 12, line 9, delete everything before the period and insert:

"At least eight members must be parents and must represent a broad cross-section of income groups, racial and ethnic groups, and ages of children"

Page 16, after line 22, insert:

"Sec. 12. [REPORT ON INTEGRATION WITH OTHER INCOME MAINTENANCE AND ECONOMIC SECURITY PROGRAMS.]

The children's cabinet and the legislative commission on children, youth, and families shall prepare a report by November 15, 1996, examining the integration of programs in the department of children, families, and learning with income maintenance and economic security programs operated by other departments. The report shall make recommendations on the appropriate agency placement of the income maintenance and economic security programs reviewed."

Page 17, after line 9, insert:

"Sec. 14. [REPEALER.]

Minnesota Statutes 1994, section 3.873, is repealed effective June 30, 1997."

Re number the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Samuelson requested division of the amendment as follows:

First portion:

Page 5, line 11, before the period, insert ";

(11) the child care programs under sections 256H.01 to 256H.19;

(14) the child care service development program under sections 256H.21 to 256H.24;

(19) the independent living program under section 256.01;"

Re number the clauses in sequence

Second portion:

Page 5, line 11, before the period, insert ";

(25) the children's mental health program under chapter 245; and"

Re number the clauses in sequence

Third portion:

Page 5, line 9, delete "and"

Page 5, line 11, before the period, insert ";

(10) the early childhood care and education council under section 256H.195;

(12) the migrant child care program under section 256.01;

(13) the child care resource and referral program under sections 256H.196 and 256H.20;

(15) the family preservation and family preservation bonus incentive programs under chapter 256F;

(16) the adoption assistance program under section 259.67;

(17) the child foster care program under chapter 257;

(18) the families first program under chapter 256F;

(20) the Asian youth and child welfare services program under section 256.485;

(21) the foster care program for unaccompanied refugee minors under section 256.01;

(22) the Asian youth intervention and prevention grants program under section 256.486;

(23) the Asian coalition for youth program under section 256.486;

(24) the minority families first program under chapter 256F;

(26) the Indian family preservation program under sections 257.35 to 257.3579"

Renumber the clauses in sequence

Page 12, delete lines 3 to 8

Page 12, line 9, delete everything before the period and insert:

"At least eight members must be parents and must represent a broad cross-section of income groups, racial and ethnic groups, and ages of children"

Page 16, after line 22, insert:

"Sec. 12. [REPORT ON INTEGRATION WITH OTHER INCOME MAINTENANCE AND ECONOMIC SECURITY PROGRAMS.]

The children's cabinet and the legislative commission on children, youth, and families shall prepare a report by November 15, 1996, examining the integration of programs in the department of children, families, and learning with income maintenance and economic security programs operated by other departments. The report shall make recommendations on the appropriate agency placement of the income maintenance and economic security programs reviewed."

Page 17, after line 9, insert:

"Sec. 14. [REPEALER.]

Minnesota Statutes 1994, section 3.873, is repealed effective June 30, 1997."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the third portion of the Ranum amendment.

The roll was called, and there were yeas 48 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, D.J.	Lesewski	Olson	Runbeck
Belanger	Johnson, J.B.	Marty	Ourada	Scheevel
Chandler	Johnston	Merriam	Pappas	Solon
Cohen	Kelly	Metzen	Pariseau	Spear
Flynn	Knutson	Moe, R.D.	Piper	Stevens
Frederickson	Krentz	Mondale	Price	Stumpf
Hanson	Kroening	Morse	Ranum	Terwilliger
Hottinger	Laidig	Murphy	Reichgott Junge	Wiener
Janezich	Langseth	Neuville	Riveness	
Johnson, D.E.	Larson	Oliver	Robertson	

Those who voted in the negative were:

Beckman	Betzold	Finn	Kramer	Sams
Berg	Chmielewski	Kiscaden	Lessard	Samuelson
Berglin	Day	Kleis	Limmer	Vickerman
Bertram				

The motion prevailed. So the third portion of the Ranum amendment was adopted.

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

Ms. Ranum moved to amend the second portion of the Ranum amendment to S.F. No. 1103 as follows:

Page 1, line 29, delete everything after "(25)"

Page 1, line 30, delete "245" and insert "children's mental health act under sections 245.487 to 245.490, children's mental health integrated fund under sections 245.491 to 245.697, and the children's mental health service system under sections 245.70 to 245.771"

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

The roll was called, and there were yeas 49 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Oliver	Robertson
Beckman	Janezich	Lesewski	Olson	Runbeck
Belanger	Johnson, D.E.	Marty	Ourada	Sams
Berg	Johnson, D.J.	Merriam	Pappas	Scheevel
Betzold	Johnson, J.B.	Metzen	Pariseau	Spear
Chandler	Johnston	Moe, R.D.	Piper	Stevens
Cohen	Kelly	Mondale	Price	Stumpf
Day	Knutson	Morse	Ranum	Terwilliger
Flynn	Krentz	Murphy	Reichgott Junge	Wiener
Frederickson	Laidig	Neuville	Riveness	

Those who voted in the negative were:

Berglin	Finn	Kleis	Langseth	Limmer
Bertram	Hanson	Kramer	Lessard	Samuelson
Chmielewski	Kiscaden			

The motion prevailed. So the amendment to the second portion of the Ranum amendment was adopted.

The question was taken on the second portion of the Ranum amendment, as amended.

The roll was called, and there were yeas 51 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lesewski	Olson	Sams
Beckman	Janezich	Lessard	Ourada	Scheevel
Belanger	Johnson, D.E.	Marty	Pappas	Spear
Berg	Johnson, D.J.	Merriam	Pariseau	Stevens
Bertram	Johnston	Metzen	Piper	Stumpf
Betzold	Kelly	Moe, R.D.	Price	Terwilliger
Chandler	Knutson	Mondale	Ranum	Wiener
Cohen	Krentz	Morse	Reichgott Junge	
Day	Laidig	Murphy	Riveness	
Flynn	Langseth	Neuville	Robertson	
Frederickson	Larson	Oliver	Runbeck	

Those who voted in the negative were:

Berglin	Finn	Johnson, J.B.	Kleis	Limmer
Chmielewski	Hanson	Kiscaden	Kramer	Samuelson

The motion prevailed. So the second portion of the Ranum amendment, as amended, was adopted.

Mr. Berg moved to amend S.F. No. 1103 as follows:

Page 5, delete lines 12 to 17

Re-number the subdivisions in sequence

Page 8, line 13, delete the comma and insert "and"

Page 8, line 14, delete ", and"

Page 8, delete line 15

Page 8, line 16, delete everything before "shall"

Page 8, line 17, delete "and the Head Start"

Page 8, line 18, delete "grantee"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 33, as follows:

Those who voted in the affirmative were:

Beckman	Cohen	Kelly	Merriam	Spear
Berg	Day	Kleis	Metzen	Stevens
Berglin	Finn	Kramer	Sams	Vickerman
Bertram	Frederickson	Langseth	Samuelson	
Betzold	Hanson	Larson	Scheevel	
Chmielewski	Johnson, J.B.	Limmer	Solon	

Those who voted in the negative were:

Anderson	Johnson, D.E.	Lesewski	Pappas	Robertson
Belanger	Johnson, D.J.	Marty	Pariseau	Runbeck
Chandler	Johnston	Moe, R.D.	Piper	Stumpf
Dille	Kiscaden	Mondale	Price	Terwilliger
Flynn	Knutson	Morse	Ranum	Wiener
Hottinger	Krentz	Neuville	Reichgott Junge	
Janezich	Laidig	Olson	Riveness	

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

S.F. No. 1103 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 48 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Laidig	Neuville	Robertson
Beckman	Hottinger	Langseth	Olson	Sams
Belanger	Janezich	Larson	Ourada	Solon
Betzold	Johnson, D.E.	Lesewski	Pappas	Spear
Chandler	Johnson, D.J.	Marty	Pariseau	Stevens
Cohen	Johnston	Metzen	Piper	Stumpf
Day	Kelly	Moe, R.D.	Price	Terwilliger
Dille	Knutson	Mondale	Ranum	Wiener
Flynn	Krentz	Morse	Reichgott Junge	
Frederickson	Kroening	Murphy	Riveness	

Those who voted in the negative were:

Berg	Chmielewski	Kiscaden	Lessard	Samuelson
Berglin	Finn	Kleis	Limmer	Scheevel
Bertram	Johnson, J.B.	Kramer	Merriam	Vickerman

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1279 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1279: A bill for an act relating to privacy; providing for the classification of and access to government data; clarifying data provisions; providing for survival of actions under the data practices act; computer matching; eliminating report requirements; imposing penalties; providing for the classification and release of booking photographs; conforming provisions dealing with financial assistance data; limiting the release of copies of videotapes of child abuse victims; requiring a court order in certain cases; amending Minnesota Statutes 1994, sections 13.03, subdivision 6; 13.06, subdivision 6; 13.072, subdivision 1, and by adding a subdivision;

13.08, subdivision 1; 13.10, subdivision 5; 13.31, subdivision 1; 13.32, subdivision 2; 13.43, subdivisions 2 and 5; 13.46, subdivision 2; 13.49; 13.50, subdivision 2; 13.551; 13.62; 13.671; 13.761; 13.77; 13.78; 13.79; 13.793; 13.82, subdivisions 3a, 5, 6, 10, and by adding a subdivision; 13.83, subdivision 2; 13.89, subdivision 1; 13.90; 13.99, subdivisions 1, 12, 20, 21a, 42a, 54, 55, 64, 78, 79, 112, and by adding subdivisions; 17.117, subdivision 12; 41.63; 41B.211; 116O.03, subdivision 7; 116S.02, subdivision 8; 144.225, by adding a subdivision; 144.335, subdivision 2; 144.3351; 144.651, subdivisions 21 and 26; 253B.03, subdivisions 3 and 4; 268.12, subdivision 12; 270B.02, subdivision 3; 270B.03, subdivision 1; 270B.12, subdivision 2; 270B.14, subdivisions 1 and 11; 336.9-407; 336.9-411; 383B.225, subdivision 6; and 446A.11, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 13; 13B; 270B; and 611A; repealing Minnesota Statutes 1994, sections 13.38, subdivision 4; 13.69, subdivision 2; 13.71, subdivisions 9, 10, 11, 12, 13, 14, 15, 16, and 17; 13.76, subdivision 1; 13B.04; and Laws 1990, chapter 566, section 9, as amended.

Mr. Finn moved to amend S.F. No. 1279 as follows:

Page 17, after line 28, insert:

"Sec. 25. Minnesota Statutes 1994, section 41B.211, is amended to read:

41B.211 [DATA PRIVACY.]

Subdivision 1. [DATA ON INDIVIDUALS.] Financial information, including credit reports, financial statements, and net worth calculations, received or prepared by the authority regarding any authority loan and the name of each individual who is the recipient of a loan are private data on individuals, under chapter 13, except that information obtained under the agricultural development bond program in sections 41C.01 to 41C.13 may be released as required by federal tax law.

Subd. 2. [DATA NOT ON INDIVIDUALS.] The following data submitted to the authority by businesses that are requesting financial assistance are nonpublic data as defined in section 13.02: financial information about the applicant, including credit reports, financial statements, net worth calculations, business plans, income and expense projections, customer lists, market and feasibility studies not paid for with public funds, tax returns, and financial reports provided to the authority after closing of the financial assistance."

Pages 31 to 36, delete article 2

Page 36, line 30, delete "3" and insert "2"

Page 44, line 31, delete "4" and insert "3"

Page 48, line 13, delete "5" and insert "4"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Finn then moved to amend S.F. No. 1279 as follows:

Page 6, after line 34, insert:

"Sec. 10. Minnesota Statutes 1994, section 13.46, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section:

(a) "Individual" means an individual pursuant to section 13.02, subdivision 8, but does not include a vendor of services.

(b) "Program" includes all programs for which authority is vested in a component of the welfare system pursuant to statute or federal law, including, but not limited to, aid to families with dependent children, medical assistance, general assistance, work readiness, ~~and~~ general assistance medical care, and child support collections.

(c) "Welfare system" includes the department of human services, local social services agencies, county welfare agencies, the public authority responsible for child support enforcement, human services boards, community mental health center boards, state hospitals, state nursing homes, the ombudsman for mental health and mental retardation, and persons, agencies, institutions, organizations, and other entities under contract to any of the above agencies to the extent specified in the contract.

(d) "Mental health data" means data on individual clients and patients of community mental health centers, established under section 245.62, mental health divisions of counties and other providers under contract to deliver mental health services, or the ombudsman for mental health and mental retardation.

(e) "Fugitive felon" means a person who has been convicted of a felony and who has escaped from confinement or violated the terms of probation or parole for that offense."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Price moved to amend S.F. No. 1279 as follows:

Page 5, after line 4, insert:

"Sec. 8. Minnesota Statutes 1994, section 13.32, subdivision 5, is amended to read:

Subd. 5. [DIRECTORY INFORMATION.] (a) Except as provided in paragraph (b), information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 which are in effect on July 1, 1993, is public data on individuals.

(b) A student's address and telephone number are private data on individuals. An educational agency or institution that designates other directory information as public data shall give individual parents and students a conspicuous notice of their right to refuse to let the agency or institution designate any or all of that information about the student as public directory information."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 36, as follows:

Those who voted in the affirmative were:

Beckman	Hottinger	Langseth	Morse	Solon
Belanger	Johnson, J.B.	Larson	Pogemiller	Spear
Bertram	Kleis	Lessard	Price	Stevens
Chmielewski	Kramer	Limmer	Runbeck	Stumpf
Finn	Krentz	Merriam	Sams	Vickerman
Hanson	Kroening	Moe, R.D.	Samuelson	

Those who voted in the negative were:

Anderson	Flynn	Knutson	Oliver	Robertson
Berg	Frederickson	Laidig	Olson	Scheevel
Berglin	Janezich	Lesewski	Ourada	Terwilliger
Betzold	Johnson, D.E.	Marty	Pappas	Wiener
Chandler	Johnson, D.J.	Metzen	Pariseau	
Cohen	Johnston	Mondale	Piper	
Day	Kelly	Murphy	Ranum	
Dille	Kiscaden	Neuville	Riveness	

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

Mr. Betzold moved to amend S.F. No. 1279 as follows:

Page 17, after line 28, insert:

"Sec. 25. Minnesota Statutes 1994, section 144.0721, subdivision 2, is amended to read:

Subd. 2. [ACCESS TO DATA.] With the exception of summary data, data on individuals that is collected, maintained, used, or disseminated by the commissioner of health under subdivision 1 is private data on individuals and shall not be disclosed to others except:

- (1) under section 13.05;
- (2) under a valid court order;
- (3) to the nursing home or boarding care home in which the individual resided at the time the assessment was completed; or
- (4) to the commissioner of human services; or
- (5) to county home care staff for the purpose of assisting the individual to be discharged from a nursing home or boarding care home and returned to the community."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Hottinger moved to amend S.F. No. 1279 as follows:

Page 17, after line 28, insert:

"Sec. 25. Minnesota Statutes 1994, section 260.161, is amended by adding a subdivision to read:

Subd. 3a. [RELEASE FOR RESEARCH PURPOSES.] Notwithstanding subdivision 2 or 3, court records or peace officer records on juveniles that are not accessible to the public may be released to a person for purposes of research involving juvenile offender profiles and behavior patterns. The records may be released only if the person enters into a written agreement with the court or law enforcement agency that provides that:

(1) the records will be used only for bona fide academic research purposes and will not be accessible to the public or released or disclosed to any other person in a manner that identifies individual juveniles;

(2) the use of the records in individually identifiable form is necessary to accomplish the research; and

(3) the person has established and maintained adequate safeguards to protect the records from unauthorized disclosure.

The court or law enforcement agency may impose additional conditions on the release of records under this subdivision."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Anderson moved to amend S.F. No. 1279 as follows:

Page 6, after line 34, insert:

"Sec. 10. Minnesota Statutes 1994, section 13.43, is amended by adding a subdivision to read:

Subd. 9. [PEER COUNSELING DEBRIEFING DATA.] (a) Information or opinion acquired by a peer group member in a public safety peer counseling debriefing is private data on the person being debriefed.

(b) For purposes of this subdivision, "public safety peer counseling debriefing" means a group process oriented debriefing session held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related traumatic event begin the process of healing and effectively dealing with posttraumatic stress."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Finn moved to amend the Anderson amendment to S.F. No. 1279 as follows:

Page 1, line 6, delete "Information or opinion" and insert "Data"

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

Mr. Finn then moved to amend the Anderson amendment to S.F. No. 1279 as follows:

Page 1, line 7, delete "is" and insert "are"

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

The question was taken on the Anderson amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Ms. Ranum moved to amend S.F. No. 1279 as follows:

Page 30, after line 34, insert:

"Sec. 36. Minnesota Statutes 1994, section 388.24, subdivision 4, is amended to read:

Subd. 4. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] Effective August 1, 1997, every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

(1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;

(2) the date on which the individual began to participate in the diversion program;

(3) the date on which the individual is expected to complete the diversion program;

(4) the date on which the individual successfully completed the diversion program, where applicable; and

(5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

Sec. 37. Minnesota Statutes 1994, section 401.065, subdivision 3a, is amended to read:

Subd. 3a. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] Effective August 1, 1997, every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

(1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;

- (2) the date on which the individual began to participate in the diversion program;
- (3) the date on which the individual is expected to complete the diversion program;
- (4) the date on which the individual successfully completed the diversion program, where applicable; and
- (5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system."

Page 31, after line 7, insert:

"Sec. 39. [CRIMINAL AND JUVENILE INFORMATION POLICY GROUP REPORT.]

By January 15, 1996, the criminal and juvenile information policy group shall report to the chairs of the senate crime prevention committee and house of representatives judiciary committee on recommendations for additional offenses to be subject to identification reporting requirements of Minnesota Statutes, section 299C.10, subdivision 1, and on processes for expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals as they relate to the development of the juvenile criminal history system, the statewide misdemeanor system, and the tracking system for domestic abuse orders for protection."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend S.F. No. 1279 as follows:

Page 48, after line 28, insert:

"Sec. 2. Minnesota Statutes 1994, section 144.335, subdivision 3a, is amended to read:

Subd. 3a. [PATIENT CONSENT TO RELEASE OF RECORDS; LIABILITY.] (a) A provider, or a person who receives health records from a provider, may not release a patient's health records to a person without a signed and dated consent from the patient or the patient's legally authorized representative authorizing the release, unless the release is specifically authorized by law. Except as provided in paragraph (c), a consent is valid for one year or for a lesser period specified in the consent or for a different period provided by law.

(b) This subdivision does not prohibit the release of health records:

(1) for a medical emergency when the provider is unable to obtain the patient's consent due to the patient's condition or the nature of the medical emergency;

(2) to other providers within related health care entities when necessary for the current treatment of the patient; or

(3) to other providers when necessary for the current treatment of the patient, with documentation in the medical record of the patient's verbal consent to the release.

(c) Notwithstanding paragraph (a), if a patient explicitly gives informed consent to the release of health records for the purposes and pursuant to the restrictions in clauses (1) and (2), the consent does not expire after one year for:

(1) the release of health records to a provider who is being advised or consulted with in connection with the current treatment of the patient;

(2) the release of health records to an accident and health insurer, health service plan corporation, health maintenance organization, or third-party administrator for purposes of payment of claims, fraud investigation, or quality of care review and studies, provided that:

- (i) the use or release of the records complies with sections 72A.49 to 72A.505;
 - (ii) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited; and
 - (iii) the recipient establishes adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient.
- (d) Until June 1, 1996, paragraph (a) does not prohibit the release of health records to qualified personnel solely for purposes of medical or scientific research, if the patient has not objected to a release for research purposes and the provider who releases the records makes a reasonable effort to determine that:
- (i) the use or disclosure does not violate any limitations under which the record was collected;
 - (ii) the use or disclosure in individually identifiable form is necessary to accomplish the research or statistical purpose for which the use or disclosure is to be made;
 - (iii) the recipient has established and maintains adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient; and
 - (iv) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited.
- (e) A person who negligently or intentionally releases a health record in violation of this subdivision, or who forges a signature on a consent form, or who obtains under false pretenses the consent form or health records of another person, or who, without the person's consent, alters a consent form, is liable to the patient for compensatory damages caused by an unauthorized release, plus costs and reasonable attorney's fees.
- (f) Upon the written request of a spouse, parent, child, or sibling of a patient being evaluated for or diagnosed with mental illness, a provider shall inquire of a patient whether the patient wishes to authorize a specific individual to receive information regarding the patient's current and proposed course of treatment. If the patient so authorizes, the provider shall communicate to the designated individual the patient's current and proposed course of treatment. Paragraph (a) applies to consents given under this paragraph."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend S.F. No. 1279 as follows:

Page 11, line 3, delete "and" and insert a comma

Page 11, line 4, before the period, insert ", and any state agency that is under the direct control of the governor"

CALL OF THE SENATE

Mr. Finn imposed a call of the Senate for the balance of the proceedings on S.F. No. 1279. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Knutson amendment.

The roll was called, and there were yeas 35 and nays 25, as follows:

Those who voted in the affirmative were:

Betzold	Johnston	Lesewski	Neuvillie	Robertson
Day	Kiscaden	Limmer	Oliver	Runbeck
Dille	Kleis	Marty	Olson	Scheevel
Frederickson	Knutson	Merriam	Ourada	Spear
Janezich	Kramer	Moe, R.D.	Pariseau	Stevens
Johnson, D.E.	Laidig	Morse	Piper	Terwilliger
Johnson, J.B.	Langseth	Murphy	Price	Wiener

Those who voted in the negative were:

Anderson	Chandler	Hanson	Lessard	Reichgott Junge
Beckman	Chmielewski	Hottinger	Metzen	Riveness
Berg	Cohen	Johnson, D.J.	Mondale	Sams
Berglin	Finn	Krentz	Pappas	Solon
Bertram	Flynn	Kroening	Ranum	Vickerman

The motion prevailed. So the amendment was adopted.

S.F. No. 1279 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 58 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Berg, Chmielewski and Dille voted in the negative.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1246 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1246: A bill for an act relating to state government; abolishing periodic reports; repealing obsolete rules of the departments of agriculture, commerce, health, human services, public safety, public service, and revenue and the pollution control agency; removing internal references to repealed rules; providing a deadline for certain actions by state and local government agencies; clarifying statutory waiver requirements with respect to the housing finance agency for the civil service pilot project; requiring legislative review of certain agency reorganization efforts; establishing the office of citizen advocate in the department of administration; modifying provisions relating to data classification; workers' compensation premium collection; employment classifications and procedures; and benefits; providing penalties; establishing a task force to recommend a governmental structure for environmental and natural resource functions and services; requiring establishment of an employee participation committee before agency restructuring; abolishing the department of natural resources, the board of water and soil resources, the office of environmental assistance, the pollution control agency, the environmental quality board, the harmful substances compensation board, the petroleum tank release compensation board, and the agricultural chemical response board; providing for appointments; abolishing the transportation regulation board; transferring its functions to other agencies; amending Minnesota Statutes 1994, sections 13.67; 15A.081, subdivision 1; 43A.04, subdivision 1; 43A.08, subdivision 1; 43A.10, subdivision 8; 43A.13, subdivision 6; 43A.15, by adding a

subdivision; 43A.19, subdivision 1; 43A.191, subdivisions 1, 2, and 3; 43A.24, subdivision 2; 43A.27, subdivision 3; 43A.316; 43A.317, subdivision 5; 62J.45, subdivision 8; 174.02, subdivisions 4, 5, and by adding subdivisions; 174.06, by adding a subdivision; 174.10; 218.041, subdivision 6; 219.074, subdivisions 1 and 2; 256B.0644; and 356.87; Minnesota Rules, parts 1540.2140; 7001.0140, subpart 2; 7001.0180; 8130.3500, subpart 3; and 8130.6500, subpart 5; proposing coding for new law in Minnesota Statutes, chapters 15; 16B; and 174; repealing Minnesota Statutes 1994, sections 174A.01; 174A.02; 174A.03; 174A.04; 174.05; 174.06; 218.011, subdivision 7; and 218.041, subdivision 7; Minnesota Rules, parts 1540.0010, subparts 12, 18, 21, 22, and 24; 1540.0060; 1540.0070; 1540.0080; 1540.0100; 1540.0110; 1540.0120; 1540.0130; 1540.0140; 1540.0150; 1540.0160; 1540.0170; 1540.0180; 1540.0190; 1540.0200; 1540.0210; 1540.0220; 1540.0230; 1540.0240; 1540.0260; 1540.0320; 1540.0330; 1540.0340; 1540.0350; 1540.0370; 1540.0380; 1540.0390; 1540.0400; 1540.0410; 1540.0420; 1540.0440; 1540.0450; 1540.0460; 1540.0490; 1540.0500; 1540.0510; 1540.0520; 1540.0770; 1540.0780; 1540.0800; 1540.0810; 1540.0830; 1540.0880; 1540.0890; 1540.0900; 1540.0910; 1540.0920; 1540.0930; 1540.0940; 1540.0950; 1540.0960; 1540.0970; 1540.0980; 1540.0990; 1540.1000; 1540.1005; 1540.1010; 1540.1020; 1540.1030; 1540.1040; 1540.1050; 1540.1060; 1540.1070; 1540.1080; 1540.1090; 1540.1100; 1540.1110; 1540.1120; 1540.1130; 1540.1140; 1540.1150; 1540.1160; 1540.1170; 1540.1180; 1540.1190; 1540.1200; 1540.1210; 1540.1220; 1540.1230; 1540.1240; 1540.1250; 1540.1255; 1540.1260; 1540.1280; 1540.1290; 1540.1300; 1540.1310; 1540.1320; 1540.1330; 1540.1340; 1540.1350; 1540.1360; 1540.1380; 1540.1400; 1540.1410; 1540.1420; 1540.1430; 1540.1440; 1540.1450; 1540.1460; 1540.1470; 1540.1490; 1540.1500; 1540.1510; 1540.1520; 1540.1530; 1540.1540; 1540.1550; 1540.1560; 1549.1570; 1540.1580; 1540.1590; 1540.1600; 1540.1610; 1540.1620; 1540.1630; 1540.1640; 1540.1650; 1540.1660; 1540.1670; 1540.1680; 1540.1690; 1540.1700; 1540.1710; 1540.1720; 1540.1730; 1540.1740; 1540.1750; 1540.1760; 1540.1770; 1540.1780; 1540.1790; 1540.1800; 1540.1810; 1540.1820; 1540.1830; 1540.1840; 1540.1850; 1540.1860; 1540.1870; 1540.1880; 1540.1890; 1540.1900; 1540.1905; 1540.1910; 1540.1920; 1540.1930; 1540.1940; 1540.1950; 1540.1960; 1540.1970; 1540.1980; 1540.1990; 1540.2000; 1540.2010; 1540.2015; 1540.2020; 1540.2090; 1540.2100; 1540.2110; 1540.2120; 1540.2180; 1540.2190; 1540.2200; 1540.2210; 1540.2220; 1540.2230; 1540.2240; 1540.2250; 1540.2260; 1540.2270; 1540.2280; 1540.2290; 1540.2300; 1540.2310; 1540.2320; 1540.2325; 1540.2330; 1540.2340; 1540.2350; 1540.2360; 1540.2370; 1540.2380; 1540.2390; 1540.2400; 1540.2410; 1540.2420; 1540.2430; 1540.2440; 1540.2450; 1540.2490; 1540.2500; 1540.2510; 1540.2530; 1540.2540; 1540.2550; 1540.2560; 1540.2570; 1540.2580; 1540.2590; 1540.2610; 1540.2630; 1540.2640; 1540.2650; 1540.2660; 1540.2720; 1540.2730; 1540.2740; 1540.2760; 1540.2770; 1540.2780; 1540.2790; 1540.2800; 1540.2810; 1540.2820; 1540.2830; 1540.2840; 1540.3420; 1540.3430; 1540.3440; 1540.3450; 1540.3460; 1540.3470; 1540.3560; 1540.3600; 1540.3610; 1540.3620; 1540.3630; 1540.3700; 1540.3780; 1540.3960; 1540.3970; 1540.3980; 1540.3990; 1540.4000; 1540.4010; 1540.4020; 1540.4030; 1540.4040; 1540.4080; 1540.4190; 1540.4200; 1540.4210; 1540.4220; 1540.4320; 1540.4330; 1540.4340; 2642.0120, subpart 1; 2650.0100; 2650.0200; 2650.0300; 2650.0400; 2650.0500; 2650.0600; 2650.1100; 2650.1200; 2650.1300; 2650.1400; 2650.1500; 2650.1600; 2650.1700; 2650.1800; 2650.1900; 2650.2000; 2650.2100; 2650.3100; 2650.3200; 2650.3300; 2650.3400; 2650.3500; 2650.3600; 2650.3700; 2650.3800; 2650.3900; 2650.4000; 2650.4100; 2655.1000; 2660.0070; 2770.7400; 4610.2210; 7002.0410; 7002.0420; 7002.0430; 7002.0440; 7002.0450; 7002.0460; 7002.0470; 7002.0480; 7002.0490; 7047.0010; 7047.0020; 7047.0030; 7047.0040; 7047.0050; 7047.0060; 7047.0070; 7100.0300; 7100.0310; 7100.0320; 7100.0330; 7100.0335; 7100.0340; 7100.0350; 7510.6100; 7510.6200; 7510.6300; 7510.6350; 7510.6400; 7510.6500; 7510.6600; 7510.6700; 7510.6800; 7510.6900; 7510.6910; 7600.0100; 7600.0200; 7600.0300; 7600.0400; 7600.0500; 7600.0600; 7600.0700; 7600.0800; 7600.0900; 7600.1000; 7600.1100; 7600.1200; 7600.1300; 7600.1400; 7600.1500; 7600.1600; 7600.1700; 7600.1800; 7600.1900; 7600.2000; 7600.2100; 7600.2200; 7600.2300; 7600.2400; 7600.2500; 7600.2600; 7600.2700; 7600.2800; 7600.2900; 7600.3000; 7600.3100; 7600.3200; 7600.3300; 7600.3400; 7600.3500; 7600.3600; 7600.3700; 7600.3800; 7600.3900; 7600.4000; 7600.4100; 7600.4200; 7600.4300; 7600.4400; 7600.4500; 7600.4600; 7600.4700; 7600.4800; 7600.4900; 7600.5000; 7600.5100; 7600.5200; 7600.5300; 7600.5400; 7600.5500; 7600.5600; 7600.5700; 7600.5800; 7600.5900; 7600.6000; 7600.6100; 7600.6200; 7600.6300; 7600.6400; 7600.6500; 7600.6600; 7600.6700; 7600.6800; 7600.6900; 7600.7000; 7600.7100; 7600.7200; 7600.7210; 7600.7300; 7600.7400; 7600.7500; 7600.7600; 7600.7700; 7600.7750; 7600.7800; 7600.7900; 7600.8100; 7600.8200; 7600.8300; 7600.8400; 7600.8500; 7600.8600; 7600.8700; 7600.8800; 7600.8900; 7600.9000; 7600.9100; 7600.9200; 7600.9300; 7600.9400; 7600.9500; 7600.9600; 7600.9700; 7600.9800; 7600.9900;

7625.0100; 7625.0110; 7625.0120; 7625.0200; 7625.0210; 7625.0220; 7625.0230; 8120.1100, subpart 3; 8121.0500, subpart 2; 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; 8850.6900; 9540.0100; 9540.0200; 9540.0300; 9540.0400; 9540.0500; 9540.1000; 9540.1100; 9540.1200; 9540.1300; 9540.1400; 9540.1500; 9540.2000; 9540.2100; 9540.2200; 9540.2300; 9540.2400; 9540.2500; 9540.2600; and 9540.2700.

Mr. Rivenness moved to amend S.F. No. 1246 as follows:

Page 3, line 36, delete the third comma

Page 3, line 37, delete everything before the first semicolon

Page 3, line 43, after the third semicolon, insert "14.47, subdivision 8;"

Page 3, line 44, after the first semicolon, insert "15.0599, subdivision 5;"

Page 4, line 23, after the first semicolon, insert "115A.411, subdivision 1;"

Page 4, line 32, after the second semicolon, insert "116N.06;"

Page 5, line 33, after the third semicolon, insert "473.149, subdivision 6;"

Page 5, line 35, after the second semicolon, insert "473.845, subdivision 4;"

Page 5, line 36, after the first semicolon, insert "480.15;"

Amend the title as follows:

Page 1, line 45, after "sections" insert "174.05; 174.06;"

Page 1, line 46, delete "174.05; 174.06;"

The motion prevailed. So the amendment was adopted.

Ms. Wiener moved to amend S.F. No. 1246 as follows:

Page 12, line 30, delete "land use" and insert "zoning, septic systems, or expansion of the metropolitan urban service area"

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend S.F. No. 1246 as follows:

Page 45, line 30, delete "(a) The following powers and"

Page 45, delete lines 31 to 36

Page 46, delete lines 1 to 14

Reletter the paragraphs in sequence

The motion prevailed. So the amendment was adopted.

Mr. Rivenness moved to amend S.F. No. 1246 as follows:

Page 60, after line 36, insert:

"ARTICLE 11

ABOLISHING COMMISSIONS

Section 1. Minnesota Statutes 1994, section 62J.04, subdivision 1a, is amended to read:

Subd. 1a. [ADJUSTED GROWTH LIMITS AND ENFORCEMENT.] (a) The commissioner shall publish the final adjusted growth limit in the State Register by January 31 of the year that the expenditure limit is to be in effect. The adjusted limit must reflect the actual regional consumer

price index for urban consumers for the previous calendar year, and may deviate from the previously published projected growth limits to reflect differences between the actual regional consumer price index for urban consumers and the projected Consumer Price Index for urban consumers. The commissioner shall report to the legislature by February 15 of each year on differences between the projected increase in health care expenditures, the actual expenditures based on data collected, and the impact and validity of growth limits within the overall health care reform strategy.

(b) The commissioner shall enforce limits on growth in spending and revenues for integrated service networks and for the regulated all-payer option. If the commissioner determines that artificial inflation or padding of costs or prices has occurred in anticipation of the implementation of growth limits, the commissioner may adjust the base year spending totals or growth limits or take other action to reverse the effect of the artificial inflation or padding.

(c) The commissioner shall impose and enforce overall limits on growth in revenues and spending for integrated service networks, with adjustments for changes in enrollment, benefits, severity, and risks. If an integrated service network exceeds the growth limits, the commissioner may reduce future limits on growth in aggregate premium revenues for that integrated service network by up to the amount overspent. If the integrated service network system exceeds a systemwide spending limit, the commissioner may reduce future limits on growth in premium revenues for the integrated service network system by up to the amount overspent.

(d) The commissioner shall set prices, utilization controls, and other requirements for the regulated all-payer option to ensure that the overall costs of this system, after adjusting for changes in population, severity, and risk, do not exceed the growth limits. If growth limits for a calendar year are exceeded, the commissioner may reduce reimbursement rates or otherwise recoup amounts exceeding the limit for all or part of the next calendar year. To the extent possible, the commissioner may reduce reimbursement rates or otherwise recoup amounts over the limit from individual providers who exceed the growth limits.

(e) The commissioner, in consultation with the Minnesota health care commission, shall research and make recommendations to the legislature regarding the implementation of growth limits for integrated service networks and the regulated all-payer option. The commissioner ~~must~~ shall consider both spending and revenue approaches and ~~will~~ report on the implementation of the interim limits as defined in sections 62P.04 and 62P.05. The commissioner ~~must~~ shall examine and make recommendations on the use of annual update factors based on volume performance standards as a mechanism for achieving controls on spending in the all-payer option. The commissioner ~~must~~ shall make recommendations regarding the enforcement mechanism and ~~must~~ shall consider mechanisms to adjust future growth limits as well as mechanisms to establish financial penalties for noncompliance. The commissioner ~~must~~ shall also address the feasibility of systemwide limits imposed on all integrated service networks.

~~(f) The commissioner shall report to the legislative commission on health care access by December 1, 1994, on trends in aggregate spending and premium revenue for health plan companies. The commissioner shall use data submitted under section 62P.04 and other available data to complete this report.~~

Sec. 2. Minnesota Statutes 1994, section 62Q.33, subdivision 5, is amended to read:

Subd. 5. [TIMELINE.] (a) ~~By October 1, 1994, the commissioner shall submit to the legislative commission on health care access the initial report and recommendations required by subdivisions 2 to 4.~~

~~(b) By February 15, 1995, the commissioner, in cooperation with the legislative commission on health care access, shall submit a final report to the legislature, with specific recommendations for capacity building and financing to be implemented over the period from January 1, 1996, through December 31, 1997.~~

~~(c) (b) By January 1, 1997, and by January 1 of each odd-numbered year thereafter, the commissioner shall present to the legislature an updated report and recommendations.~~

Sec. 3. Minnesota Statutes 1994, section 85.019, subdivision 2, is amended to read:

Subd. 2. [GRANTS FOR PARKS AND TRAILS.] The commissioner shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States Office of Management and Budget, but outside of the metropolitan area defined in section 473.121. The grants ~~shall~~ must be for acquisition and betterment by units of government of public land and improvements needed for parks, trails, conservatories, zoos, and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. Appropriations made for this purpose ~~shall~~ must be expended with the approval of the governor after consultation with the legislative advisory commission. ~~The legislative commission on division of Minnesota resources~~ shall make recommendations to the legislative advisory commission regarding the expenditures. The local contribution required shall be not less than ten percent. The program ~~shall~~ must be administered so as to ensure the maximum possible use of available federal money.

Sec. 4. Minnesota Statutes 1994, section 115A.07, subdivision 3, is amended to read:

Subd. 3. [UNIFORM WASTE STATISTICS; RULES.] The director, after consulting with the commissioner, the metropolitan council, local government units, and other interested persons, may adopt rules to establish uniform methods for collecting and reporting waste reduction, generation, collection, transportation, storage, recycling, processing, and disposal statistics necessary for proper waste management and for reporting required by law. ~~Prior to publishing proposed rules, the director shall submit draft rules to the legislative commission on waste management for review and comment.~~ Rules adopted under this subdivision apply to all persons and units of government in the state for the purpose of collecting and reporting waste-related statistics requested under or required by law.

Sec. 5. Minnesota Statutes 1994, section 115A.15, subdivision 5, is amended to read:

Subd. 5. [REPORTS.] (a) By January 1 of each odd-numbered year, the commissioner of administration shall submit a report to the governor ~~and to the legislative commission~~ summarizing past activities and proposed goals of the program for the following biennium. The report shall include at least:

- (1) a summary list of product and commodity purchases that contain recycled materials;
- (2) the results of any performance tests conducted on recycled products and agencies' experience with recycled products used;
- (3) a list of all organizations participating in and using the cooperative purchasing program; and
- (4) a list of products and commodities purchased for their recyclability and of recycled products reviewed for purchase.

(b) By July 1 of each even-numbered year, the commissioner of the pollution control agency and the commissioner of public service shall submit recommendations to the commissioner regarding the operation of the program.

Sec. 6. Minnesota Statutes 1994, section 115A.158, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE; EVALUATION; REPORT.] In requesting proposals, the office shall inform potential developers of the assistance available to them in siting and establishing hazardous waste processing and collection facilities and services in the state and improved industrial waste management in the state, including the availability of sites listed on the office's inventory of preferred areas for hazardous waste processing facilities, the authority of the office to acquire sites and order the establishment of facilities in those areas, the policies and objectives of the hazardous waste management plan, and the availability of information developed by the office on hazardous or industrial waste generation and management in the state.

The office shall evaluate the proposals received in response to its request and determine the extent to which the proposals demonstrate the qualifications of the developers, the technical and economic feasibility of the proposed facility or service, and the extent to which the proposed facility or service will contribute in a significant way to the achievement of the policies and objectives of the hazardous waste management plan.

~~The office shall report to the legislative commission on the proposals that it has received and evaluated, and on the legislative, regulatory, and other actions needed to develop and operate the proposed facilities or services.~~

Sec. 7. Minnesota Statutes 1994, section 115A.165, is amended to read:

115A.165 [EVALUATION OF GRANT AND LOAN PROGRAMS; REPORT.]

By November 1 of each even-numbered year, the director shall evaluate the extent to which the programs provided in sections 115A.152 to 115A.159 have contributed to the achievement of the policies and objectives of the hazardous waste management plan and other related planning documents prepared by the director. The evaluation must consider the amount of waste reduction achieved by generators through the technical and research assistance and waste reduction grant programs and the progress in reducing the need for and practice of disposal achieved through the development grants and the request for proposal program. ~~The director shall report the results of the evaluation to the legislative commission with recommendations for further action.~~

Sec. 8. Minnesota Statutes 1994, section 115A.193, is amended to read:

115A.193 [REPORT ON FACILITY DEVELOPMENT.]

The director shall prepare a report concerning the development of a stabilization and containment facility. The report must include:

(a) a conceptual plan that describes and evaluates the proposed design and operation of the facility, including an evaluation of technical feasibility, a description and evaluation of the types and quantities of hazardous waste and nonhazardous residual waste from hazardous waste processing that the facility would be designed to accept, and a description and evaluation of technologies needed or desired at the facility for processing, stabilization, and containment, including above grade containment;

(b) procedures and standards for the operation of the facility that require the use of reduction, recycling, and recovery of any hazardous waste before the waste is accepted for stabilization when the alternative or additional management method is feasible and prudent and would materially reduce adverse impact on human health and the environment;

(c) evaluation of the design and use of the facility for processing, stabilization, or containment of industrial waste, including technical and regulatory issues and alternative management methods;

(d) evaluation of feasible and prudent technologies that may substantially reduce the possibility of migration of any hazardous constituents of wastes that the facility would be designed to accept;

(e) a general analysis of the necessary and desirable physical, locational, and other characteristics of a site for the facility;

(f) an evaluation of the prospects of and conditions required for the regulatory delisting of residual waste from hazardous waste processing;

(g) an evaluation of the feasibility of an interstate, regional approach to the management of hazardous waste; and

(h) an economic feasibility analysis of the development and operation of the facility, including the anticipated use of the facility by Minnesota generators from within and outside the state, and sources of private and public financing that may be available or necessary for development or operation.

~~The director shall submit a draft of the report to the office and the legislative commission on waste management by July 1, 1988, and before executing contracts under section 115A.191.~~

Sec. 9. Minnesota Statutes 1994, section 115A.22, subdivision 5, is amended to read:

Subd. 5. [DUTIES OF LOCAL COMMITTEES.] During the review, the local project review committee shall: inform affected local communities, government units, and residents of the

proposed land containment and stabilization and containment facilities and of the planning and environmental review process relating to the proposed facilities; solicit and record local attitudes and concerns respecting the proposed facilities and represent and communicate such attitudes and concerns to the board, ~~the legislative commission~~, the environmental quality board, the agency, and other units and agencies of government; and act as a forum for the exchange of local attitudes and concerns and the development, where possible, of local consensus.

Sec. 10. Minnesota Statutes 1994, section 115A.5501, subdivision 2, is amended to read:

Subd. 2. [MEASUREMENT; PROCEDURES.] To measure the overall percentage of packaging in the statewide solid waste stream, the director and the chair of the metropolitan council, in consultation with the commissioner, shall each conduct an annual solid waste composition study in the nonmetropolitan and metropolitan areas respectively or shall develop an alternative method that is as statistically reliable as a waste composition study to measure the percentage of packaging in the waste stream.

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

Sec. 11. Minnesota Statutes 1994, section 115A.5501, subdivision 4, is amended to read:

Subd. 4. [REPORT.] The director shall apply the statewide percentage determined under subdivision 2 to the aggregate amount of solid waste determined under subdivision 3 to determine the amount of packaging in the waste stream. By July 1, 1996, the director shall submit to the ~~legislative commission on waste management~~ appropriate committees of the house of representatives and the senate an analysis of the extent to which the waste packaging reduction goal in subdivision 1 has been met. In determining whether the goal has been met, the margin of error must be applied in favor of meeting the goal.

Sec. 12. Minnesota Statutes 1994, section 115A.551, subdivision 4, is amended to read:

Subd. 4. [INTERIM MONITORING.] The director, for counties outside of the metropolitan area, and the metropolitan council, for counties within the metropolitan area, shall monitor the progress of each county toward meeting the recycling goals in subdivisions 2 and 2a. The director shall report to the ~~legislative commission on waste management~~ appropriate committees of the house of representatives and the senate on the progress of the counties by July 1 of each year. The metropolitan council shall report to the ~~legislative commission on waste management~~ committees on the progress of the counties by July 1 of each year. If the director or the council finds that a county is not progressing toward the goals in subdivisions 2 and 2a, ~~it~~ the director or council shall negotiate with the county to develop and implement solid waste management techniques designed to assist the county in meeting the goals, such as organized collection, curbside collection of source-separated materials, and volume-based pricing.

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

Sec. 13. Minnesota Statutes 1994, section 115A.551, subdivision 5, is amended to read:

Subd. 5. [FAILURE TO MEET GOAL.] (a) A county failing to meet the interim goals in subdivision 3 shall, as a minimum:

(1) notify county residents of the failure to achieve the goal and why the goal was not achieved; and

(2) provide county residents with information on recycling programs offered by the county.

(b) If, based on the recycling monitoring described in subdivision 4, the director or the metropolitan council finds that a county will be unable to meet the recycling goals established in

subdivisions 2 and 2a, the director or council shall, after consideration of the reasons for the county's inability to meet the goals, recommend legislation for consideration by the ~~legislative commission on waste management~~ appropriate committees of the house of representatives and the senate to establish mandatory recycling standards and to authorize the director or council to mandate appropriate solid waste management techniques designed to meet the standards in those counties that are unable to meet the goals.

Sec. 14. Minnesota Statutes 1994, section 115A.557, subdivision 4, is amended to read:

Subd. 4. [REPORT.] By July 1 of each year, the director shall report on how the money was spent and the resulting statewide improvements in solid waste management to the house of representatives ways and means committee and senate appropriations and finance committees and ~~the legislative commission on waste management~~ committee. In even-numbered years the report may be included in the solid waste management policy report required under section 115A.411.

Sec. 15. Minnesota Statutes 1994, section 115A.9157, subdivision 6, is amended to read:

Subd. 6. [LIST OF PARTICIPANTS.] A manufacturer or its representative organization shall inform the ~~legislative commission on waste management~~ director when ~~they begin the manufacturer or organization begins participating in the projects and programs and immediately if they withdraw upon withdrawal from participation.~~ The list of participants ~~shall~~ must be available to retailers, distributors, governmental agencies, and other interested persons who provide a self-addressed stamped envelope to the ~~commission~~ director.

Sec. 16. Minnesota Statutes 1994, section 115A.96, subdivision 2, is amended to read:

Subd. 2. [MANAGEMENT PROGRAM.] (a) The agency shall establish a statewide program to manage household hazardous wastes. The program must include:

- (1) the establishment and operation of collection sites; and
 - (2) the provision of information, education, and technical assistance regarding proper management of household hazardous wastes.
- ~~(b) The agency shall report on its progress on establishing permanent collection sites to the legislative commission on waste management by November 1, 1991.~~

Sec. 17. Minnesota Statutes 1994, section 115A.961, subdivision 2, is amended to read:

Subd. 2. [PROGRAM.] (a) The director, in consultation with other state agencies, political subdivisions, and representatives of the household battery industry, may develop household battery programs. ~~The director must coordinate the programs with the legislative commission on Minnesota resources study on batteries.~~

(b) The director shall investigate options and develop guidelines for collection, processing, and disposal of household batteries. The options the director may investigate include:

- (1) establishing a grant program for counties to plan and implement household battery collection, processing, and disposal projects;
- (2) establishing collection and transportation systems;
- (3) developing and disseminating educational materials regarding environmentally sound battery management; and
- (4) developing markets for materials recovered from the batteries.

(c) The director may also distribute funds to political subdivisions to develop battery management plans and implement those plans.

Sec. 18. Minnesota Statutes 1994, section 115A.9651, subdivision 2, is amended to read:

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

- (1) an explanation of why compliance is not technically feasible at the time of the request;
- (2) how the manufacturer will comply by July 1, 1997; and
- (3) the name, address, and telephone number of a person the commissioner can contact for further information.

(b) By September 1, 1994, a person who uses an item listed in subdivision 1, into which one of the listed metals has been intentionally introduced, may submit, on behalf of the manufacturer, a request for temporary exemption only if the manufacturer fails to submit an exemption request as provided in paragraph (a). The request must include:

- (1) an explanation of why the person must continue to use the item and a discussion of potential alternatives;
- (2) an explanation of why it is not technically feasible at the time of the request to formulate or manufacture the item without intentionally introducing a listed metal;
- (3) that the person will seek alternatives to using the item by July 1, 1997, if it still contains an intentionally introduced listed metal; and
- (4) the name, address, and telephone number of a person the commissioner can contact for further information.

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

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

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

- (1) a description of progress made to eliminate the listed metal or metals from the item or progress made by the person to find a replacement item that does not contain an intentionally introduced listed metal; and
- (2) the date or anticipated date the item is or will be free of intentionally introduced metals or the date the person has stopped or will stop using the item.

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

Sec. 19. Minnesota Statutes 1994, section 115A.97, subdivision 5, is amended to read:

Subd. 5. [PLANS; REPORT.] A county solid waste plan, or revision of a plan, that includes incineration of mixed municipal solid waste must clearly state how the county plans to meet the goals in subdivision 1 of reducing the toxicity and quantity of incinerator ash and of reducing the quantity of processing residuals that require disposal. The director, in cooperation with the agency, the counties, and the metropolitan council, may develop guidelines for counties to use to identify ways to meet the goals in subdivision 1.

The director, in cooperation with the agency, the counties, and the metropolitan council, shall develop and propose statewide goals and timetables for the reduction of the noncombustible fraction of mixed municipal solid waste prior to incineration or processing into refuse-derived fuel and for the reduction of the toxicity of the incinerator ash. ~~By January 1, 1990, the director shall report to the legislative commission on waste management on the proposal goals and timetables with recommendations for their implementation.~~

Sec. 20. Minnesota Statutes 1994, section 115A.97, subdivision 6, is amended to read:

Subd. 6. [PERMITS; AGENCY REPORT.] An application for a permit to build or operate a mixed municipal solid waste incinerator, including an application for permit renewal, must clearly state how the applicant will achieve the goals in subdivision 1 of reducing the toxicity and quantity of incinerator ash and of reducing the quantity of processing residuals that require disposal. The agency, in cooperation with the director, the counties, and the metropolitan council, may develop guidelines for applicants to use to identify ways to meet the goals in subdivision 1.

~~If, by January 1, 1990, the rules required by subdivision 3 are not in at least final draft form, the agency shall report to the legislative commission on waste management on the status of current incinerator ash management programs with recommendations for specific legislation to meet the goals of subdivision 1.~~

Sec. 21. Minnesota Statutes 1994, section 115B.20, subdivision 2, is amended to read:

Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] Subject to appropriation by the legislature the money in the account may be spent for any of the following purposes:

(1) preparation by the agency and the commissioner of agriculture for taking removal or remedial action under section 115B.17, or under chapter 18D, including investigation, monitoring and testing activities, enforcement and compliance efforts relating to the release of hazardous substances, pollutants or contaminants under section 115B.17 or 115B.18, or chapter 18D;

(2) removal and remedial actions taken or authorized by the agency or the commissioner of the pollution control agency under section 115B.17, or taken or authorized by the commissioner of agriculture under chapter 18D including related enforcement and compliance efforts under section 115B.17 or 115B.18, or chapter 18D, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under United States Code, title 42, section 9604(c)(3) for actions related to facilities other than commercial hazardous waste facilities located under the siting authority of chapter 115A;

(3) reimbursement to any private person for expenditures made before July 1, 1983, to provide alternative water supplies deemed necessary by the agency or the commissioner of agriculture and the department of health to protect the public health from contamination resulting from the release of a hazardous substance;

(4) removal and remedial actions taken or authorized by the agency or the commissioner of agriculture or the pollution control agency under section 115B.17, or chapter 18D, including related enforcement and compliance efforts under section 115B.17 or 115B.18, or chapter 18D, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under United States Code, title 42, section 9604(c)(3) for actions related to commercial hazardous waste facilities located under the siting authority of chapter 115A;

(5) compensation as provided by law, after submission by the office of waste management of the report required under section 115A.08, subdivision 5, to mitigate any adverse impact of the location of commercial hazardous waste processing or disposal facilities located pursuant to the siting authority of chapter 115A;

(6) planning and implementation by the commissioner of natural resources of the rehabilitation, restoration, or acquisition of natural resources to remedy injuries or losses to natural resources resulting from the release of a hazardous substance;

(7) inspection, monitoring, and compliance efforts by the agency, or by political subdivisions

with agency approval, of commercial hazardous waste facilities located under the siting authority of chapter 115A;

(8) grants by the agency or the office of waste management to demonstrate alternatives to land disposal of hazardous waste including reduction, separation, pretreatment, processing and resource recovery, for education of persons involved in regulating and handling hazardous waste;

~~(9) intervention and environmental mediation by the legislative commission on waste management under chapter 115A; and~~

~~(10)~~ grants by the agency to study the extent of contamination and feasibility of cleanup of hazardous substances and pollutants or contaminants in major waterways of the state;

~~(11)~~ (10) acquisition of a property interest under section 115B.17, subdivision 15;

(12) (11) reimbursement, in an amount to be determined by the agency in each case, to a political subdivision that is not a responsible person under section 115B.03, for reasonable and necessary expenditures resulting from an emergency caused by a release or threatened release of a hazardous substance, pollutant, or contaminant; and

~~(13)~~ (12) reimbursement to a political subdivision for expenditures in excess of the liability limit under section 115B.04, subdivision 4.

Sec. 22. Minnesota Statutes 1994, section 115B.20, subdivision 5, is amended to read:

Subd. 5. [RECOMMENDATION.] ~~The legislative commission on waste management and~~ The commissioner of agriculture shall make recommendations to the standing legislative committees on finance and ~~appropriations~~ ways and means regarding appropriations from the account.

Sec. 23. Minnesota Statutes 1994, section 115B.20, subdivision 6, is amended to read:

Subd. 6. [REPORT TO LEGISLATURE.] Each year, the commissioner of agriculture and the agency shall submit to the senate finance committee, the house ways and means committee, the environmental quality board, and the legislative water commission, ~~and the legislative commission on waste management~~ a report detailing the activities for which money from the account has been spent during the previous fiscal year.

Sec. 24. Minnesota Statutes 1994, section 116C.712, subdivision 5, is amended to read:

Subd. 5. [ASSESSMENT.] (a) A person, firm, corporation, or association in the business of owning or operating a nuclear fission electrical generating plant in this state shall pay an assessment to cover the cost of:

(1) monitoring the federal high-level radioactive waste program under the Nuclear Waste Policy Act, United States Code, title 42, sections 10101 to 10226;

(2) advising the governor and the legislature on policy issues relating to the federal high-level radioactive waste disposal program;

(3) surveying existing literature and activity relating to radioactive waste management, including storage, transportation, and disposal, in the state;

(4) an advisory task force on low-level radioactive waste deregulation, created by a law enacted in 1990 until July 1, 1996; and

(5) other general studies necessary to carry out the purposes of this subdivision.

The assessment must not be more than the appropriation to the office of strategic and long-range planning for these purposes.

(b) The office shall bill the owner or operator of the plant for the assessment at least 30 days before the start of each quarter. The assessment for the second quarter of each fiscal year must be adjusted to compensate for the amount by which actual expenditures by the office for the preceding year were more or less than the estimated expenditures previously assessed. The billing

may be made as an addition to the assessments made under section 116C.69. The owner or operator of the plant must pay the assessment within 30 days after receipt of the bill. The assessment must be deposited in the state treasury and credited to the special revenue fund.

(c) The authority for this assessment terminates when the department of energy eliminates Minnesota from further siting consideration for high-level radioactive waste by starting construction of a high-level radioactive waste disposal site in another state. The assessment required for any quarter must be reduced by the amount of federal grant money received by the office of strategic and long-range planning for the purposes listed in this section.

~~(d) The director of the office of strategic and long-range planning must report annually by July 1 to the legislative commission on waste management on activities assessed under paragraph (a).~~

Sec. 25. Minnesota Statutes 1994, section 116J.555, subdivision 2, is amended to read:

Subd. 2. [APPLICATION CYCLES; REPORTING TO LCWM.] (a) In making grants, the commissioner shall establish regular application deadlines in which grants will be authorized from all or part of the available appropriations of money in the account.

(b) After each cycle in which grants are awarded, the commissioner shall report to the ~~legislative commission on waste management~~ appropriate committees of the house of representatives and the senate the grants awarded and appropriate supporting information describing each grant made. This report must be made within 30 days after the grants are awarded.

(c) The commissioner shall annually report to the legislative ~~commission~~ committees on the status of the cleanup projects undertaken under grants made under the programs. The commissioner shall include in the annual report information on the cleanup and development activities undertaken for the grants made in that and previous fiscal years. The commissioner shall make this report no later than 120 days after the end of the fiscal year.

Sec. 26. Minnesota Statutes 1994, section 256.9352, subdivision 3, is amended to read:

Subd. 3. [FINANCIAL MANAGEMENT.] (a) The commissioner shall manage spending for the MinnesotaCare program in a manner that maintains a minimum reserve equal to five percent of the expected cost of state premium subsidies. The commissioner must make a quarterly assessment of the expected expenditures for the covered services for the remainder of the current fiscal year and for the following two fiscal years. The estimated expenditure ~~shall~~ must be compared to an estimate of the revenues that will be deposited in the health care access fund. Based on this comparison, and after consulting with the chairs of the house ways and means committee and the senate finance committee, ~~and the legislative commission on health care access,~~ the commissioner shall make adjustments as necessary to ensure that expenditures remain within the limits of available revenues. The adjustments the commissioner may use must be implemented in this order: first, stop enrollment of single adults and households without children; second, upon 45 days' notice, stop coverage of single adults and households without children already enrolled in the MinnesotaCare program; third, upon 90 days' notice, decrease the premium subsidy amounts by ten percent for families with gross annual income above 200 percent of the federal poverty guidelines; fourth, upon 90 days' notice, decrease the premium subsidy amounts by ten percent for families with gross annual income at or below 200 percent; and fifth, require applicants to be uninsured for at least six months prior to eligibility in the MinnesotaCare program. If these measures are insufficient to limit the expenditures to the estimated amount of revenue, the commissioner may further limit enrollment or decrease premium subsidies.

The reserve referred to in this subdivision is appropriated to the commissioner but may only be used upon approval of the commissioner of finance, if estimated costs will exceed the forecasted amount of available revenues after all adjustments authorized under this subdivision have been made.

~~By February 1, 1995, the department of human services and the department of health shall develop a plan to adjust benefit levels, eligibility guidelines, or other steps necessary to ensure that expenditures for the MinnesotaCare program are contained within the two percent taxes imposed under section 295.52 and the gross premiums tax imposed under section 60A.15, subdivision 1, paragraph (e), for fiscal year 1997.~~

(b) Notwithstanding paragraph (a), the commissioner shall proceed with the enrollment of single adults and households without children in accordance with section 256.9354, subdivision 5, paragraph (a), even if the expenditures do not remain within the limits of available revenues through fiscal year 1997 to allow the departments of human services and health to develop the plan required under paragraph (a).

Sec. 27. Minnesota Statutes 1994, section 256B.431, subdivision 2i, is amended to read:

Subd. 2i. [OPERATING COSTS AFTER JULY 1, 1988.] (a) [OTHER OPERATING COST LIMITS.] For the rate year beginning July 1, 1988, the commissioner shall increase the other operating cost limits established in Minnesota Rules, part 9549.0055, subpart 2, item E, to 110 percent of the median of the array of allowable historical other operating cost per diems and index these limits as in Minnesota Rules, part 9549.0056, subparts 3 and 4. The limits must be established in accordance with subdivision 2b, paragraph (d). For rate years beginning on or after July 1, 1989, the adjusted other operating cost limits must be indexed as in Minnesota Rules, part 9549.0056, subparts 3 and 4. For the rate period beginning October 1, 1992, and for rate years beginning after June 30, 1993, the amount of the surcharge under section 256.9657, subdivision 1, shall be included in the plant operations and maintenance operating cost category. The surcharge shall be an allowable cost for the purpose of establishing the payment rate.

(b) [CARE-RELATED OPERATING COST LIMITS.] For the rate year beginning July 1, 1988, the commissioner shall increase the care-related operating cost limits established in Minnesota Rules, part 9549.0055, subpart 2, items A and B, to 125 percent of the median of the array of the allowable historical case mix operating cost standardized per diems and the allowable historical other care-related operating cost per diems and index those limits as in Minnesota Rules, part 9549.0056, subparts 1 and 2. The limits must be established in accordance with subdivision 2b, paragraph (d). For rate years beginning on or after July 1, 1989, the adjusted care-related limits must be indexed as in Minnesota Rules, part 9549.0056, subparts 1 and 2.

(c) [SALARY ADJUSTMENT PER DIEM.] For the rate period October 1, 1988, to June 30, 1990, the commissioner shall add the appropriate salary adjustment per diem calculated in clause (1) or (2) to the total operating cost payment rate of each nursing facility. The salary adjustment per diem for each nursing facility must be determined as follows:

(1) for each nursing facility that reports salaries for registered nurses, licensed practical nurses, and aides, orderlies and attendants separately, the commissioner shall determine the salary adjustment per diem by multiplying the total salaries, payroll taxes, and fringe benefits allowed in each operating cost category, except management fees and administrator and central office salaries and the related payroll taxes and fringe benefits, by 3.5 percent and then dividing the resulting amount by the nursing facility's actual resident days; and

(2) for each nursing facility that does not report salaries for registered nurses, licensed practical nurses, aides, orderlies, and attendants separately, the salary adjustment per diem is the weighted average salary adjustment per diem increase determined under clause (1).

Each nursing facility that receives a salary adjustment per diem pursuant to this subdivision shall adjust nursing facility employee salaries by a minimum of the amount determined in clause (1) or (2). The commissioner shall review allowable salary costs, including payroll taxes and fringe benefits, for the reporting year ending September 30, 1989, to determine whether or not each nursing facility complied with this requirement. ~~The commissioner shall report the extent to which each nursing facility complied with the legislative commission on long term care by August 1, 1990.~~

(d) [NEW BASE YEAR.] The commissioner shall establish new base years for both the reporting year ending September 30, 1989, and the reporting year ending September 30, 1990. In establishing new base years, the commissioner must take into account:

(1) statutory changes made in geographic groups;

(2) redefinitions of cost categories; and

(3) reclassification, pass-through, or exemption of certain costs such as public employee retirement act contributions.

(e) [NEW BASE YEAR.] The commissioner shall establish a new base year for the reporting years ending September 30, 1991, and September 30, 1992. In establishing a new base year, the commissioner must take into account:

- (1) statutory changes made in geographic groups;
- (2) redefinitions of cost categories; and
- (3) reclassification, pass-through, or exemption of certain costs.

Sec. 28. Minnesota Statutes 1994, section 473.846, is amended to read:

473.846 [REPORT TO LEGISLATURE.]

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

Sec. 29. [REPEALER.]

(a) Minnesota Statutes 1994, sections 3.861; 3.887; 3.9222; 3.9227; 14.115, subdivision 8; 62J.04, subdivision 4; 62J.07; 62N.24; 103B.351; 115A.03, subdivision 16; 115A.08; 115A.14; 115A.29; 115A.38; 115A.411; 115A.913, subdivision 5; 115A.9157, subdivision 4; 115A.965, subdivision 7; 115A.981, subdivision 3; 115B.22, subdivision 8; 115B.43, subdivision 4; 116P.05, subdivision 1; 216C.051; 256B.504; 473.149, subdivisions 2c and 6; 473.845, subdivision 4; and 473.848, subdivision 4, are repealed effective June 30, 1996.

(b) Minnesota Statutes 1994, sections 3.873 and 3.885, are repealed effective June 30, 1997.

Sec. 30. [EFFECTIVE DATES.]

Sections 1 to 28 are effective June 30, 1996.

ARTICLE 12

MINNESOTA RESOURCES

Section 1. Minnesota Statutes 1994, section 4.071, subdivision 2, is amended to read:

Subd. 2. [MINNESOTA RESOURCES PROJECTS.] The legislature intends to appropriate one-half of the oil overcharge money for projects that have been reviewed and recommended by the ~~legislative commission on~~ division of Minnesota resources. A work plan must be prepared for each proposed project for review by the ~~commission~~ division. The ~~commission~~ division must recommend specific projects to the legislature.

Sec. 2. Minnesota Statutes 1994, section 84.0274, subdivision 7, is amended to read:

Subd. 7. [DISCLOSURE.] When the state proposes to purchase lands for natural resources purposes, the landowner ~~shall~~ must be given a written statement in lay terms of the rights and responsibilities provided for in subdivisions 5 and 6. Before a purchase can be made, the landowner must sign a statement acknowledging in writing that the statement has been provided and explained to the landowner. Within 60 days following the date of final approval of Laws 1980, Chapter 45B, the commissioner of natural resources shall submit a proposed form for the statement to the ~~legislative commission on~~ division of Minnesota resources. The ~~commission~~ division shall review the proposed form for compliance with the intent of this section and ~~shall~~ make any changes ~~which~~ it deems proper.

Sec. 3. Minnesota Statutes 1994, section 85.019, subdivision 2, is amended to read:

Subd. 2. [GRANTS FOR PARKS AND TRAILS.] The commissioner shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States Office of Management and Budget, but outside of the metropolitan area defined in section 473.121. The grants shall be for acquisition and betterment by units of government of public land and improvements needed for parks, trails, conservatories, zoos, and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. Appropriations made for this purpose shall be expended with the approval of the governor after consultation with the legislative advisory commission. The ~~legislative commission on~~ division of Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures. The local contribution required shall be not less than ten percent. The program ~~shall~~ must be administered so as to ensure the maximum possible use of available federal money.

Sec. 4. Minnesota Statutes 1994, section 86.72, subdivision 2, is amended to read:

Subd. 2. Money appropriated from the account ~~shall~~ must be expended for state land acquisition and development that is part of a natural resources acceleration activity, when the acquisition and development is deemed to be of an emergency or critical nature. In addition this money is available for studies initiated by the ~~legislative commission on~~ division of Minnesota resources that are found to be proper in order for the commission to carry out its legislative charge.

Sec. 5. Minnesota Statutes 1994, section 86.72, subdivision 3, is amended to read:

Subd. 3. Requests for allocation from the account for acquisition or development ~~shall~~ must be accompanied by a certificate signed by the commissioner of natural resources, showing a review of the application against chapter 86A. Copies of the certification ~~shall~~ must be submitted to the appropriate legislative committees and commissions. Appropriations from the account shall be expended with the approval of the governor after consultation with the legislative advisory commission. The ~~legislative commission on~~ division of Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures.

Sec. 6. Minnesota Statutes 1994, section 89.022, subdivision 2, is amended to read:

Subd. 2. The commissioner of natural resources may apply to the ~~legislative commission on~~ division of Minnesota resources for an exemption from the exchange or sale requirements of subdivision 1 in instances where it can be demonstrated that unique recreational, historical or scientific values would be destroyed by the exchange or sale of tillable land or a farm homestead. Exemptions ~~shall~~ must be decided by the ~~commission~~ division on an individual basis. If the application for exemption is not decided by the ~~commission~~ division within 90 days, the application ~~shall be~~ is deemed to have been denied.

Sec. 7. Minnesota Statutes 1994, section 103A.43, is amended to read:

103A.43 [WATER ASSESSMENTS AND REPORTS.]

(a) The environmental quality board shall evaluate and report to the ~~legislative water commission and the legislative commission on~~ division of Minnesota resources on statewide water research needs and recommended priorities for addressing these needs. Local water research needs may also be included.

(b) The environmental quality board shall coordinate a biennial assessment of water quality, groundwater degradation trends, and efforts to reduce, prevent, minimize, and eliminate degradation of water.

(c) The environmental quality board shall coordinate an assessment of the quantity of surface and ground water in the state and the availability of water to meet the state's needs.

(d) The environmental quality board shall coordinate and submit a report on water policy to the ~~legislative water commission and the legislative commission on~~ division of Minnesota resources by September 15 of each even-numbered year. The report may include the groundwater policy report in section 103A.204.

Sec. 8. Minnesota Statutes 1994, section 103B.321, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The board shall:

(1) develop guidelines for the contents of comprehensive water plans that provide for a flexible approach to meeting the different water and related land resources needs of counties and watersheds across the state;

(2) coordinate assistance of state agencies to counties and other local units of government involved in preparation of comprehensive water plans, including identification of pertinent data and studies available from the state and federal government;

(3) conduct an active program of information and education concerning the requirements and purposes of sections 103B.301 to 103B.355 in conjunction with the association of Minnesota counties;

(4) determine contested cases under section 103B.345;

(5) establish a process for review of comprehensive water plans that assures the plans are consistent with state law;

(6) report to the ~~legislative commission on~~ division of Minnesota resources as required by section 103B.351; and

(7) make grants to counties for comprehensive local water planning, implementation of priority actions identified in approved plans, and sealing of abandoned wells.

Sec. 9. Minnesota Statutes 1994, section 116P.02, is amended to read:

116P.02 [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 116P.01 to 116P.13.

Subd. 2. [ADVISORY COMMITTEE.] "Advisory committee" means the advisory committee created in section 116P.06.

Subd. 3. [BOARD.] "Board" means the state board of investment.

Subd. 4. [~~COMMISSION DIVISION.~~] "~~Commission~~" "Division" means the ~~legislative commission on~~ division of Minnesota resources.

Subd. 5. [NATURAL RESOURCES.] "Natural resources" includes the outdoor recreation system under section 86A.04 and regional recreation open space systems as defined under section 473.351, subdivision 1.

Subd. 6. [TRUST FUND.] "Trust fund" means the Minnesota environment and natural resources trust fund established under Minnesota Constitution, article XI, section 14.

Sec. 10. Minnesota Statutes 1994, section 116P.03, is amended to read:

116P.03 [TRUST FUND NOT TO SUPPLANT EXISTING FUNDING.]

(a) The trust fund may not be used as a substitute for traditional sources of funding environmental and natural resources activities, but the trust fund ~~shall~~ must supplement the traditional sources, including those sources used to support the criteria in section 116P.08, subdivision 1. The trust fund must be used primarily to support activities whose benefits become available only over an extended period of time.

(b) The ~~commission~~ must division shall determine the amount of the state budget spent from traditional sources to fund environmental and natural resources activities before and after the trust fund is established and include a comparison of the amount in the report under section 116P.09, subdivision 7.

Sec. 11. Minnesota Statutes 1994, section 116P.05, is amended by adding a subdivision to read:

Subd. 1a. [DIVISION OF MINNESOTA RESOURCES.] The division of Minnesota resources

is a division in the office of strategic and long-range planning headed by an assistant director appointed by the director to serve in the unclassified service. A state agency, the metropolitan council as defined in section 473.121, subdivision 3, or a metropolitan agency as defined in section 473.121, subdivision 5a, may not apply for money for programs subject to the division's approval, except:

(1) temporary projects to collect, assess, or produce ecological or other natural resource data to guide natural resource decision making; and

(2) cooperative projects involving federal, local, or private matching funds.

Sec. 12. Minnesota Statutes 1994, section 116P.05, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] (a) The ~~commission~~ division shall recommend a budget plan for expenditures from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08.

(b) The ~~commission~~ division shall recommend expenditures to the legislature from the Minnesota future resources fund under section 116P.13.

(c) It is a condition of acceptance of the appropriations made from the Minnesota future resources fund, Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work program and semiannual progress reports in the form determined by the ~~legislative commission~~ division of Minnesota resources. None of the money provided may be spent unless the ~~commission~~ division has approved the pertinent work program.

(d) The peer review panel created under section 116P.08 must also review, comment, and report to the ~~commission~~ division on research proposals applying for an appropriation from the Minnesota resources fund and from oil overcharge money under section 4.071, subdivision 2.

(e) The ~~commission~~ division may adopt operating procedures to fulfill its duties under sections 116P.01 to 116P.13.

Sec. 13. Minnesota Statutes 1994, section 116P.06, is amended to read:

116P.06 [ADVISORY COMMITTEE.]

Subdivision 1. [MEMBERSHIP.] (a) ~~The governor shall appoint an advisory committee of 11 citizen members shall be appointed by the governor to advise the legislative commission on~~ The governor shall appoint an advisory committee of 11 citizen members to advise the ~~division of Minnesota resources on project proposals to receive funding from the trust fund and the development of budget and strategic plans. The governor shall appoint at least one member from each congressional district. The governor shall appoint the chair.~~

(b) The governor's appointees must be confirmed with the advice and consent of the senate. The membership terms, compensation, removal, and filling of vacancies for citizen members of the advisory committee are governed by section 15.0575.

Subd. 2. [DUTIES.] (a) The advisory committee shall:

(1) prepare and submit to the ~~commission~~ division a draft strategic plan to guide expenditures from the trust fund;

(2) review the reinvest in Minnesota program during development of the draft strategic plan;

(3) gather input from the resources congress during development of the draft strategic plan;

(4) advise the ~~commission~~ division on project proposals to receive funding from the trust fund; and

(5) advise the ~~commission~~ division on development of the budget plan.

(b) The advisory committee may review all project proposals for funding and may make recommendations to the ~~commission~~ division on whether the projects:

- (1) meet the standards and funding categories set forth in sections 116P.01 to 116P.12;
- (2) duplicate existing federal, state, or local projects being conducted within the state; and
- (3) are consistent with the most recent strategic plan adopted by the commission division.

Sec. 14. Minnesota Statutes 1994, section 116P.07, is amended to read:

116P.07 [RESOURCES CONGRESS.]

The commission division must convene a resources congress at least once every biennium and shall develop procedures for the congress. The congress must be open to all interested individuals. The purpose of the congress is to collect public input necessary to allow the commission division, with the advice of the advisory committee, to develop a strategic plan to guide expenditures from the trust fund. The congress also may be convened to receive and review reports on trust fund projects. The congress shall also review the reinvest in Minnesota program.

Sec. 15. Minnesota Statutes 1994, section 116P.08, subdivision 3, is amended to read:

Subd. 3. [STRATEGIC PLAN REQUIRED.] (a) The commission division shall adopt a strategic plan for making expenditures from the trust fund, including identifying the priority areas for funding for the next six years. The strategic plan must be updated every two years. The plan is advisory only. The commission division shall submit the plan, as a recommendation, to the house of representatives appropriations ways and means and senate finance committees by January 1 of each odd-numbered year.

(b) The commission division may accept or modify the draft of the strategic plan submitted to it by the advisory committee before voting on the plan's adoption.

Sec. 16. Minnesota Statutes 1994, section 116P.08, subdivision 4, is amended to read:

Subd. 4. [BUDGET PLAN.] (a) Funding may be provided only for those projects that meet the categories established in subdivision 1.

(b) Projects submitted to the commission division for funding may be referred to the advisory committee for recommendation.

(c) The commission division must adopt a budget plan to make expenditures from the trust fund for the purposes provided in subdivision 1. The budget plan must be submitted to the governor for inclusion in the biennial budget and supplemental budget submitted to the legislature.

(d) Money in the trust fund may not be spent except under an appropriation by law.

Sec. 17. Minnesota Statutes 1994, section 116P.08, subdivision 5, is amended to read:

Subd. 5. [PUBLIC MEETINGS.] All advisory committee and ~~commission~~ meetings must be open to the public. ~~The commission shall attempt to meet at least once in each of the state's congressional districts during each biennium.~~

Sec. 18. Minnesota Statutes 1994, section 116P.08, subdivision 6, is amended to read:

Subd. 6. [PEER REVIEW.] (a) Research proposals must include a stated purpose, timeline, potential outcomes, and an explanation of the need for the research. All research proposals must be reviewed by a peer review panel before receiving an appropriation.

(b) In conducting research proposal reviews, the peer review panel shall:

(1) comment on the methodology proposed and whether it can be expected to yield appropriate and useful information and data;

(2) comment on the need for the research and about similar existing information available, if any; and

(3) report to the commission division and advisory committee on clauses (1) and (2).

(c) The peer review panel also must review completed research proposals that have received an appropriation and comment and report upon whether the project reached the intended goals.

Sec. 19. Minnesota Statutes 1994, section 116P.08, subdivision 7, is amended to read:

Subd. 7. [PEER REVIEW PANEL MEMBERSHIP.] (a) The peer review panel must consist of at least five members who are knowledgeable in general research methods in the areas of environment and natural resources. Not more than two members of the panel may be employees of state agencies in Minnesota.

(b) The commission division shall select a chair every two years who shall be responsible for convening meetings of the panel as often as is necessary to fulfill its duties as prescribed in this section. Compensation of panel members is governed by section 15.059, subdivision 3.

Sec. 20. Minnesota Statutes 1994, section 116P.09, is amended to read:

116P.09 [ADMINISTRATION.]

Subdivision 1. [ADMINISTRATIVE AUTHORITY.] The commission division may appoint legal and other personnel and consultants necessary to carry out functions and duties of the commission division. Permanent employees ~~shall be~~ are in the unclassified service. In addition, the commission division may request staff assistance and data from any other agency of state government as needed for the execution of the responsibilities of the commission division and advisory committee and an agency must promptly furnish it.

Subd. 2. [LIAISON OFFICERS.] The commission division shall request each department or agency head of all state agencies with a direct interest and responsibility in any phase of environment and natural resources to appoint, and the latter shall appoint for the agency, a liaison officer who shall work closely with the commission and its division staff.

Subd. 3. [APPRAISAL AND EVALUATION.] The commission division shall obtain and appraise information available through private organizations and groups, utilizing to the fullest extent possible studies, data, and reports previously prepared or currently in progress by public agencies, private organizations, groups, and others, concerning future trends in the protection, conservation, preservation, and enhancement of the state's air, water, land, forests, fish, wildlife, native vegetation, and other natural resources. Any data compiled by the commission ~~shall~~ division must be made available to any standing or interim committee of the legislature upon the request of the chair of the respective committee.

Subd. 4. [PERSONNEL.] Persons who are employed by a state agency to work on a project and are paid by an appropriation from the trust fund or Minnesota future resources fund are in the unclassified civil service, and their continued employment is contingent upon the availability of money from the appropriation. When the appropriation has been spent, their positions must be canceled and the approved complement of the agency reduced accordingly. Part-time employment of persons for a project is authorized. The use of classified employees is authorized when approved as part of the work program required by section 116P.05, subdivision 2, paragraph (c).

Subd. 5. [ADMINISTRATIVE EXPENSE.] The administrative expenses of the commission ~~shall division~~ must be paid from the various funds administered by the commission division as follows:

(1) Through June 30, 1993, the administrative expenses of the commission division and the advisory committee ~~shall~~ must be paid from the Minnesota future resources fund. After that time, the prorated expenses related to administration of the trust fund ~~shall~~ must be paid from the earnings of the trust fund.

(2) After June 30, 1993, the prorated expenses related to administration of the trust fund may not exceed an amount equal to four percent of the projected earnings of the trust fund for the biennium.

Subd. 6. [CONFLICT OF INTEREST.] A commission member employee, advisory committee member, or peer review panelist, ~~or an employee of the commission~~ may not participate in or vote on a decision of the commission division, advisory committee, or peer review panel relating to an

organization in which the member, panelist, or employee has either a direct or indirect personal financial interest. While serving on the ~~legislative commission~~, advisory committee, or peer review panel, or being an employee of the ~~commission~~ division, a person shall avoid any potential conflict of interest.

Subd. 7. [REPORT REQUIRED.] The ~~commission~~ division shall, by January 15 of each odd-numbered year, submit a report to the governor, the ~~chairs of the house appropriations ways and means and senate finance committees~~, and the chairs of the house and senate committees on environment and natural resources. Copies of the report must be available to the public. The report must include:

- (1) a copy of the current strategic plan;
- (2) a description of each project receiving money from the trust fund and Minnesota future resources fund during the preceding biennium;
- (3) a summary of any research project completed in the preceding biennium;
- (4) recommendations to implement successful projects and programs into a state agency's standard operations;
- (5) to the extent known by the ~~commission~~ division, descriptions of the projects anticipated to be supported by the trust fund and Minnesota future resources account during the next biennium;
- (6) the source and amount of all revenues collected and distributed by the ~~commission~~ division, including all administrative and other expenses;
- (7) a description of the assets and liabilities of the trust fund and the Minnesota future resources fund;
- (8) any findings or recommendations that are deemed proper to assist the legislature in formulating legislation;
- (9) a list of all gifts and donations with a value over \$1,000;
- (10) a comparison of the amounts spent by the state for environment and natural resources activities through the most recent fiscal year; and
- (11) a copy of the most recent compliance audit.

Sec. 21. Minnesota Statutes 1994, section 116P.10, is amended to read:

116P.10 [ROYALTIES, COPYRIGHTS, PATENTS.]

This section applies to projects supported by the trust fund, the Minnesota future resources fund, and the oil overcharge money referred to in section 4.071, subdivision 2, each of which is referred to in this section as a "fund." The fund owns and shall take title to the percentage of a royalty, copyright, or patent resulting from a project supported by the fund equal to the percentage of the project's total funding provided by the fund. Cash receipts resulting from a royalty, copyright, or patent, or the sale of the fund's rights to a royalty, copyright, or patent, must be credited immediately to the principal of the fund. Before a project is included in the budget plan, the ~~commission~~ division may vote to relinquish the ownership or rights to a royalty, copyright, or patent resulting from a project supported by the fund to the project's proposer when the amount of the original grant or loan, plus interest, has been repaid to the fund.

Sec. 22. Minnesota Statutes 1994, section 116P.11, is amended to read:

116P.11 [AVAILABILITY OF FUNDS FOR DISBURSEMENT.]

(a) The amount biennially available from the trust fund for the budget plan developed by the ~~commission~~ division consists of the earnings generated from the trust fund. Earnings generated from the trust fund ~~shall~~ must equal the amount of interest on debt securities and dividends on equity securities. Gains and losses arising from the sale of securities ~~shall be~~ are apportioned as follows:

(1) if the sale of securities results in a net gain during a fiscal year, the gain ~~shall~~ must be apportioned in equal installments over the next ten fiscal years to offset net losses in those years. If any portion of an installment is not needed to recover subsequent losses identified in paragraph (b), it ~~shall~~ must be added to the principal of the fund; and

(2) if the sale of securities results in a net loss during a fiscal year, the net loss ~~shall~~ must be recovered from the gains in paragraph (a) apportioned to that fiscal year. If ~~such~~ the gains are insufficient, any remaining net loss ~~shall~~ must be recovered from interest and dividend income in equal installments over the following ten fiscal years.

(b) For funding projects until fiscal year 1997, the following additional amounts are available from the trust fund for the budget plans developed by the ~~commission~~ division:

(1) for the 1991-1993 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years 1990 and 1991;

(2) for the 1993-1995 biennium, up to 20 percent of the revenue deposited in the trust fund in fiscal year 1992 and up to 15 percent of the revenue deposited in the fund in fiscal year 1993;

(3) for the 1993-1995 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years 1994 and 1995, to be expended only for capital investments in parks and trails; and

(4) for the 1995-1997 biennium, up to ten percent of the revenue deposited in the fund in fiscal year 1996.

(c) Any appropriated funds not encumbered in the biennium in which they are appropriated cancel and must be credited to the principal of the trust fund.

Sec. 23. Minnesota Statutes 1994, section 116P.12, is amended to read:

116P.12 [WATER SYSTEM IMPROVEMENT LOAN PROGRAM.]

Subdivision 1. [LOANS AUTHORIZED.] (a) If the principal of the trust fund equals or exceeds \$200,000,000, the ~~commission~~ division may vote to set aside up to five percent of the principal of the trust fund for water system improvement loans. The purpose of water system improvement loans is to offer below market rate interest loans to local units of government for the purposes of water system improvements.

(b) The interest on a loan ~~shall~~ must be calculated on the declining balance at a rate four percentage points below the secondary market yield of one-year United States treasury bills calculated according to section 549.09, subdivision 1, paragraph (c).

(c) An eligible project must prove that existing federal or state loans or grants have not been adequate.

(d) Payments on the principal and interest of loans under this section must be credited to the trust fund.

(e) Repayment of loans made under this section must be completed within 20 years.

(f) The Minnesota public facilities authority must report to the ~~commission~~ division each year on the loan program under this section.

Subd. 2. [APPLICATION AND ADMINISTRATION.] (a) The ~~commission~~ division must adopt a procedure for the issuance of the water system improvement loans by the public facilities authority.

(b) The ~~commission~~ division must also ~~must~~ ensure that the loans are administered according to its fiduciary standards and requirements.

Sec. 24. Minnesota Statutes 1994, section 116Q.02, is amended to read:

116Q.02 [STATE RECEIPTS FROM THE FUND.]

Subdivision 1. [GREAT LAKES PROTECTION ACCOUNT.] Any money received by the state from the Great Lakes protection fund, whether in the form of annual earnings or otherwise, must be deposited in the state treasury and credited to a special Great Lakes protection account. Money in the account ~~must~~ may be spent only as specifically appropriated by law for protecting water quality in the Great Lakes. Approved purposes include, but are not limited to, supplementing in a stable and predictable manner state and federal commitments to Great Lakes water quality programs by providing grants to finance projects that advance the goals of the regional Great Lakes toxic substances control agreement and the binational Great Lakes water quality agreement.

Subd. 2. [LCMR DMR REVIEW.] The legislature intends not to appropriate money from the Great Lakes protection account until projects have been reviewed and recommended by the ~~legislative commission on~~ division of Minnesota resources. A work plan must be prepared for each project for review by the ~~commission~~ division. The ~~commission~~ division must recommend specific projects to the legislature.

Sec. 25. Minnesota Statutes 1994, section 290.431, is amended to read:

290.431 [NONGAME WILDLIFE CHECKOFF.]

Every individual who files an income tax return or property tax refund claim form may designate on ~~their~~ the individual's original return that \$1 or more ~~shall~~ must be added to the tax or deducted from the refund that would otherwise be payable by or to that individual and paid into an account to be established for the management of nongame wildlife. The commissioner of revenue shall, on the income tax return and the property tax refund claim form, notify filers of their right to designate that a portion of their tax or refund shall be paid into the nongame wildlife management account. The sum of the amounts so designated to be paid ~~shall~~ must be credited to the nongame wildlife management account for use by the nongame program of the section of wildlife in the department of natural resources. All interest earned on money accrued in the nongame wildlife management account ~~shall~~ must be credited to the account by the state treasurer. The commissioner of natural resources shall submit a work program for each fiscal year and semiannual progress reports to the ~~legislative commission on~~ division of Minnesota resources in the form determined by the ~~commission~~ division. None of the money provided in this section may be expended unless the ~~commission~~ division has approved the work program.

The state pledges and agrees with all contributors to the nongame wildlife management account to use the funds contributed solely for the management of nongame wildlife projects and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of nongame wildlife.

Sec. 26. Minnesota Statutes 1994, section 290.432, is amended to read:

290.432 [CORPORATE NONGAME WILDLIFE CHECKOFF.]

A corporation that files an income tax return may designate on its original return that \$1 or more ~~shall~~ must be added to the tax or deducted from the refund that would otherwise be payable by or to that corporation and paid into the nongame wildlife management account established by section 290.431 for use by the section of wildlife in the department of natural resources for its nongame wildlife program. The commissioner of revenue shall, on the corporate tax return, notify filers of their right to designate that a portion of their tax return be paid into the nongame wildlife management account for the protection of endangered natural resources. All interest earned on money accrued in the nongame wildlife management account ~~shall~~ must be credited to the account by the state treasurer. The commissioner of natural resources shall submit a work program for each fiscal year to the ~~legislative commission on~~ division of Minnesota resources in the form determined by the ~~commission~~ division. None of the money provided in this section may be spent unless the ~~commission~~ division has approved the work program.

The state pledges and agrees with all corporate contributors to the nongame wildlife account to use the funds contributed solely for the nongame wildlife program and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of those programs.

Sec. 27. [REPEALER.]

Minnesota Statutes 1994, section 116P.05, subdivision 1, is repealed, effective June 30, 1996.

Sec. 28. [EFFECTIVE DATE.]

Sections 1 to 27 are effective July 1, 1996."

Amend the title as follows:

Page 1, line 30, after the semicolon, insert "abolishing the legislative commission on children, youth, and their families, the legislative water commission, the legislative commission on the economic status of women, the legislative commission on child protection, the legislative commission on health care access, the legislative commission on long-term health care, the legislative commission on waste management, and the legislative tax study commission; transferring functions of the legislative commission on Minnesota resources to the office of strategic and long-range planning;"

Page 1, line 31, after "sections" insert "4.071, subdivision 2;"

Page 1, line 37, after the second semicolon, insert "62J.04, subdivision 1a;"

Page 1, line 38, after the semicolon, insert "62Q.33, subdivision 5; 84.0274, subdivision 7; 85.019, subdivision 2; 86.72, subdivisions 2 and 3; 89.022, subdivision 2; 103A.43; 103B.321, subdivision 1; 115A.07, subdivision 3; 115A.15, subdivision 5; 115A.158, subdivision 2; 115A.165; 115A.193; 115A.22, subdivision 5; 115A.5501, subdivisions 2 and 4; 115A.551, subdivisions 4 and 5; 115A.557, subdivision 4; 115A.9157, subdivision 6; 115A.96, subdivision 2; 115A.961, subdivision 2; 115A.9651, subdivision 2; 115A.97, subdivisions 5 and 6; 115B.20, subdivisions 2, 5, and 6; 116C.712, subdivision 5; 116J.555, subdivision 2; 116P.02; 116P.03; 116P.05, subdivision 2, and by adding a subdivision; 116P.06; 116P.07; 116P.08, subdivisions 3, 4, 5, 6, and 7; 116P.09; 116P.10; 116P.11; 116P.12; 116Q.02;"

Page 1, line 40, after the second semicolon, insert "256.9352, subdivision 3;"

Page 1, line 41, after the first semicolon, insert "256B.431, subdivision 2i; 290.431; 290.432;" and delete "and" and after the second semicolon, insert "and 473.846;"

Page 1, line 45, after "sections" insert "3.861; 3.873; 3.885; 3.887; 3.9222; 3.9227; 14.115, subdivision 8; 62J.04, subdivision 4; 62J.07; 62N.24; 103B.351; 115A.03, subdivision 16; 115A.08; 115A.14; 115A.29; 115A.38; 115A.411; 115A.913, subdivision 5; 115A.9157, subdivision 4; 115A.965, subdivision 7; 115A.981, subdivision 3; 115B.22, subdivision 8; 115B.43, subdivision 4; 116P.05, subdivision 1;"

Page 1, line 46, after the sixth semicolon, insert "216C.051;"

Page 2, line 1, delete "and" and after the second semicolon, insert "256B.504; 473.149, subdivisions 2c and 6; 473.845, subdivision 4; and 473.848, subdivision 4;"

The motion prevailed. So the amendment was adopted.

Mr. Riveness then moved to amend S.F. No. 1246 as follows:

Page 60, after line 36, insert:

"ARTICLE 11

DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING

Section 1. [119A.01] [ABOLISHMENT; ESTABLISHMENT; PURPOSE; AND GOALS.]

Subdivision 1. [ABOLISHMENT.] The position of commissioner of education and the department of education are abolished. The employees of the department of education are transferred to the department of children, families, and learning under section 15.039, subdivision 7.

Subd. 2. [ESTABLISHMENT.] The department of children, families, and learning is established.

Subd. 3. [PURPOSE.] The purpose in creating the department is to increase the capacity of Minnesota communities to measurably improve the well-being of children and families by:

(1) coordinating and integrating state funded and locally administered family and children program;

(2) improving flexibility in the design, funding, and delivery of programs affecting children and families;

(3) providing greater focus on strategies designed to prevent problems affecting the well-being of children and families;

(4) enhancing local decision-making, collaboration and the development of new governance models;

(5) improving public accountability through the provision of research, information, and the development of measurable program outcomes;

(6) increasing the capacity of communities to respond to the whole child by improving the ability of families to gain access to services;

(7) encouraging all members of a community to nurture all the children in the community; and

(8) supporting parents in their dual roles as breadwinners and parents.

Subd. 4. [GOALS.] The goals of the department are to:

(1) ensure that families provide a stable environment for their children;

(2) ensure that children are physically, emotionally, and intellectually healthy;

(3) ensure that communities are safe, friendly, and caring environments in which to nurture children;

(4) promote the life-long learning of children from birth to adulthood;

(5) ensure that Minnesotans excel in basic academic skills;

(6) ensure that Minnesotans have the advanced education and training to make them competitive in the global economy; and

(7) ensure that children do not live in poverty.

Sec. 2. [119A.02] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions in this section apply to this chapter.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of children, families, and learning.

Subd. 3. [DEPARTMENT.] "Department" means the department of children, families, and learning.

Subd. 4. [LOCAL GRANTEE.] "Local grantee" means a local unit of government or an agency or organization that receives funds under section 119A.04.

Sec. 3. [119A.03] [COMMISSIONER.]

Subdivision 1. [GENERAL.] The department is under the administrative control of the commissioner. The commissioner is appointed by the governor with the advice and consent of the senate. The commissioner must possess broad knowledge and experience in strengthening children and families. The commissioner has the general powers as provided in section 15.06, subdivision 6.

The commissioner's salary must be established according to the procedure in section 15A.081, subdivision 1, in the same range as that specified for the commissioner of finance.

Subd. 2. [DUTIES OF THE COMMISSIONER.] The commissioner shall:

(1) identify measurable outcomes by which programs administered by the department will be evaluated at the state and local level;

(2) develop linkages with other state departments to ensure coordination and consistent state policies promoting healthy development of children and families;

(3) prepare, in consultation with the children's cabinet, the commission on children, youth, and their families, and affected parties, prior to January 1, 1996, and prior to July 1 of each year thereafter, guidelines governing planning, reporting, and other procedural requirements necessary to administer this chapter;

(4) facilitate inclusive processes when designing or implementing guidelines and strategies to achieve agency goals for children and families listed in section 119A.01, subdivision 3;

(5) facilitate intergovernmental and public-private partnership strategies necessary to implement this chapter;

(6) submit to the federal government, or provide assistance to local governments and organizations in submitting, where appropriate and feasible, requests for federal waivers or recommendations for changes in federal law necessary to carry out the purposes of this chapter;

(7) coordinate review of all plans and other documents required under the guidelines provided for in clause (3);

(8) coordinate development of the management support system components required for implementation of this chapter;

(9) review other programs serving children and families to determine the feasibility for transfer to the department of children, families, and learning or the feasibility of inclusion in the funding consolidation process; and

(10) monitor local compliance with this chapter.

Sec. 4. [119A.04] [TRANSFERS FROM OTHER AGENCIES.]

Subdivision 1. [DEPARTMENT OF HEALTH.] The powers and duties of the department of health with respect to the following programs are transferred to the department of children, families, and learning under section 15.039. The programs needing federal approval to transfer shall be transferred when the federal government grants transfer authority to the commissioner:

(1) the home visitor program under section 145A.15;

(2) the dental health program under section 144.697, subdivision 1;

(3) the school health program under section 144.05;

(4) the special supplemental food program for women, infants, and children under section 144.05 and the Child Nutrition Act of 1966;

(5) the commodity supplemental food program for mothers and children under section 144.05 and the Agriculture Appropriation Act of 1966; and

(6) the maternal and child health program under sections 145.146, 145.88, 145.89, and title 5 of the Social Security Act.

Subd. 2. [DEPARTMENT OF HUMAN SERVICES.] The powers and duties of the department of human services with respect to the following programs are transferred to the department of children, families, and learning under section 15.039. The programs needing federal approval to transfer shall be transferred when the federal government grants transfer authority to the commissioner:

- (1) children's trust fund under sections 257.80 to 257.807;
- (2) the family services and community-based collaboratives under section 121.8355;
- (3) project empowerment under section 256.01;
- (4) the child abuse basic grant under section 256.01;
- (5) the children's justice program under section 256.01;
- (6) the crisis nurseries and respite care programs under sections 256F.11 and 256F.12;
- (7) the safe house program under section 256E.115;
- (8) the family safety center under section 256F.09;
- (9) maternal and child health under section 254A.17, subdivision 1;
- (10) the early childhood care and education council under section 256H.195;
- (11) the child care programs under sections 256H.01 to 256H.19;
- (12) the migrant child care program under section 256.01;
- (13) the child care resource and referral program under sections 256H.196 and 256H.20;
- (14) the child care service development program under sections 256H.21 to 256H.24;
- (15) the family preservation and family preservation bonus incentive programs under chapter 256F;
- (16) the adoption assistance program under section 259.67;
- (17) the child foster care program under chapter 257;
- (18) the families first program under chapter 256F;
- (19) the independent living program under section 256.01;
- (20) the Asian youth and child welfare services program under section 256.485;
- (21) the foster care program for unaccompanied refugee minors under section 256.01;
- (22) the Asian youth intervention and prevention grants program under section 256.486;
- (23) the Asian coalition for youth program under section 256.486;
- (24) the minority families first program under chapter 256F;
- (25) children's mental health act under sections 245.487 to 245.490, children's mental health integrated fund under sections 245.491 to 245.697, and the children's mental health service system under sections 245.70 to 245.771.

Subd. 3. [DEPARTMENT OF ECONOMIC SECURITY.] The powers and duties of the department of economic security with respect to the Head Start program, including Project Cornerstone, under sections 268.912 to 268.916, are transferred to the department of children, families, and learning under section 15.039 on July 1, 1997.

Subd. 4. [OFFICE OF STRATEGIC AND LONG-RANGE PLANNING.] The powers and duties of the office of strategic and long-range planning with respect to the following programs are transferred to the department of children, families, and learning under section 15.039. The programs needing federal approval to transfer shall be transferred when the federal government grants transfer authority to the commissioner:

- (1) the information redesign project under section 4A.01;

- (2) the action for children activity under section 4A.01;
- (3) the teen pregnancy prevention program under section 4A.01; and
- (4) the Minnesota children's initiative project under section 4A.01.

Subd. 5. [DEPARTMENT OF CORRECTIONS.] The powers and duties with respect to the following program is transferred to the department of children, families, and learning under section 15.039: child abuse and child victims services under chapter 611A.

Subd. 6. [DEPARTMENT OF PUBLIC SAFETY.] The powers and duties with respect to the following program is transferred to the department of children, families, and learning under section 15.039: drug policy and violence prevention and the community advisory violence prevention councils under sections 299A.29 to 299A.37 and 299A.40.

Sec. 5. [119A.05] [FUNDING CONSOLIDATION.]

Subdivision 1. [AUTHORITY FOR FUNDING CONSOLIDATION.] Notwithstanding existing law governing allocation of funds by local grantees, mode of service delivery, specific population and client groups to be served, grantee planning and reporting requirements, and other procedural requirements for the grant programs identified in this section, a local grantee may elect to consolidate all or a portion of funding received from the programs under subdivision 5 in a collaboration funding plan, if all conditions specified in this section are satisfied. County boards, school boards, or governing boards of other grantees may elect not to consolidate funding for a program.

For grantees electing consolidation, the commissioner may, in consultation with the legislative commission on children, youth and their families, waive all provisions of rules inconsistent with the intent of this section. This waiver authority does not apply to rules governing client protections, due process, or inclusion of clients, parents, cultures, and ethnicities in decision making. Funding to a local grantee must be determined according to the funding formulas or allocation rules governing the individual programs listed in section 119A.04.

Subd. 2. [ACCOUNT.] A consolidated funding account is established under the control of the commissioner of children, families, and learning. The purpose of this account is to clearly identify and provide accountability for funds previously distributed to local grantees through the individual categorical grant programs in subdivision 5. By direction of the commissioner, after consultation with the partnership planning team and, upon a finding that the conditions specified in this section have been satisfied, funds must be transmitted to this account and allocated to local grantees by the commissioner.

Subd. 3. [ELIGIBILITY; ACCOUNTABILITY.] To be eligible to receive funding for local consolidation, as provided for in this section, a grantee must meet the following requirements:

(1) demonstrate participation by counties and schools in a local collaborative process as defined in section 121.8355 or in a similar process of collaboration with other local governments and community organizations which satisfies the governance and planning guidelines published by the commissioner as provided for in this section;

(2) document consultation by counties and schools with community action agencies and private industry councils;

(3) complete and document, according to guidelines published by the commissioner, a collaborative planning process which clearly identifies:

(i) allocation of resources in the collaboration annual funding plan;

(ii) a description of the governance structure for the execution of the funding plan;

(iii) outcomes consistent with the statewide goals identified in this chapter and in statutes governing previous categorical funding included in the collaboration funding plan; and

(iv) indicators sufficient to measure improvement or decline in specified outcomes compared to baseline performance;

(4) agree to periodically report information concerning progress in addressing outcomes, as provided for in guidelines to be published by the commissioner; and

(5) execute a written agreement between the commissioner and the local grantees setting forth responsibilities, obligations, and conditions consistent with this section. The agreement must state that the funds that are being locally consolidated will be used collectively only to achieve the objectives of the separate programs being locally consolidated.

Subd. 4. [GEOGRAPHIC AREA.] The geographic area for a local consolidated funding process must be an entire county, a multicounty area, or, with the approval of the county board and commissioner, a subcounty area. The process may provide for coordination of service delivery in jurisdictions that extend across county boundaries.

Subd. 5. [PROGRAMS INCLUDED.] Grant programs transferred to the department of children, families, and learning in section 119A.04 and programs transferred from the abolished department of education are eligible for local funding consolidation. Eligibility of any federally funded programs for local funding consolidation is conditioned upon obtaining necessary federal waivers or changes in federal law.

Subd. 6. [MULTIAGENCY PLAN.] Money appropriated for learning readiness programs under section 121.821, early childhood family education programs under section 121.882, and Head Start programs, including Project Cornerstone, under sections 268.912 to 268.916, shall not be expended until the local school district or school districts and the Head Start grantee agree to a plan for coordinating local services under these programs.

Subd. 7. [ENTRY INTO PROGRAM.] Grantees who meet all requirements of this section may elect to begin using funding for a local consolidated funding process beginning January 1, 1996, or at each six-month interval.

Subd. 8. [SANCTIONS.] If the commissioner finds that a grantee has failed to comply with this section, the grantee becomes subject to all requirements of individual grant programs as specified in statutes and rules.

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.

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.

At least eight members must be parents and must represent a broad cross-section of income groups, racial and ethnic groups, and ages of children. The partnership planning team must include representatives from community-based organizations serving primarily communities of color, county boards, school boards, community action agencies, private industry councils, and other community-based organizations.

Subd. 2. [DUTIES.] The team shall advise the commissioner in the following areas:

(1) structure of the department;

(2) appropriate department advisory board structure;

(3) the appropriateness of specific applications for funding consolidation and the consistency of those applications with the purposes of chapter 119A;

(4) potential funding reductions; and

(5) technical refinements to the legislation establishing the new department and funding consolidation.

Subd. 3. [REPORT.] The team must also provide a report to the 1996 legislature that describes the new department structure, provides a summary of the ways in which the department is fulfilling the purposes and achieving the goals specified in Minnesota Statutes, section 119A.01, and provides a recommendation for technical refinements related to the legislation creating the department.

Sec. 8. [DEMONSTRATION PROJECT; ALLOWING CONSOLIDATION OF COUNTY PLANS.]

Subdivision 1. [AUTHORIZATION FOR DEMONSTRATION PROJECT.] The commissioners of human services; corrections; health; and children, families, and learning shall allow counties to consolidate the plans required under Minnesota Statutes, chapters 145A, 256E, and 401, into one plan, to be submitted to those commissioners.

Subd. 2. [DUTIES OF COMMISSIONERS.] The several commissioners shall work together and shall work with the counties participating in the pilot project when developing the single county plan. Each commissioner shall also provide technical assistance to the county, if requested by the county.

Subd. 3. [INTEGRATED COUNTY PLANNING.] The counties participating in the pilot project may submit one plan consolidating the community health, community social services, and community corrections plans required under Minnesota Statutes, chapters 145A, 256E, and 401, respectively. County boards, corrections advisory boards, community health boards, community action agencies, private industry councils, and school districts shall collaborate in planning for and providing a continuum of services in each county.

Subd. 4. [COUNTY PLAN.] The plan must comply with federal requirements. The plan may be submitted to the commissioners by computer. The plan must be a three-part plan in that it must provide a summary of:

(1) intra-county collaboration;

(2) collaboration with other service providers; and

(3) collaboration with local nonprofit organizations, including churches and ecumenical organizations.

The two parts of the plan shall each provide information on the existence or nonexistence of

efforts to integrate funding, collaborate governance, cross-train, coordinate information gathering and management, and provide a one-stop service center or community-based service delivery system to improve the provision of services offered to children and families. The plan must also address the barriers to collaboration.

Subd. 5. [COMMISSIONERS' REPORT.] For purposes of this section, the several commissioners shall provide one consolidated report to the legislature by January 1, 1996. The report shall evaluate the pilot counties' single plan and shall provide the advantages and problems with consolidating the plans.

Sec. 9. [REPORT ON STRUCTURE OF AGENCIES.]

The commissioner of administration in separate consultation with the commissioners of the departments of human services, health, corrections, public safety, housing finance, and the office of strategic and long-range planning shall prepare a report by February 15, 1996, examining the organization of programs remaining in those departments after transfer of the programs identified in this bill, and identifying alternative organizational structures that may be more effective and efficient than the organization prior to the transfer.

Sec. 10. [WORKER PROVISIONS.]

Subdivision 1. [LEGISLATIVE FINDINGS.] The legislature finds that the reorganization of state agencies, including the abolishment of agencies or their functions and the merger of agency functions to the extent possible, makes the best use of affected agency employees and improves the direct service capabilities of state employees to provide public services to citizens of the state and to customers of the agency. To assure that quality services are delivered to citizens of Minnesota, appointing authorities shall comply with this section.

Subd. 2. [RESTRUCTURING PROVISIONS.] The restructuring of agencies required by this act must be conducted in accordance with Minnesota Statutes, sections 15.039 and 43A.045.

Subd. 3. [WORKER PARTICIPATION COMMITTEES.] (a) After the commissioner-designate of children, families, and learning has been appointed, before the restructuring of executive branch agencies under this act, a labor and management committee including representatives of employees and employers must be established and given adequate time to perform the activities prescribed by paragraph (b). Each exclusive representative of employees shall select a committee member from each of its bargaining units in each affected agency. The head of each agency shall select an employee member from each unit of employees not represented by an exclusive representative. The agency head shall also appoint one or more committee members to represent the agency. The number of members appointed by the agency head, however, may not exceed the total number of members selected by exclusive representatives. The labor and management committee must be participatory and nonauthoritarian. Exclusive representatives must be directly involved in the work of the committee.

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

(1) in cooperation with the commissioner of education and the commissioner-designate, review and reevaluate the powers and duties of the department of education and identify those that are consistent with the purpose and goals of the department of children, families, and learning;

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

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

(4) adopt plans for implementing this act, including detailed plans for providing retraining for affected employees; and

(5) guide the implementation of the reorganization.

Subd. 4. [EMPLOYEE JOB SECURITY.] The head of an agency that is scheduled to be restructured shall meet and negotiate with the exclusive representatives of affected employees of the agency in the event that employees are at risk of being laid off due to restructuring or

significant change in the activities of the agency. Bargaining under this subdivision must have as its purpose the achievement of the highest possible degree of public service delivery to the citizens of Minnesota and the provision of appropriate incentives to state employees. Incentives may include, but are not limited to, early retirement incentives, negotiated options in place of layoff, methods to mitigate layoffs and the effect of layoffs, job training and retraining opportunities, and enhanced severance.

Subd. 5. [EMPLOYEE TRAINING AND RETRAINING.] The legislature recognizes that a well-trained and well-educated work force is needed to provide effective and efficient public service delivery and that training and retraining of state employees is a priority when merger and reorganization of state agencies occur. The labor and management committee required by subdivision 2 shall determine the employee training and retraining required because of agency reorganization. Employees whose job duties are affected by reorganization must be given the opportunity to take part in training or retraining for the new job duties. Existing employees must be trained or retrained for agency positions before new hiring takes place.

Sec. 11. [APPOINTMENT; TRANSFERS OF EDUCATION FUNCTIONS.]

By July 1, 1995, the governor shall appoint a commissioner-designate of the department of children, families, and learning. The person appointed becomes the governor's appointee as commissioner on the effective date of Minnesota Statutes, sections 119A.01, subdivision 2, and 119A.03. The commissioner-designee, in cooperation with the commissioner of education, shall review and reevaluate the powers and duties of the department of education and identify those that are consistent with the purpose and goals of the department of children, families, and learning. The functions identified by the commissioner-designate are transferred to the department of children, families, and learning under Minnesota Statutes, section 15.039, effective October 1, 1995.

Sec. 12. [REPORT ON INTEGRATION WITH OTHER INCOME MAINTENANCE AND ECONOMIC SECURITY PROGRAMS.]

The children's cabinet and the legislative commission on children, youth, and families shall prepare a report by November 15, 1996, examining the integration of programs in the department of children, families, and learning with income maintenance and economic security programs operated by other departments. The report shall make recommendations on the appropriate agency placement of the income maintenance and economic security programs reviewed.

Sec. 13. [REVISOR INSTRUCTION.]

The revisor of statutes shall identify in Minnesota Statutes and Minnesota Rules all references to the commissioner of education and the department 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 department of education shall be changed to the department of children, families, and learning;

(3) all references involving the commissioner 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.

Sec. 14. [REPEALER.]

Minnesota Statutes 1994, section 3.873, is repealed effective June 30, 1997.

Sec. 15. [EFFECTIVE DATE.]

Section 1, subdivision 1 (Abolishment), is effective September 30, 1995. Section 1, subdivisions 2 (Establishment) and 3 (Purpose), and sections 2 (Definitions), 3 (Commissioner), 5 (Funding Consolidation), 7 (Partnership Team), and 13 (Revisor Instruction), are effective October 1, 1995. Section 4 (Transfers) is effective July 1, 1996. Sections 8 (Demonstration Project) and 10 (Worker Provisions) are effective July 1, 1995. Section 11 (Appointment; Transfers of Education Functions) is effective the day following final enactment."

Amend the title as follows:

Page 1, line 30, after the semicolon, insert "establishing the department of children, families, and learning; making related changes;"

Page 1, line 41, after the first semicolon, insert "256F.13, subdivision 1;"

Page 1, line 45, after the semicolon, insert "proposing coding for new law as Minnesota Statutes, chapter 119A;" and after "sections" insert "3.873;"

Mr. Berg questioned whether the amendment was germane.

The President ruled that the amendment was germane.

CALL OF THE SENATE

Mr. Riveness imposed a call of the Senate for the balance of the proceedings on S.F. No. 1246. The Sergeant at Arms was instructed to bring in the absent members.

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

Mr. Riveness then moved to amend S.F. No. 1246 as follows:

Page 60, after line 36, insert:

"ARTICLE 11 PILOT PROJECTS

Section 1. [PURPOSE.]

The purpose of articles 11 and 12 is to make government work better and cost less. To accomplish this purpose, articles 11 and 12 establish incentives for state and local employees to act in a manner that provides the best and most efficient services to the public. Articles 11 and 12 also remove barriers that currently discourage state and local agencies from taking innovative approaches to improving services and achieving cost savings.

Sec. 2. [HUMAN RESOURCES SYSTEM.]

Subdivision 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 section 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.

Subd. 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 subdivision 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.

Subd. 3. [EVALUATION.] The commissioner of employee relations, in consultation with the agency selected in subdivision 2, shall design and implement a system for evaluating the success of the pilot project in subdivision 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 section and the department of employee relations shall 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 subdivision, 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.

Subd. 4. [WORKING GROUP.] The governor shall appoint a stakeholder working group to advise the agency selected in subdivision 2 and the commissioner of employee relations on implementation of the pilot project under this section. The group must 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.

Subd. 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 job classifications included in the pilot project. Before designating a job classification under this subdivision, the committee must assure that the hiring process for those job classifications complies with the policies in subdivision 1.

Subd. 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 subdivision 5. By January 1, 1997, and January 1, 1998, the commissioner shall 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.

Subd. 7. [EXTENSION.] Laws 1993, chapter 301, section 1, subdivision 6, is not repealed until June 30, 1997.

Subd. 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.

Sec. 3. [GAINSHARING.]

Subdivision 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.

Subd. 2. [PILOT PROJECT.] During the biennium ending June 30, 1997, the department of employee relations shall 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 to a maximum of \$2,500 a year to unrepresented nonmanagerial employees who were instrumental in identifying and implementing the efficiency and cost-saving measures;
- (5) an "efficiency savings account," consisting of money saved directly as a result of initiatives under this section, must be created within each fund that is used to provide money for department services and must be used to pay any awards under this section;
- (6) no award may be given except upon approval of a team composed 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 may not add to the base salary of employees.

Subd. 3. [REPORTING.] The commissioner of employee relations shall report to the legislature on January 1, 1997, and January 1, 1998, on the progress and results of the incentive programs under this section. 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.

Sec. 4. [PROCUREMENT.]

Subdivision 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 section 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.

Subd. 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 shall establish a process for obtaining goods and services that complies with the policies in subdivision 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.

Subd. 3. [EVALUATION.] The commissioner of administration, in consultation with the agency selected in subdivision 2, shall design and implement a system for evaluating the success of the pilot project in subdivision 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 section and the commissioner of administration shall 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.

Sec. 5. [UNIVERSITY OF MINNESOTA.]

Subdivision 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 must 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.

Sec. 6. [PRESERVATION OF COLLECTIVE BARGAINING.]

Nothing in sections 1 to 5 or article 12 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.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment.

ARTICLE 12

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 shall 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 shall 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 shall schedule a meeting at which the agency requesting the waiver may present its case for the waiver and the objecting party may 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 whether those 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.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Renumber the articles in sequence and correct the internal references

Amend the title as follows:

Page 1, line 30, after the semicolon, insert "establishing pilot projects to improve the efficiency and effectiveness of state agencies; authorizing waivers of certain rules and policies;"

Page 1, line 45, delete "and" and after the semicolon, insert "and 465;"

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge moved to amend S.F. No. 1246 as follows:

Page 17, delete line 11

Page 17, line 12, delete everything before the period and insert "shall recommend corrective action to the head of the agency"

The motion prevailed. So the amendment was adopted.

Mr. Price moved to amend S.F. No. 1246 as follows:

Page 44, line 34, after "impact" insert ", including programs operated by the public facilities authority,"

The motion prevailed. So the amendment was adopted.

Ms. Berglin moved to amend S.F. No. 1246 as follows:

Page 57, line 20, after the period, insert "The commissioner of transportation shall carry out all transferred responsibilities relating to the regulation of motor carriers unless directed by law to do otherwise."

The motion prevailed. So the amendment was adopted.

Mr. Bertram moved to amend S.F. No. 1246 as follows:

Page 45, line 28, after the first comma, insert "and" and delete ", and the"

Page 45, line 29, delete everything before "are"

Page 45, line 30, delete from "The" through page 46, line 15, to "(b)"

Reletter the paragraphs in sequence

Mr. Bertram then moved to amend the Bertram amendment to S.F. No. 1246 as follows:

Page 1, delete lines 5 to 7

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

The question was taken on the adoption of the Bertram amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 1246 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 41 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kroening	Pappas	Solon
Beckman	Hottinger	Lesewski	Piper	Spear
Berg	Janezich	Lessard	Pogemiller	Stevens
Betzold	Johnson, D.J.	Limmer	Ranum	Stumpf
Chandler	Kelly	Metzen	Reichgott Junge	Wiener
Cohen	Kleis	Moe, R.D.	Riveness	
Day	Knutson	Mondale	Robertson	
Dille	Kramer	Murphy	Runbeck	
Finn	Krentz	Ourada	Sams	

Those who voted in the negative were:

Belanger	Hanson	Langseth	Neuville	Samuelson
Berglin	Johnson, D.E.	Larson	Oliver	Scheevel
Bertram	Johnson, J.B.	Marty	Olson	Terwilliger
Chmielewski	Johnston	Merriam	Pariseau	Vickerman
Frederickson	Kiscaden	Morse	Price	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 462 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 462: A bill for an act relating to the environment; implementing the transfer of solid waste management duties of the metropolitan council to the office of environmental assistance; providing for the management of waste; providing penalties; amending Minnesota Statutes 1992, section 115A.33, as reenacted; Minnesota Statutes 1994, sections 16B.122, subdivision 3; 115.071, subdivision 1; 115A.055; 115A.07, subdivision 3; 115A.072, subdivisions 1, 3, and 4; 115A.12; 115A.14, subdivision 4; 115A.15, subdivision 9; 115A.191, subdivisions 1 and 2; 115A.32; 115A.411; 115A.42; 115A.45; 115A.46, subdivisions 1 and 5; 115A.55, by adding a subdivision; 115A.5501, subdivisions 2, 3, and 4; 115A.5502; 115A.551, subdivisions 2a, 4, 5, 6, and 7; 115A.554; 115A.557, subdivisions 3 and 4; 115A.558; 115A.63, subdivision 3; 115A.84, subdivision 3; 115A.86, subdivision 2; 115A.919, subdivision 3; 115A.921, subdivision 1; 115A.923, subdivision 1; 115A.9302, subdivisions 1 and 2; 115A.951, subdivision 4; 115A.96, subdivision 2; 115A.965, subdivision 1; 115A.9651, subdivision 3; 115A.97, subdivisions 5 and 6; 115A.981, subdivision 3; 116.07, subdivision 4j; 116.072; 116.66, subdivisions 2 and 4; 116.92, subdivision 4; 400.16; 400.161; 473.149, subdivisions 1, 2d, 2e, 3, 4, and 6; 473.151; 473.516, subdivision 2; 473.801, subdivision 1, and by adding subdivisions; 473.8011; 473.803, subdivisions 1, 1c, 2, 2a, 3, 4, and 5; 473.804; 473.811, subdivisions 1, 4a, 5, 5c, 7, and 8; 473.813, subdivision 2; 473.823, subdivisions 3, 5, and 6; 473.843, subdivision 1; 473.844, subdivisions 1a and 4; 473.8441, subdivisions 2, 4, and 5; 473.845, subdivision 4; 473.846; and 473.848, subdivisions 2 and 4; Laws 1994, chapter 628, article 3, section 209; proposing coding for new law in Minnesota Statutes, chapters 16B; 115A; 116; and 480; repealing Minnesota Statutes 1994, sections 115A.81, subdivision 3; 115A.90, subdivision 3; 116.94; 383D.71, subdivision 2; 473.149, subdivisions 2, 2a, 2c, 2f, and 5; 473.181, subdivision 4; and 473.803, subdivisions 1b and 1e.

Ms. Johnson, J.B. moved to amend S.F. No. 462 as follows:

Page 44, after line 2, insert:

"Sec. 49. Laws 1994, chapter 585, section 51, is amended to read:

Sec. 51. [ELECTRONIC APPLIANCES; REPORT.]

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

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

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

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

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

Page 45, line 17, after "44," insert "49,"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend S.F. No. 462 as follows:

Page 44, after line 32, insert:

"Sec. 51. [TEMPORARY EXEMPTION FOR CARPET RECYCLING FACILITIES.]

Until August 1, 1996, waste residue from a used carpet recycling facility is exempt from the fee imposed by Minnesota Statutes, section 473.843, if there is at least a 50 percent weight reduction in the solid waste processed at the facility. For the purposes of this section, "used carpet" means carpet that is no longer suitable for its original intended purpose because of wear, damage, or defect."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Chandler moved to amend S.F. No. 462 as follows:

Page 2, after line 1, insert:

"Section 1. Minnesota Statutes 1994, section 8.31, subdivision 1, is amended to read:

Subdivision 1. [INVESTIGATE OFFENSES AGAINST THE PROVISIONS OF CERTAIN DESIGNATED SECTIONS; ASSIST IN ENFORCEMENT.] The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, the nonprofit corporation act (sections 317A.001 to 317A.909), the act against unfair discrimination and competition (sections 325D.01 to 325D.08), the unlawful trade practices act (sections 325D.09 to 325D.16), the antitrust act (sections 325D.49 to 325D.66), ~~section sections~~ 325E.41 and 325F.67 and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325D.67, the act against monopolization of food products (section 325D.68), the act regulating telephone advertising services (section 325E.39), the prevention of consumer fraud act (sections 325F.68 to 325F.70), and chapter 53A regulating currency exchanges and assist in the enforcement of those laws as in this section provided."

Page 30, after line 9, insert:

"Sec. 36. [325E.41] [DECEPTIVE TRADE PRACTICES; ENVIRONMENTAL MARKETING CLAIMS.]

Subdivision 1. [ADOPTION OF FEDERAL GUIDES.] (a) A manufacturer, packager, wholesaler, or retailer who makes, in any manner, an environmental claim for a product sold or offered for sale or distribution in this state, including those related to the product's packaging, shall comply with Code of Federal Regulations, title 16, part 260, "Guides for the Use of Environmental Marketing Claims."

(b) Paragraph (a) does not apply to an environmental claim unless the claim is made in an attempt to influence purchasing decisions by end users of the product.

Subd. 2. [INVESTIGATION; ENFORCEMENT.] A person who violates this section is subject to the penalties and remedies in section 8.31.

Subd. 3. [PUBLICATION OF VIOLATIONS.] The attorney general shall make available, upon written request by any member of the public, a list of any persons who have failed to comply with this section."

Page 45, after line 21, insert:

"Section 36, subdivision 3, is effective June 1, 1997."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Kiscaden moved to amend the Chandler amendment to S.F. No. 462 as follows:

Page 1, delete line 36

Page 2, delete lines 1 and 2

Page 2, lines 3 and 8, delete "3" and insert "2"

The question was taken on the adoption of the Kiscaden amendment to the Chandler amendment.

The roll was called, and there were yeas 29 and nays 33, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.E.	Lesewski	Ourada	Solon
Bertram	Kiscaden	Lessard	Pariseau	Stevens
Chmielewski	Kleis	Limmer	Robertson	Stumpf
Day	Knutson	Neuville	Runbeck	Vickerman
Dille	Kramer	Oliver	Samuelson	Wiener
Finn	Larson	Olson	Scheevel	

Those who voted in the negative were:

Anderson	Flynn	Johnston	Mondale	Reichgott Junge
Beckman	Frederickson	Krentz	Morse	Riveness
Belanger	Hanson	Laidig	Murphy	Sams
Berglin	Hottinger	Marty	Piper	Spear
Betzold	Janezich	Merriam	Pogemiller	Terwilliger
Chandler	Johnson, D.J.	Metzen	Price	
Cohen	Johnson, J.B.	Moe, R.D.	Ranum	

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

CALL OF THE SENATE

Mr. Neuville imposed a call of the Senate for the balance of the proceedings on the Chandler amendment. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the adoption of the Chandler amendment.

The roll was called, and there were yeas 35 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kelly	Moe, R.D.	Ranum
Beckman	Hottinger	Krentz	Mondale	Reichgott Junge
Berglin	Janezich	Kroening	Morse	Riveness
Chandler	Johnson, D.E.	Limmer	Murphy	Sams
Cohen	Johnson, D.J.	Marty	Pappas	Spear
Finn	Johnson, J.B.	Merriam	Pogemiller	Stumpf
Flynn	Johnston	Metzen	Price	Wiener

Those who voted in the negative were:

Belanger	Dille	Laidig	Oliver	Scheevel
Berg	Kiscaden	Langseth	Olson	Solon
Bertram	Kleis	Lesewski	Ourada	Stevens
Chmielewski	Knutson	Lessard	Pariseau	Terwilliger
Day	Kramer	Neuville	Runbeck	Vickerman

The motion prevailed. So the amendment was adopted.

Ms. Berglin moved to amend S.F. No. 462 as follows:

Page 18, after line 30, insert:

"Sec. 26. [115A.9305] [BASE UNITS FOR MULTIUNIT DWELLINGS.]

Upon application by an owner of a homesteaded multiunit dwelling, a local government unit that collects charges for solid waste collection directly from waste generators shall allocate base units to the dwelling in an amount sufficient to provide one base unit for up to three dwelling units. The number of base units allocated to a multiunit dwelling under this section must be sufficient to contain the amount of waste generated by the dwelling's occupants."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Ourada moved to amend S.F. No. 462 as follows:

Page 20, after line 1, insert:

"Sec. 29. Minnesota Statutes 1994, section 116.07, subdivision 4a, is amended to read:

Subd. 4a. [PERMITS.] (a) The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions of noise pollution.

The pollution control agency may also issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the storage, collection, transportation, processing, or disposal of waste, or for the installation or operation of any system or facility, or any part thereof, related to the storage, collection, transportation, processing, or disposal of waste.

The pollution control agency may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution.

(b) The pollution control agency has the authority for approval over the siting, expansion, or operation of a solid waste facility with regard to environmental issues. However, the agency's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by

any applicable county ordinances. Nothing in this chapter precludes, or shall be construed to preclude, a county from enforcing land use controls, regulations, and ordinances existing at the time of the permit application and adopted pursuant to sections 366.10 to 366.181, 394.21 to 394.37, or 462.351 to 462.365, with regard to the siting, expansion, or operation of a solid waste facility."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Chandler moved to amend S.F. No. 462 as follows:

Page 18, after line 30, insert:

"Sec. 26. [115A.9512] [CORRUGATED PAPER PRODUCTS.]

Subdivision 1. [DEFINITION.] For the purposes of this section, "corrugated paper product" means a box, container, liner, sheet, or other product made from corrugated paper.

Subd. 2. [PROHIBITION.] A person may not place a corrugated paper product suitable for recycling:

(1) in mixed municipal solid waste;

(2) in a disposal facility; or

(3) in a resource recovery facility, except a recycling facility.

Subd. 3. [EXCEPTION.] Subdivision 2 does not apply to a person whose residence or place of business is located in a county that lacks a convenient site for pickup or collection of corrugated paper products.

Subd. 4. [SUSPENSION.] The prohibition established in subdivision 2 is not intended to operate as a mechanism to depress the fair market price of used corrugated paper products. If the director determines that sellers of used corrugated paper products are not receiving a competitive price, based upon prices in the midwest region, the director may suspend the prohibition."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

S.F. No. 462 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Ms. Flynn in the chair.

After some time spent therein, the committee arose, and Ms. Flynn reported that the committee had considered the following:

S.F. No. 1564, which the committee recommends to pass with the following amendments offered by Messrs. Cohen, Finn, Knutson and Mondale:

Mr. Cohen moved to amend S.F. No. 1564 as follows:

Page 8, after line 19, insert:

"Sec. 12. [609.669] [CIVIL DISORDER.]

Subdivision 1. [PROHIBITED ACTS.] (a) A person is guilty of a gross misdemeanor who:

(1) teaches or demonstrates to any other person how to use or make any firearm, explosive, or incendiary device, or how to use or apply any technique capable of causing injury or death, knowing or having reason to know that it will be unlawfully employed for use in, or in furtherance of, a civil disorder; or

(2) assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death, with the intent that it be unlawfully employed for use in, or in furtherance of, a civil disorder.

(b) This section does not apply to law enforcement officers engaged in the lawful performance of the officer's official duties.

Subd. 2. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them:

(1) "civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual;

(2) "firearm" means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon;

(3) "explosive or incendiary device" has the meaning given in section 609.668, subdivision 1; and

(4) "law enforcement officer" means any officer or employee of the United States, the state, or any political subdivision of the state, and specifically includes members of the National Guard and members of the armed forces of the United States."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Finn moved to amend the Cohen amendment to S.F. No. 1564 as follows:

Page 1, line 13, delete the first comma and insert "or" and delete ", or technique"

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

Mr. Finn then moved to amend the Cohen amendment to S.F. No. 1564 as follows:

Page 1, line 7, delete ", or how to"

Page 1, line 8, delete "use or apply any technique"

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

The question was taken on the Cohen amendment, as amended.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the Cohen amendment, as amended, was adopted.

Mr. Knutson moved to amend S.F. No. 1564 as follows:

Page 2, after line 15, insert:

"Sec. 2. Minnesota Statutes 1994, section 299A.28, is amended to read:

299A.28 [MCGRUFF SAFE HOUSE PROGRAM.]

Subdivision 1. [SYMBOL.] The symbol of "McGruff" with the phrase "McGruff House" is the symbol to designate a house in this state where a child may seek help when threatened.

Subd. 2. [DUTIES OF COMMISSIONER.] The commissioner of public safety shall:

(1) design or adopt a standard symbol to designate a safe "McGruff" house that is the "McGruff" symbol used in other states;

(2) make available written information about the safe "McGruff" house program and "McGruff" symbols to school districts and law enforcement agencies;

(3) publicize the safe "McGruff" house program in as many ways as is reasonably practical;

(4) require the appropriate local law enforcement agency to maintain a register of safe "McGruff" houses;

(5) either directly or through cooperation with the appropriate law enforcement agencies conduct background checks on persons who apply to have their house be a safe "McGruff" house.

Subd. 3. [DISPLAY OF SYMBOL.] A person displaying the "McGruff" symbol so that it is visible from the outside of their house must be approved as a safe "McGruff" house by the appropriate local law enforcement agency. The appropriate law enforcement agency must supply the symbol to the person. The symbol is the property of the law enforcement agency, and a person must return the symbol to the law enforcement agency if the agency determines that the house no longer qualifies as a "McGruff" house. Violation of this subdivision is a misdemeanor.

Subd. 4. [SAFE "MCGRUFF" HOUSES; REQUIREMENTS.] The appropriate law enforcement agency must provide "McGruff" symbols to persons who apply for symbols if they agree in writing to follow the terms of the safe "McGruff" house program and pass a background check by the appropriate local law enforcement agency.

Subd. 5. [EXCLUSIVE SYMBOL.] The safe "McGruff" house symbol provided by this section is the exclusive symbol for safe "McGruff" houses in this state.

Subd. 6. [RULES.] The commissioner of public safety may adopt rules necessary to implement this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Mondale moved to amend S.F. No. 1564 as follows:

Page 3, after line 18, insert:

"Sec. 4. Minnesota Statutes 1994, section 343.235, is amended to read:

343.235 [DISPOSITION OF SEIZED ANIMALS.]

Subdivision 1. [GENERAL RULE.] An animal taken into custody under section 343.22 or 343.29 may be humanely disposed of at the discretion of the jurisdiction having custody of the animal ~~seven ten~~ days after the animal is taken into custody, provided that the procedures in subdivision 3 are followed. An animal raised for food or fiber products shall not be seized or disposed of without prior examination by a licensed veterinarian pursuant to a warrant issued by a judge.

Subd. 2. [SECURITY.] A person claiming an interest in an animal in custody under subdivision 1 may prevent disposition of the animal by posting a ~~bond or~~ security in an amount sufficient to provide for the animal's actual costs of care and keeping ~~for at least 30 days, inclusive of the date on which the animal was taken into custody. Even if a bond or security is posted, the authority having custody of the animal may humanely dispose of the animal at the end of the time for which expenses of care and keeping are covered by the bond or security, unless there is a court order prohibiting the disposition. The order must provide for a bond or other security in the amount necessary to protect the authority having custody of the animal from any cost of the care, keeping, or disposal of the animal. The security must be posted within ten days of the seizure inclusive of the date of the seizure.~~

Subd. 3. [NOTICE; RIGHT TO HEARING.] (a) The authority taking custody of an animal under section 343.22 or 343.29 shall give notice of this section by delivering or mailing it to a person claiming an interest in the animal or by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

(1) a description of the animal seized; the authority and purpose for the seizure; the time, place, and circumstances under which the animal was seized; and the location, address, telephone number, and contact person where the animal is kept;

(2) a statement that a person claiming an interest in the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure or impoundment and that failure to do so within ten days of the date of the notice will result in disposition of the animal; and

(3) a statement that all actual costs of the care, keeping, and disposal of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

The notice must also include a form that can be used by a person claiming an interest in the animal for requesting a hearing under this subdivision.

(b) Upon request of a person claiming an interest in the animal, which request must be made within ten days of the date of seizure, a hearing must be held within five business days of the request, to determine the validity of the seizure and impoundment. If the seizure was done

pursuant to a warrant under section 343.22, the hearing must be conducted by the judge who issued the warrant. If the seizure was done under section 343.29, the municipality taking custody of the animal or, in the case of a humane society, the municipality from which the animal was seized, may either (1) authorize a licensed veterinarian with no financial interest in the matter or professional association with either party or (2) use the services of a hearing officer to conduct the hearing. A person claiming an interest in the animal who is aggrieved by a decision of a hearing officer under this subdivision may seek a court order governing the seizure or impoundment within five days of notice of the order.

(c) The judge or hearing officer may authorize the return of the animal, if the judge or hearing officer finds that:

(1) the animal is physically fit; and

(2) the person claiming an interest in the animal can and will provide the care required by law for the animal.

(d) The person claiming an interest in the animal is liable for all actual costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the municipality and the person claiming an interest in the animal before return of the animal to the person.

Sec. 5. Minnesota Statutes 1994, section 343.29, subdivision 1, is amended to read:

Subdivision 1. [DELIVERY TO SHELTER.] Any peace officer, animal control officer, or agent of the federation or county or district societies for the prevention of cruelty, may remove, shelter, and care for any animal which is not properly sheltered from cold, hot, or inclement weather or any animal not properly fed and watered, or provided with suitable food and drink in circumstances that threaten the life of the animal. When necessary, a peace officer, animal control officer, or agent may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall be immediately notified as provided in section 343.235, subdivision 3, and the person having possession of the animal, shall have a lien thereon for its actual costs of care and keeping and the expenses of the notice. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within seven ten days after notice, redeem the animal by paying the expenses authorized by this subdivision, the animal may be disposed of as provided in section 343.235."

Page 13, line 11, before "Sections" insert "Sections 4 and 5 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 24, after the first semicolon, insert "clarifying procedures governing disposition of seized animals;"

Page 1, line 26, after the second semicolon, insert "343.235; 343.29, subdivision 1;"

The motion prevailed. So the amendment was adopted.

On motion of Ms. Reichgott Junge, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 980.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1995

FIRST READING OF HOUSE BILLS

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

H.F. No. 980: A bill for an act relating to crime; clarifying language relating to controlled substance and certain other crimes; making it manslaughter in the first degree to cause the death of a child by malicious punishment under certain circumstances; making it manslaughter in the second degree to cause the death of a child by endangerment under certain circumstances; providing that a motor vehicle is subject to forfeiture if it was used to flee a peace officer in violation of law; imposing a fine for the crime of terroristic threats; providing procedures for prosecuting attorneys to follow when filing complaints against owners whose buildings are alleged nuisances; authorizing the court to issue orders of abatement that close buildings for two years or more when the buildings are declared to be nuisances a second time; providing penalties; amending Minnesota Statutes 1994, sections 152.021, subdivision 3; 152.022, subdivision 3; 152.023, subdivision 3; 152.024, subdivision 3; 152.025, subdivision 3; 401.02, subdivision 4; 609.10; 609.125; 609.185; 609.20; 609.205; 609.323, subdivisions 2, 3, and by adding a subdivision; 609.498, subdivision 1; 609.52, subdivision 1; 609.5312, by adding a subdivision; 609.582, subdivision 1; 609.713, subdivisions 1 and 2; 617.80, subdivisions 2, 4, 5, 8, and by adding a subdivision; 617.81, subdivisions 1, 2, and by adding a subdivision; 617.82; 617.83; 617.84; 617.85; 617.87; 626.13; proposing coding for new law in Minnesota Statutes, chapter 617; repealing Minnesota Statutes 1994, section 617.81, subdivisions 2a and 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1564, now on the Calendar.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Vickerman moved that S.F. No. 1421, No. 23 on General Orders, be stricken and re-referred to the Committee on Metropolitan and Local Government. The motion prevailed.

RECESS

Ms. Reichgott Junge moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 365: Messrs. Chandler, Knutson and Ms. Wiener.

H.F. No. 536: Messrs. Limmer, Chandler and Larson.

H.F. No. 1055: Messrs. Price; Moe, R.D. and Dille.

H.F. No. 1132: Mr. Solon, Ms. Anderson and Mr. Day.

H.F. No. 1159: Mr. Kroening, Ms. Flynn and Mr. Terwilliger.

H.F. No. 1856: Messrs. Stumpf, Price, Larson, Terwilliger and Ms. Wiener.

S.F. No. 1134: Mr. Solon, Ms. Wiener and Mr. Belanger.

H.F. No. 96: Messrs. Hottinger, Finn and Knutson.

H.F. No. 778: Mr. Riveness, Ms. Piper and Mr. Terwilliger.

H.F. No. 1864: Messrs. Johnson, D.J.; Belanger; Mses. Flynn, Reichgott Junge and Mr. Hottinger.

S.F. No. 1110: Messrs. Samuelson, Sams, Ms. Kiscaden, Mr. Stevens and Ms. Berglin.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Stumpf, Morse, Riveness and Terwilliger introduced--

S.F. No. 1686: A bill for an act relating to retirement; providing for uniformity in various administrative provisions of laws governing the Minnesota state retirement system, public employees retirement association, teachers retirement association, first class city teacher retirement funds, and Minneapolis employees retirement fund; amending Minnesota Statutes 1994, sections 3A.02, subdivision 1; 176.021, subdivision 7; 352.113, subdivisions 2, 4, and 7; 352.115, subdivisions 8 and 10; 352.95, subdivisions 3 and 7; 352B.08, subdivision 1; 352B.10, subdivision 3; 352B.101; 352B.11, by adding a subdivision; 353.29, subdivision 7; 353.31, subdivision 8; 353.33, subdivisions 2, 5, and 7; 353.37, subdivisions 1 and 3; 353.656, subdivisions 2 and 4; 353C.08, subdivisions 4 and 6; 354.44, subdivision 5; 354.48, subdivision 7; 354A.31, subdivisions 2a and 3; 354A.36, subdivisions 2, 7, and by adding a subdivision; 356.611; 422A.14, subdivision 1; and 422A.18, subdivision 3; repealing Minnesota Statutes 1994, section 354A.36, subdivision 5.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Johnson, D.J. introduced--

S.F. No. 1687: A bill for an act relating to corporate franchise taxation; modifying the definition of apportionment factors; amending Minnesota Statutes 1994, section 290.191, subdivisions 1, 5, 6, and 11; repealing Minnesota Statutes 1994, section 290.191, subdivision 8.

Referred to the Committee on Taxes and Tax Laws.

MEMBERS EXCUSED

Mr. Novak was excused from the Session of today. Mr. Kelly was excused from the Session of today from 9:30 to 11:10 a.m. Mr. Murphy was excused from the Session of today from 11:30 to

11:55 a.m. Mr. Vickerman was excused from the Session of today from 11:15 a.m. to 12:00 noon. Mr. Pogemiller was excused from the Session of today from 10:00 a.m. to 2:00 p.m. Mr. Ourada was excused from the Session of today from 5:10 to 5:20 p.m. Mr. Solon was excused from the Session of today at 6:00 p.m. Mr. Kleis was excused from the Session of today from 5:45 to 6:15 p.m. Ms. Olson was excused from the Session of today at 5:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:45 a.m., Wednesday, May 3, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate