

FIFTY-THIRD DAY

St. Paul, Minnesota, Thursday, May 4, 1995

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

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Dr. Gary W. Klingsporn.

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

Anderson	Frederickson	Kroening	Neuville	Sams
Beckman	Hanson	Laidig	Novak	Samuelson
Belanger	Hottinger	Langseth	Oliver	Scheevel
Berg	Janezich	Larson	Olson	Solon
Berglin	Johnson, D.E.	Lesewski	Ourada	Spear
Bertram	Johnson, D.J.	Lessard	Pappas	Stevens
Betzold	Johnson, J.B.	Limmer	Pariseau	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.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

CERTIFICATION

May 3, 1995

To the Governor
State of Minnesota

To the Senate
State of Minnesota

To the House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on

Wednesday, May 3, 1995, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold his or her respective office for the term specified for each from 1995:

Jean Keffeler, Fifth Congressional District, Six Years

Jessica Phillips, At-Large Student, Six Years

Patricia Spence, At-Large, Six Years

Warren Larson, At-Large, Six Years

Allan H. Spear
President of the Senate

Irv Anderson
Speaker of the House
of Representatives

CONFERENCE COMMITTEE EXCUSED

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

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 992: A bill for an act relating to health; reinstating certain advisory councils and a task force; amending Minnesota Statutes 1994, section 326.41.

Senate File No. 992 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 3, 1995

Ms. Kiscaden moved that the Senate do not concur in the amendments by the House to S.F. No. 992, 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 has adopted the recommendation and report of the Conference Committee on Senate File No. 308, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

Senate File No. 308 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 3, 1995

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1742 and 1573.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 3, 1995

FIRST READING OF HOUSE BILLS

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

H.F. No. 1742: A bill for an act relating to health; insurance; providing for certain breast cancer coverage; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1590.

H.F. No. 1573: A bill for an act relating to financial institutions; regulating savings banks; modifying and clarifying statutory provisions relating to the structure and functions of savings banks; making technical changes; amending Minnesota Statutes 1994, sections 9.031, subdivision 8; 46.047, subdivision 2; 47.01, subdivisions 2 and 3; 47.015, subdivision 1; 47.02; 47.10, subdivision 1; 47.12; 47.20, subdivisions 1 and 9; 47.201, subdivision 1; 47.205, subdivision 1; 47.209, subdivision 1; 47.27, subdivision 2; 47.28; 47.29, subdivisions 1 and 2; 47.30, subdivisions 1, 2, 3, and 5; 47.32; 47.62, subdivision 4; 47.64, subdivision 1; 47.65, subdivisions 1 and 2; 48.01, subdivision 2; 48.15, by adding a subdivision; 49.01, by adding a subdivision; 49.42; 50.01; 50.04; 50.05; 50.06; 50.11; 50.13; 50.14, subdivisions 1, 5, 7, and 8; 50.145; 50.146; 50.1465; 50.148; 50.155; 50.17; 50.175, subdivision 1; 50.19; 50.21; 50.22; 50.23; 50.245; 50.25; 51A.02, subdivisions 6, 26, and 40; 51A.21, by adding a subdivision; 61A.09, subdivision 3; 62B.04, subdivisions 1 and 2; and 300.20; proposing coding for new law in Minnesota Statutes, chapters 46; 47; and 50; repealing Minnesota Statutes 1994, sections 47.095; 47.30, subdivisions 4 and 6; 48.67; 50.02; 50.07; 50.08; 50.09; 50.10; 50.12; 50.15; 50.16; 50.21; and 50.22.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1469, now on General Orders.

MOTIONS AND RESOLUTIONS

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Pogemiller moved that the following members be excused for a Conference Committee on H.F. No. 1000 at 9:00 a.m.:

Messrs. Pogemiller, Langseth, Knutson, Ms. Krentz and Robertson. The motion prevailed.

CALENDAR

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.

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 44 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kleis	Moe, R.D.	Reichgott Junge
Beckman	Flynn	Kramer	Morse	Runbeck
Belanger	Frederickson	Kroening	Murphy	Sams
Berg	Hottinger	Laidig	Oliver	Scheevel
Berglin	Johnson, D.E.	Lesewski	Olson	Solon
Bertram	Johnson, D.J.	Lessard	Ourada	Spear
Chandler	Johnston	Marty	Pappas	Stevens
Cohen	Kelly	Merriam	Pariseau	Vickerman
Day	Kiscaden	Metzen	Ranum	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 930, No. 8 on General Orders, be stricken and laid on the table. The motion prevailed.

Mr. Bertram moved that S.F. No. 190, No. 2 on General Orders, be stricken and returned to its author. The motion prevailed.

Ms. Pappas moved that S.F. No. 834, No. 4 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Johnson, D.J. moved that S.F. No. 1123, No. 31 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 1864 at 10:00 a.m.:

Messrs. Belanger; Hottinger; Johnson, D.J.; Mses. Flynn and Reichgott Junge. The motion prevailed.

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. Laidig in the chair.

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

S.F. Nos. 503, 1319, 230 and H.F. No. 1101, which the committee recommends to pass.

S.F. No. 871, which the committee recommends to pass with the following amendments offered by Messrs. Hottinger and Knutson:

Mr. Hottinger moved to amend S.F. No. 871 as follows:

Page 9, line 22, after "following" insert "to the extent the agency, through reasonable effort, can ascertain this information"

Page 10, line 21, before "Each" insert "(a)"

Page 11, after line 15, insert:

"(b) The legislative commission to review administrative rules may authorize an agency to omit from the notice of rule hearing the text of any proposed rule, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient if:

(1) knowledge of the rule is likely to be important to only a small class of persons;

(2) the notice of rule hearing states that a free copy of the entire rule is available upon request to the agency; and

(3) the notice of rule hearing states in detail the specific subject matter of the omitted rule, cites the statutory authority for the proposed rule, and details the proposed rule's purpose and motivation."

Page 12, after line 36, insert:

"Sec. 18. Minnesota Statutes 1994, section 14.18, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] A rule is effective after it has been subjected to all requirements described in sections 14.131 to 14.20 and five working days after the notice of adoption is published in the State Register unless a later date is required by law or specified in the rule. If the rule adopted is the same as the proposed rule, publication may be made by publishing notice in the State Register that the rule has been adopted as proposed and by citing the prior publication. If the rule adopted differs from the proposed rule, the portions of the adopted rule which differ from the proposed rule shall be included in the notice of adoption together with a citation to the prior State Register publication of the remainder of the proposed rule. The nature of the modifications must be clear to a reasonable person when the notice of adoption is considered together with the State Register publication of the proposed rule, except that modifications may also be made which comply with the form requirements of section 14.07, subdivision 7.

If the agency omitted from the notice of proposed rule adoption the text of the proposed rule, as permitted by section 14.14, subdivision 1a, paragraph (b), the legislative commission to review administrative rules may provide that the notice of the adopted rule need not include the text of any changes from the proposed rule. However, the notice of adoption must state in detail the substance of the changes made from the proposed rule, and must state that a free copy of that portion of the adopted rule that was the subject of the rulemaking proceeding, not including any material adopted by reference as permitted by section 14.07, is available upon request to the agency."

Page 13, line 21, before "Unless" insert "(a)"

Page 15, after line 2, insert:

"(b) The legislative commission to review administrative rules may authorize an agency to omit from the notice of intent to adopt the text of any proposed rule, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient if:

(1) knowledge of the rule is likely to be important to only a small class of persons;

(2) the notice of intent to adopt states that a free copy of the entire rule is available upon request to the agency; and

(3) the notice of intent to adopt states in detail the specific subject matter of the omitted rule, cites the statutory authority for the proposed rule, and details the proposed rule's purpose and motivation."

Page 16, after line 31, insert:

"This subdivision applies only to a withdrawal of a hearing request that affects whether a public hearing must be held and only if the agency has taken any action to obtain the withdrawal of the hearing request."

Page 30, line 12, delete everything after the comma

Page 30, line 13, delete "rules counsel,"

Page 40, line 26, delete "54" and insert "55"

Page 41, line 30, delete "27; 34; 56" and insert "28; 35; 57"

Page 41, line 31, delete "26 and 30" and insert "27 and 31"

Page 41, line 34, delete "31" and insert "32"

Page 41, line 35, delete "31 to 33" and insert "33, 34"

Page 41, line 36, delete "35, and 48 to 53" and insert "36, and 49 to 54"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the second semicolon, insert "14.18, subdivision 1;"

The motion prevailed. So the amendment was adopted.

Mr. Hottinger then moved to amend S.F. No. 871 as follows:

Page 27, line 4, after "provide" insert ": (1)"

Page 27, line 7, before the period, insert "; and (2) a procedure to allow an agency to receive prior binding approval of its plan regarding the additional notice contemplated under sections 14.101, 14.131, 14.14, 14.22, and 14.23"

The motion prevailed. So the amendment was adopted.

Mr. Hottinger then moved to amend S.F. No. 871 as follows:

Page 30, line 3, delete "and" and after the third comma, insert "and experienced agency rulemaking staff,"

Page 30, line 5, delete everything after "including"

Page 30, delete line 6 and insert "information about the availability of mediators through the office of administrative hearings."

Page 30, line 13, after the second comma, insert "agencies involved in providing this training,"

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend S.F. No. 871 as follows:

Page 1, after line 23, insert:

"ARTICLE 1"

Page 41, lines 5, 14, and 21, delete "act" and insert "article"

Page 42, line 1, delete "act" and insert "article"

Page 42, after line 1, insert:

"ARTICLE 2"

Section 1. [REPEALER; DEPARTMENT OF AGRICULTURE.]

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

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

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

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

Minnesota Rules, part 4610.2210, is repealed.

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

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

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

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

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

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

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

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

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

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

ARTICLE 3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT REISSUANCE OF PERMIT.

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

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

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

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

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

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

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

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

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

Subp. 5. **Sale of aircraft.** When the dealer sells the aircraft, the selling price must be included in gross sales. The fact that the aircraft commercial use permit has not expired or that the dealer has reported and paid use tax on the aircraft has no effect on the taxability of the sale. The dealer must return the aircraft commercial use permit (unless previously returned) when the dealer files the sales and use tax return for the month in which the sale was made. No credit or refund is given for the \$20 fee originally paid.

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1365, which the committee recommends to pass with the following amendments offered by Mr. Merriam and Ms. Berglin:

Mr. Merriam moved to amend S.F. No. 1365 as follows:

Page 2, delete section 2

Page 2, line 11, delete "3" and insert "2"

Page 2, line 12, delete "Sections 1 and 2 are" and insert "Section 1 is"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Berglin moved to amend S.F. No. 1365 as follows:

Page 1, line 22, after "include" insert ": (1)"

Page 1, line 25, delete the comma and insert "; or (2)"

Page 2, after line 10, insert:

"Sec. 3. Minnesota Statutes 1994, section 624.21, is amended to read:

624.21 [SALE, POSSESSION, AND USE OF FIREWORKS PROHIBITED.]

Subdivision 1. [GENERAL.] Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks. This section shall not be construed to prohibit the possession, use, or explosion of fireworks by an engineer licensed pursuant to sections 326.02 and 326.03 or a person under the engineer's direct supervision when undertaking acoustical testing; or sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the state; or sales outside the state or sales to licensed professional engineers for acoustical testing purposes only.

Subd. 2. [CERTAIN SALES TO MINORS PROHIBITED.] It is unlawful for any person to sell the items described in section 624.20, subdivision 1, clause (2), to a minor."

Page 2, line 12, delete "and 2" and insert "to 3"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2, which the committee recommends to pass, subject to the following motions:

Mr. Merriam moved to amend H.F. No. 2, the unofficial engrossment, as follows:

Page 2, after line 32, insert:

"Sec. 5. [APPLICATION.]

Sections 1 and 2 apply to vehicles whose registrations expire on or after July 31, 1995."

The motion prevailed. So the amendment was adopted.

Mrs. Pariseau moved to amend H.F. No. 2, the unofficial engrossment, as follows:

Page 2, after line 32, insert:

"Sec. 5. [REPEALER.]

Minnesota Statutes 1994, sections 116.60 to 116.65, are repealed effective July 1, 1998."

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Belanger	Frederickson	Kramer	Olson	Stevens
Berg	Hanson	Laidig	Ourada	Stumpf
Bertram	Johnson, D.E.	Langseth	Pariseau	Terwilliger
Betzold	Johnston	Lesewski	Robertson	Vickerman
Chmielewski	Kiscaden	Limmer	Runbeck	
Day	Kleis	Neuville	Sams	
Dille	Knutson	Oliver	Scheevel	

Those who voted in the negative were:

Anderson	Hottinger	Marty	Novak	Samuelson
Beckman	Janezich	Merriam	Pappas	Solon
Berglin	Johnson, D.J.	Metzen	Pogemiller	Spear
Chandler	Johnson, J.B.	Moe, R.D.	Price	Wiener
Cohen	Kelly	Mondale	Ranum	
Finn	Krentz	Morse	Reichgott Junge	
Flynn	Kroening	Murphy	Riveness	

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

Mr. Belanger moved to amend H.F. No. 2, the unofficial engrossment, as follows:

Page 2, after line 6, insert:

"Sec. 3. Minnesota Statutes 1994, section 116.62, is amended by adding a subdivision to read:

Subd. 9. [ADVERTISING BY CONTRACTOR.] Any advertisement or promotional material relating to the motor vehicle inspection program that is paid for by the contractor selected under subdivision 3 must clearly display a disclaimer stating that the advertisement or promotional material was not paid for by the state."

Page 2, after line 32, insert:

"Sec. 6. [EFFECTIVE DATE.]

Section 3 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Johnston moved to amend H.F. No. 2, the unofficial engrossment, as follows:

Page 2, after line 6, insert:

"Sec. 3. Minnesota Statutes 1994, section 116.62, is amended by adding a subdivision to read:

Subd. 5a. [TEMPORARY REGISTRATION.] The commissioner, in consultation with the commissioner of public safety, shall adopt a procedure for granting temporary registrations to persons whose vehicle registrations have expired or will shortly expire. Upon request of the vehicle owner, the commissioner shall issue a letter of temporary registration, valid for one day, that allows the owner to drive to an inspection station to have the vehicle inspected."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Kelly moved to amend H.F. No. 2, the unofficial engrossment, as follows:

Page 2, after line 15, insert:

"Sec. 4. Minnesota Statutes 1994, section 239.791, is amended by adding a subdivision to read:

Subd. 2a. [EXEMPTION FOR PREMIUM GASOLINE.] Except as required by federal law, premium gasoline, as described in section 239.751, subdivision 4, sold or offered for sale is not subject to the requirements of subdivision 1."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the second semicolon, insert "exempting premium gasoline from certain oxygenation requirements;"

Page 1, line 8, before the period, insert "; and 239.791, by adding a subdivision"

Mr. Morse questioned whether the amendment was germane.

The Chair ruled that the amendment was germane.

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

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

Those who voted in the affirmative were:

Anderson	Flynn	Lessard	Oliver	Runbeck
Belanger	Janezich	Limmer	Ourada	Solon
Berg	Kelly	Marty	Pappas	Stumpf
Betzold	Kleis	Merriam	Pariseau	Wiener
Chandler	Knutson	Metzen	Ranum	
Cohen	Kramer	Murphy	Riveness	
Finn	Krentz	Novak	Robertson	

Those who voted in the negative were:

Beckman	Hottinger	Laidig	Olson	Spear
Bertram	Johnson, D.E.	Langseth	Pogemiller	Stevens
Chmielewski	Johnson, D.J.	Lesewski	Price	Terwilliger
Day	Johnson, J.B.	Moe, R.D.	Reichgott Junge	Vickerman
Dille	Johnston	Mondale	Sams	
Frederickson	Kiscaden	Morse	Samuelson	
Hanson	Kroening	Neuville	Scheevel	

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

Mr. Stumpf moved to amend H.F. No. 2, the unofficial engrossment, as follows:

Page 2, after line 15, insert:

"Sec. 4. Minnesota Statutes 1994, section 239.791, subdivision 9, is amended to read:

Subd. 9. [DISPENSER LABELING.] (a) During a carbon monoxide control period, and in a carbon monoxide control area, a person responsible for the product must clearly label each gasoline dispenser controlled by the person. The label must state:

(1) "The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles."; or

(2) "From October 1 through January 31, the gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles."

(b) When gasoline blended with alcohol is sold or offered for sale, a person responsible for the product must clearly mark each gasoline dispenser controlled by the person to identify each type of alcohol, if more than one percent by volume, blended with the gasoline. The marking must consist of a white or yellow adhesive decal not less than two inches by six inches with clearly printed black lettering not less than one-half inch high and one-eighth inch in stroke. The marking must be conspicuously displayed on the front side of the dispenser and state that the gasoline "CONTAINS ETHANOL" or "CONTAINS METHANOL" or has been improved "WITH ETHANOL ENRICHMENT." This subdivision does not prohibit the posting of other alcohol or additive information."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1314, which the committee recommends to pass with the following amendments offered by Messrs. Mondale and Betzold:

Mr. Mondale moved to amend S.F. No. 1314 as follows:

Page 7, line 2, delete "To" and insert "For a facility to"

Page 7, line 5, delete "against the regulated entity" and insert "involving the facility"

Page 7, line 15, after "commissioner" insert ", and to a local governmental unit if the report identifies a violation of an ordinance enacted by the local governmental unit,"

Page 11, line 36, delete "16" and insert "14"

Page 12, after line 3, insert:

"Sec. 16. [NO EFFECT ON OTHER RIGHTS.]

Sections 7 to 14 do not affect:

(1) rights of a regulated entity that chooses not to participate, or is not eligible to participate, in the environmental improvement pilot program; or

(2) rights of other persons relative to matters addressed by the environmental improvement pilot program."

Page 12, line 18, delete "16" and insert "17"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Betzold moved to amend S.F. No. 1314 as follows:

Page 12, line 9, delete "December 31, 1998" and insert "January 15, 1999"

The motion prevailed. So the amendment was adopted.

S.F. No. 1089, which the committee recommends to pass, after the following motion:

Ms. Ranum moved to amend S.F. No. 1089 as follows:

Pages 1 and 2, delete section 1

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 22 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kroening	Pappas	Riveness
Berglin	Hottinger	Marty	Pogemiller	Spear
Chandler	Johnson, J.B.	Mondale	Price	
Cohen	Kelly	Morse	Ranum	
Finn	Krentz	Novak	Reichgott Junge	

Those who voted in the negative were:

Beckman	Frederickson	Kramer	Oliver	Scheevel
Belanger	Hanson	Laidig	Olson	Stevens
Berg	Janezich	Lesewski	Ourada	Stumpf
Bertram	Johnson, D.E.	Lessard	Pariseau	Terwilliger
Betzold	Johnston	Merriam	Robertson	Vickerman
Chmielewski	Kiscaden	Murphy	Runbeck	Wiener
Day	Kleis	Neuville	Sams	

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

S.F. No. 512, which the committee recommends to pass, subject to the following motions:

Mr. Spear moved to amend S.F. No. 512 as follows:

Page 32, after line 10, insert:

"Sec. 23. [626.5573] [NEGLIGENCE ACTIONS.]

A violation of section 626.557 is admissible as evidence of negligence, but is not considered negligence per se."

Page 37, line 23, before the period, insert "and does not constitute therapeutic conduct" and after the period, insert "This mental state is greater than that required in ordinary or gross negligence."

Page 37, line 32, delete everything after "adult"

Page 37, line 33, delete "therapeutic conduct"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend S.F. No. 512 as follows:

Page 25, line 9, delete the first comma

Page 25, line 11, before "within" insert "consistent with that authority and"

Page 25, line 16, delete everything after the period

Page 25, delete lines 17 and 18 and insert "This paragraph does not enlarge or diminish rights otherwise held under law by:

(1) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or

(2) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct."

Page 30, line 1, delete the comma

Page 30, line 4, before "within" insert "consistent with that authority and"

Page 30, line 8, delete everything after the semicolon

Page 30, delete line 9

Page 30, line 10, delete everything before the period and insert "this clause does not enlarge or diminish rights otherwise held under law by: (i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or (ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct"

Page 36, line 8, delete the comma

Page 36, line 11, before "within" insert "consistent with that authority and"

Page 36, line 15, delete everything after the semicolon

Page 36, delete lines 16 and 17

Page 36, line 18, delete "hydration" and insert "this clause does not enlarge or diminish rights otherwise held under law by: (i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or (ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct"

Page 38, line 6, delete the comma

Page 38, line 9, before "within" insert "consistent with that authority and"

Page 38, line 13, delete everything after the semicolon

Page 38, delete lines 14 and 15

Page 38, line 16, delete "hydration" and insert "this clause does not enlarge or diminish rights otherwise held under law by: (i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or (ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct"

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend S.F. No. 512 as follows:

Page 24, line 10, delete "and"

Page 24, line 12, before the period, insert "; and

(5) criminal abuse as defined in section 609.2325"

Page 24, line 35, after "contact" insert "or penetration"

Page 32, after line 13, insert:

"Sec. 24. [EFFECTIVE DATE.]

This article is effective October 1, 1995, except that sections 15 and 19 are effective July 1, 1995."

Page 35, line 36, after "contact" insert "or penetration"

Page 40, line 30, delete "August" and insert "October"

Page 43, line 7, delete everything after "245A"

Page 43, line 8, delete everything before the period

Page 43, line 15, delete "and"

Page 43, line 16, delete everything before the period

Page 43, line 24, delete "the procedures and criteria contained in" and delete the second "and"

Page 43, line 25, delete everything before the period

Page 43, line 33, delete everything after the period

Page 43, delete line 34

Page 43, line 35, delete everything before "The"

Page 45, line 29, before "department" insert "program or facility regulated by the"

Page 45, line 30, delete "program"

Page 45, line 31, delete "under Minnesota Rules,"

Page 45, line 32, delete everything before the comma and insert "for purposes of this chapter and section 144.057"

Page 48, line 6, after "disqualified" insert "under this chapter"

Page 48, line 11, delete "as defined in"

Page 48, line 12, delete everything before the period

Page 48, line 29, before "Any" insert "State agency hearings are available for: (1)"

Page 49, line 1, strike ", or" and insert "; (2)"

Page 49, line 2, strike ", or" and insert "; (3)"

Page 49, line 3, strike the comma and insert a semicolon and after "or" insert "(4)"

Page 49, line 7, delete the first comma and insert ". Individuals and organizations specified in this section" and strike "that" and insert "the specified"

Page 49, line 14, delete "section" and insert "clause (4)"

Page 49, line 15, delete "626.557"

Page 59, line 11, after the second "a" insert "program or facility governed by the"

Page 59, line 12, delete "program"

Page 59, after line 31, insert:

"Sec. 19. [EFFECTIVE DATE.]

This article is effective October 1, 1995."

Page 78, after line 29, insert:

"Sec. 23. [EFFECTIVE DATE.]

This article is effective October 1, 1995."

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. 512 as follows:

Page 38, line 36, delete everything after "section" and insert "is guilty of a gross misdemeanor."

Page 39, delete lines 1 to 8

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 43 and nays 18, as follows:

Those who voted in the affirmative were:

Beckman	Hanson	Kramer	Oliver	Samuelson
Belanger	Hottinger	Kroening	Olson	Scheevel
Berg	Janezich	Lesewski	Ourada	Solon
Bertram	Johnson, D.E.	Lessard	Pariseau	Stevens
Chandler	Johnson, D.J.	Limmer	Price	Stumpf
Chmielewski	Johnston	Mondale	Riveness	Terwilliger
Cohen	Kiscaden	Murphy	Robertson	Vickerman
Day	Kleis	Neuville	Runbeck	
Frederickson	Knutson	Novak	Sams	

Those who voted in the negative were:

Anderson	Flynn	Marty	Morse	Spear
Berglin	Kelly	Merriam	Pappas	Wiener
Betzold	Krentz	Metzen	Ranum	
Finn	Laidig	Moe, R.D.	Reichgott Junge	

The motion prevailed. So the amendment was adopted.

Mr. Spear moved to amend S.F. No. 512 as follows:

Pages 37 to 39, delete section 4 and insert:

"Sec. 4. [609.233] [CRIMINAL NEGLECT.]

A caregiver or operator who intentionally neglects a vulnerable adult or knowingly permits conditions to exist that result in the abuse or neglect of a vulnerable adult is guilty of a gross misdemeanor. For purposes of this section, "abuse" has the meaning given in section 626.5572, subdivision 2, and "neglect" means a failure to provide a vulnerable adult with necessary food, clothing, shelter, health care, or supervision."

Page 40, delete section 8

Page 67, lines 19 and 20, reinstate the stricken language and insert a semicolon

Page 69, line 16, after "sections" insert "609.224, subdivision 2, paragraph (c)," and reinstate the stricken language and delete "609.224, subdivision 2, paragraph (c)"

Page 71, lines 5 to 7, reinstate the stricken language and insert a comma

Page 73, line 9, reinstate the stricken language and insert a semicolon

Page 76, line 29, reinstate the stricken "609.23," and reinstate the stricken "609.231" and insert a comma

Page 77, line 2, reinstate the stricken "609.23" and after the stricken "or" insert a comma

Page 77, line 3, reinstate the stricken "609.231" and insert a comma

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Ranum moved to amend S.F. No. 512 as follows:

Page 25, line 27, after the period, insert "This paragraph does not enlarge or diminish rights otherwise held under law by a person, including an involved family member or caregiver, to act on behalf of a vulnerable adult in selecting and depending upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care."

Page 30, line 19, after the semicolon, insert "this paragraph does not enlarge or diminish rights otherwise held under law by a person, including an involved family member or caregiver, to act on behalf of a vulnerable adult in selecting and depending upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care;"

Page 36, line 25, after the semicolon, insert "this paragraph does not enlarge or diminish rights otherwise held under law by a person, including an involved family member or caregiver, to act on behalf of a vulnerable adult in selecting and depending upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care;"

Page 38, line 23, after the semicolon, insert "this paragraph does not enlarge or diminish rights otherwise held under law by a person, including an involved family member or caregiver, to act on behalf of a vulnerable adult in selecting and depending upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 9 and nays 52, as follows:

Those who voted in the affirmative were:

Anderson	Chandler	Hottinger	Ranum	Wiener
Berglin	Flynn	Merriam	Reichgott Junge	

Those who voted in the negative were:

Beckman	Janezich	Laidig	Neuville	Samuelson
Belanger	Johnson, D.E.	Langseth	Oliver	Scheevel
Berg	Johnson, D.J.	Lesewski	Olson	Solon
Bertram	Johnson, J.B.	Lessard	Ourada	Spear
Betzold	Johnston	Limmer	Pappas	Stevens
Chmielewski	Kiscaden	Marty	Pariseau	Stumpf
Cohen	Kleis	Metzen	Price	Terwilliger
Day	Knutson	Moe, R.D.	Riveness	Vickerman
Finn	Kramer	Mondale	Robertson	
Frederickson	Krentz	Morse	Runbeck	
Hanson	Kroening	Murphy	Sams	

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

Ms. Lesewski moved to amend S.F. No. 512 as follows:

Page 26, line 5, delete "or domestic partner"

Page 30, line 29, delete "or domestic partner"

Page 36, line 36, delete "or domestic partner"

Page 38, line 34, delete "or domestic partner"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Lesewski	Ourada	Stevens
Berg	Johnson, D.E.	Lessard	Pariseau	Vickerman
Bertram	Johnston	Limmer	Runbeck	
Chmielewski	Kleis	Neuville	Sams	
Day	Knutson	Oliver	Samuelson	
Frederickson	Kramer	Olson	Scheevel	

Those who voted in the negative were:

Anderson	Finn	Johnson, J.B.	Langseth	Mondale
Berglin	Flynn	Kelly	Marty	Morse
Betzold	Hottinger	Kiscaden	Merriam	Murphy
Chandler	Janezich	Krentz	Metzen	Pappas
Cohen	Johnson, D.J.	Laidig	Moe, R.D.	Pogemiller

Price
RanumReichgott Junge
RivenessRobertson
SolonSpear
StumpfTerwilliger
Wiener

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

Mr. Ourada moved to amend S.F. No. 512 as follows:

Page 25, line 32, delete the colon

Page 25, line 33, delete the paragraph coding and delete "(1)"

Page 25, line 35, delete "; or"

Page 25, delete line 36

Page 26, delete line 1

Page 26, line 2, delete everything before the period

Page 30, line 22, delete ": (i)"

Page 30, line 25, delete everything after "relationship"

Page 30, delete line 26

Page 30, line 27, delete everything before the period

Page 36, line 29, delete ": (i)"

Page 36, line 32, delete everything after "relationship"

Page 36, delete line 33

Page 36, line 34, delete everything before the period

Page 38, line 27, delete ": (i)"

Page 38, line 30, delete everything after "relationship"

Page 38, delete line 31

Page 38, line 32, delete everything before the period

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 36, as follows:

Those who voted in the affirmative were:

Belanger
Bertram
Chmielewski
Frederickson
HansonJohnston
Kleis
Knutson
Kramer
LesewskiLessard
Limmer
Neuville
Oliver
OlsonOurada
Pariseau
Runbeck
Samuelson
ScheevelStevens
Vickerman

Those who voted in the negative were:

Anderson
Berg
Berglin
Betzold
Chandler
Cohen
Finn
FlynnHottinger
Janezich
Johnson, D.E.
Johnson, J.B.
Kelly
Krentz
Kroening
LaidigLangseth
Marty
Merriam
Metzen
Moe, R.D.
Mondale
Morse
MurphyPappas
Pogemiller
Price
Ranum
Reichgott Junge
Riveness
Robertson
SamsSpear
Stumpf
Terwilliger
Wiener

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

Mr. Neuville moved to amend S.F. No. 512 as follows:

Page 6, line 23, after "to" insert "fully"

The motion prevailed. So the amendment was adopted.

Mr. Neuville then moved to amend S.F. No. 512 as follows:

Page 33, line 6, after "who" insert "is an individual and who"

The motion prevailed. So the amendment was adopted.

Mr. Spear moved to amend the first Neuville amendment to S.F. No. 512 as follows:

Page 1, line 2, delete "to" and insert "comply"

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

Mr. Neuville moved to amend S.F. No. 512 as follows:

Page 6, line 36, after "comply" insert "fully"

The motion prevailed. So the amendment was adopted.

S.F. No. 579, which the committee recommends to pass, subject to the following motions:

Mr. Chandler moved to amend S.F. No. 579 as follows:

Page 6, line 4, delete everything after "organizations"

Page 6, delete lines 5 and 6 and insert "as that term is defined by section 317A.011, subdivision 18."

Mr. Hottinger moved to amend the Chandler amendment to S.F. No. 579 as follows:

Page 1, line 4, after the period, insert "The related organization shall be required to disclose the total compensation of its five highest paid directors, officers, and employees only if the related organization receives funds from the charitable organization in excess of total payments made by the related organization to the charitable organization."

The question was taken on the adoption of the Hottinger amendment to the Chandler amendment.

The roll was called, and there were yeas 43 and nays 14, as follows:

Those who voted in the affirmative were:

Beckman	Hottinger	Laidig	Olson	Scheevel
Belanger	Johnson, D.E.	Langseth	Ourada	Solon
Berg	Johnson, J.B.	Lesewski	Pariseau	Stevens
Bertram	Johnston	Lessard	Price	Stumpf
Chmielewski	Kelly	Metzen	Reichgott Junge	Terwilliger
Day	Kiscaden	Moe, R.D.	Riveness	Vickerman
Dille	Kleis	Murphy	Robertson	Wiener
Flynn	Knutson	Neuville	Runbeck	
Frederickson	Kramer	Oliver	Sams	

Those who voted in the negative were:

Anderson	Cohen	Limmer	Mondale	Pogemiller
Berglin	Finn	Marty	Morse	Spear
Chandler	Krentz	Merriam	Pappas	

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

Mr. Chandler withdrew his amendment.

Mr. Hottinger moved to amend S.F. No. 579 as follows:

Page 6, line 4, delete everything after "organizations"

Page 6, delete lines 5 and 6 and insert "as that term is defined by section 317A.011, subdivision 18. The related organization shall be required to disclose the total compensation of its five highest paid directors, officers, and employees only if the related organization receives funds from the charitable organization in excess of total payments made by the related organization to the charitable organization."

The motion prevailed. So the amendment was adopted.

Mr. Kramer moved to amend S.F. No. 579 as follows:

Page 11, delete section 16

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 16 and nays 37, as follows:

Those who voted in the affirmative were:

Dille	Kleis	Limmer	Olson	Runbeck
Johnson, D.E.	Knutson	Neuville	Ourada	Scheevel
Johnston	Kramer	Oliver	Pariseau	Stevens
Kiscaden				

Those who voted in the negative were:

Anderson	Finn	Laidig	Morse	Solon
Beckman	Frederickson	Langseth	Murphy	Spear
Berg	Hottinger	Lessard	Pappas	Stumpf
Berglin	Janezich	Marty	Pogemiller	Vickerman
Bertram	Johnson, J.B.	Merriam	Price	Wiener
Chandler	Kelly	Metzen	Reichgott Junge	
Cohen	Krentz	Moe, R.D.	Riveness	
Day	Kroening	Mondale	Sams	

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

S.F. No. 558, which the committee recommends to pass with the following amendment offered by Mr. Sams:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 325F.76, is amended by adding a subdivision to read:

Subd. 2a. [DISPLAY ALLOWANCE.] "Display allowance" means any credit, payment of money, or value given to a seller of cigarettes, smokeless tobacco products, cigars, pipe tobacco, or other tobacco products in exchange for the seller's agreement to display or place the tobacco products in any prescribed manner, format, or location.

Sec. 2. [325F.775] [DISPLAY ALLOWANCES PROHIBITED.]

No manufacturer or distributor of cigarettes or other tobacco products may directly or indirectly pay or give any display allowance to a retail seller of cigarettes or other tobacco products.

Sec. 3. Minnesota Statutes 1994, section 325F.78, is amended to read:

325F.78 [REMEDIES.]

The attorney general may institute a civil action in the name of the state of Minnesota in the district court for an injunction prohibiting any violation of section 325F.77 or 325F.775. The court, upon notice to the defendant of not less than five days, and upon proof that defendant has engaged in the practice prohibited by section 325F.77 or 325F.775, may enjoin the future commission of the practice. The court may impose a civil penalty in an amount not to exceed

\$5,000 for each violation. The attorney general may recover costs and disbursements, including costs of investigation and reasonable attorneys fees.

Sec. 4. Minnesota Statutes 1994, section 461.12, is amended to read:

461.12 [MUNICIPAL CIGARETTE TOBACCO LICENSE.]

Subdivision 1. [AUTHORIZATION.] The A town board or the governing body of each town and a home rule charter and or statutory city may license and regulate the retail sale at retail of cigarettes, cigarette paper, or cigarette wrappers tobacco and fix the establish a license fee for sales. The town or city may charge a uniform annual fee for all sellers or different annual fees for different classes of sellers. It may provide for the punishment of any violation of the regulations, and make other provisions for the regulation of the sale of cigarettes within its jurisdiction as are permitted by law. The county board may make like provisions for licensing and regulating the sale of cigarettes in shall license and regulate the sale of tobacco in unorganized territory of the county and in a town or a home rule charter or statutory city if the town or city does not license or regulate retail tobacco sales. The provisions of this section shall not apply to the licensing of sale of cigarettes in cars of common carriers.

Subd. 2. [LICENSEES; PENALTIES.] Except where a local ordinance has been enacted, if a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of 18 years, the licensee shall be subject to an administrative penalty of \$100. An administrative penalty of \$200 shall be imposed for a second violation at the same location within 24 months of the initial violation. If a third violation occurs at the same location within 24 months of the initial violation, the licensee's authority to sell tobacco at that location shall be suspended for not more than seven days. Additional violations at the same location that occur within 24 months of the initial violation shall be subject to the penalty described for a third violation. No suspension or penalty may take effect until the licensee has been given reasonable notice of a hearing before the licensing authority. The licensing authority may reduce or waive the penalty or suspension if it finds that the person who made the sale participated in a training program as specified in section 461.17. A decision on a violation must be in writing and based on the record compiled at the hearing. A decision may be appealed to the district court in the county in which the sale occurred.

Subd. 3. [ADMINISTRATIVE PENALTY; INDIVIDUALS.] Except where a local ordinance has been enacted, the local government unit shall impose on any individual who sells tobacco to a person under the age of 18 years an administrative penalty of not less than \$50 and on any individual under 18 who attempts to purchase, purchases, or possesses tobacco, an administrative penalty of not less than \$50. Before the penalty may be imposed, the individual must be given reasonable notice of an alleged violation and afforded an opportunity for a hearing before the governing body of a home rule charter or statutory city, the town board, or the county board. A decision that a violation has occurred must be in writing and based on the record compiled at the hearing. A decision may be appealed to the district court in the county where the sale, purchase, or possession occurred.

Subd. 4. [DEFENSE.] It is a defense to the charge of selling tobacco to a person under the age of 18 years in violation of subdivision 2 or 3, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in section 340A.503, subdivision 6, paragraph (a).

Subd. 5. [EFFECT ON LOCAL ORDINANCE.] Nothing in this section preempts a local ordinance that provides for penalties against licensees, employees, and other individuals, or that otherwise provides for more restrictive regulation of retail tobacco sales.

Sec. 5. [461.16] [TOBACCO SALES LOCATIONS; INSPECTIONS, REPORTS.]

Each statutory or home rule charter city and, in those areas of each county outside of the cities, the county, shall coordinate random, unannounced inspections at least once every two years at all locations where tobacco products are sold to test compliance with section 609.685 and to conform with the requirements of federal law. The inspections shall be performed by local units of government. A person no younger than 15 and no older than 17 shall assist in the tests of compliance only under the supervision of a law officer or an employee of the licensing department of a city or county, and only with the written consent of a parent. Each city or county which

performs compliance checks shall report results to the commissioner of human services. The commissioner shall annually submit the report required by United States Code, title 42, section 300x-26, and otherwise ensure the state's compliance with that law and any regulations adopted to implement it.

Sec. 6. [461.17] [TOBACCO PRODUCT SALESPERSONS; TRAINING.]

Subdivision 1. [TRAINING PROGRAM.] The employer at each retail location where tobacco products are sold shall conduct a training program of at least 30 minutes in length for employees who sell tobacco products at the location that instructs them about the law, the related penalties, and the employer's policy with regard to tobacco sales. The employer shall maintain a written record of training provided to each employee and the record shall be made available to inspectors on demand. If an inspection at any location discloses a violation of section 609.685, notice shall be given to the employer, and the employees shall be retrained as provided by this section.

Subd. 2. [SIGNAGE.] Each licensee shall display on the premises at each location where tobacco products are sold, language stating that the sale of tobacco to persons under age 18 is prohibited by law.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective January 1, 1996."

The motion prevailed. So the amendment was adopted.

S.F. No. 1170, which the committee recommends to pass with the following amendment offered by Ms. Johnston:

Page 21, line 28, after the period, insert "A government agency or local unit of government need sign and certify only the title page or first page of a document described in this subdivision."

The motion prevailed. So the amendment was adopted.

H.F. No. 1478, which the committee recommends to pass with the following amendments offered by Messrs. Dille and Hottinger:

Mr. Dille moved to amend H.F. No. 1478, as amended pursuant to Rule 49, adopted by the Senate April 21, 1995, as follows:

(The text of the amended House File is identical to S.F. No. 1159.)

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 1994, section 17.138, is amended by adding a subdivision to read:

Subd. 3. [BEST MANAGEMENT PRACTICES.] The commissioner of the pollution control agency, in consultation with the commissioner and the feedlot and manure management advisory committee, shall develop voluntary best management practices for odor control at feedlots.

Sec. 3. Minnesota Statutes 1994, section 35.82, subdivision 2, is amended to read:

Subd. 2. [DISPOSITION OF CARCASSES.] (a) Except as provided in subdivision 1b and paragraph (d), every person owning or controlling any domestic animal that has died or been killed otherwise than by being slaughtered for human or animal consumption, shall as soon as reasonably possible bury the carcass at least three feet deep in the ground or thoroughly burn it or dispose of it by another method approved by the board as being effective for the protection of public health and the control of livestock diseases. The board, through its executive secretary, may issue permits to owners of rendering plants located in Minnesota which are operated and conducted as required by law, to transport carcasses of domestic animals and fowl that have died, or have been killed otherwise than by being slaughtered for human or animal consumption, over the public highways to their plants for rendering purposes in accordance with the rules adopted by the board relative to transportation, rendering, and other provisions the board considers necessary to prevent the spread of disease. The board may issue permits to owners of rendering plants located in an adjacent state with which a reciprocal agreement is in effect under subdivision 3.

(b) Carcasses collected by rendering plants under permit may be used for pet food or mink food if the owner or operator meets the requirements of subdivision 1b.

(c) An authorized employee or agent of the board may enter private or public property and inspect the carcass of any domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption. Failure to dispose of the carcass of any domestic animal within the period specified by this subdivision is a public nuisance. The board may petition the district court of the county in which a carcass is located for a writ requiring the abatement of the public nuisance. A civil action commenced under this paragraph does not preclude a criminal prosecution under this section. No person may sell, offer to sell, give away, or convey along a public road or on land the person does not own, the carcass of a domestic animal when the animal died or was killed other than by being slaughtered for human or animal consumption unless it is done with a special permit pursuant to this section. The carcass or parts of a domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption may be transported along a public road for a medical or scientific purpose if the carcass is enclosed in a leakproof container to prevent spillage or the dripping of liquid waste. The board may adopt rules relative to the transportation of the carcass of any domestic animal for a medical or scientific purpose. A carcass on a public thoroughfare may be transported for burial or other disposition in accordance with this section.

No person who owns or controls diseased animals shall negligently or willfully permit them to escape from that control or to run at large.

(d) A sheep producer may compost sheep carcasses owned by the producer on the producer's land without a permit and is exempt from compost facility specifications contained in rules of the board.

(e) The board shall develop best management practices for dead animal disposal and the pollution control agency feedlot division shall publish them for distribution to livestock producers in the state.

Sec. 4. Minnesota Statutes 1994, section 115.55, subdivision 2, is amended to read:

Subd. 2. [LOCAL ORDINANCES.] (a) Any ordinance adopted by a local unit of government to regulate individual sewage treatment systems must be in compliance with the individual sewage treatment system rules by January 1, ~~1996~~ 1998.

(b) A copy of each ordinance adopted under this subdivision must be submitted to the commissioner upon adoption.

Sec. 5. Minnesota Statutes 1994, section 115.56, subdivision 2, is amended to read:

Subd. 2. [LICENSE REQUIRED.] (a) Except as provided in paragraph (b), after March 31, 1996, a person may not design, install, maintain, pump, or inspect an individual sewage treatment system without a license issued by the commissioner.

(b) A license is not required for a person who complies with the applicable requirements if the person is:

(1) a qualified employee of state or local government who has passed the examination described in paragraph (d) or a similar examination;

(2) an individual who constructs an individual sewage treatment system on land that is owned or leased by the individual and functions solely as the individual's dwelling or seasonal dwelling;
or

(3) a farmer who pumps and disposes of sewage waste from individual sewage treatment systems, holding tanks, and privies on land that is owned or leased by the farmer; or

(4) an individual who performs labor or services for a person licensed under this section in connection with the design, installation, maintenance, pumping, or inspection of an individual sewage treatment system at the direction and under the personal supervision of a person licensed under this section.

A person constructing an individual sewage treatment system under clause (2) must consult with a site evaluator or designer before beginning construction. In addition, the system must be inspected before being covered and a compliance report must be provided to the local unit of government after the inspection.

(c) The commissioner, in conjunction with the University of Minnesota extension service or another higher education institution, shall ensure adequate training exists for individual sewage treatment system professionals.

(d) The commissioner shall conduct examinations to test the knowledge of applicants for licensing and shall issue documentation of licensing.

(e) Licenses may be issued only upon successful completion of the required examination and submission of proof of sufficient experience, proof of general liability insurance, and a corporate surety bond in the amount of at least \$10,000.

(f) Notwithstanding paragraph (e), the examination and proof of experience are not required for an individual sewage treatment system professional who, on the effective date of the rules adopted under subdivision 1, holds a certification attained by examination and experience under a voluntary certification program administered by the agency.

(g) Local units of government may not require additional local licenses for individual sewage treatment system professionals."

Page 4, after line 19, insert:

"Sec. 7. Minnesota Statutes 1994, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

(1) the distribution to applicants of forms provided by the pollution control agency;

(2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board, issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board is final, subject to appeal as provided in chapter 14.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the Soil Conservation Service and the Agricultural Stabilization and Conservation Service, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. A feedlot permit is not required for livestock feedlots with less than 50 animal units. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "providing for development of best management practices for feedlots; changing requirements for animal feedlot permits and sewage treatment system licenses; allowing composting of sheep carcasses;"

Page 1, line 6, before "and" insert "17.138, by adding a subdivision; 35.82, subdivision 2; 115.55, subdivision 2; 115.56, subdivision 2;"

Page 1, line 7, delete "subdivision 4" and insert "subdivisions 4 and 7"

The motion prevailed. So the amendment was adopted.

Mr. Hottinger moved to amend H.F. No. 1478, as amended pursuant to Rule 49, adopted by the Senate April 21, 1995, as follows:

(The text of the amended House File is identical to S.F. No. 1159.)

Page 1, after line 8, insert:

"ARTICLE 1"

Page 4, after line 19, insert:

"ARTICLE 2"

Section 1. Minnesota Statutes 1994, section 3.842, subdivision 2, is amended to read:

Subd. 2. [JURISDICTION.] The jurisdiction of the commission includes all rules as defined in section 14.02, subdivision 4. The commission also has jurisdiction of rules which are filed with the secretary of state in accordance with ~~section~~ sections 14.38, subdivisions 5, 6, 7, 8, 9, and 11 ~~or were filed with the secretary of state in accordance with the provisions of section 14.38, subdivisions 5 to 9, which were in effect on the date the rules were filed;~~ 14.386; and 14.388.

The commission may periodically review statutory exemptions to the rulemaking provisions of this chapter.

Sec. 2. Minnesota Statutes 1994, section 3.842, subdivision 4, is amended to read:

Subd. 4. [SUSPENSIONS.] (a) The commission may, on any of the grounds listed in paragraph (b) and on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of section 3.844 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is not enacted in that year's session, the rule is effective upon adjournment of the session unless the agency has repealed it. If the bill is enacted, the rule is repealed.

(b) A rule suspension under paragraph (a) must be based on one or more of the following reasons:

- (1) an absence of statutory authority;
- (2) an emergency relating to public health, safety, or welfare;
- (3) a failure to comply with legislative intent;
- (4) a conflict with state law;
- (5) a change in circumstances since enactment of the earliest law upon which the rule is based;
- (6) arbitrariness and capriciousness, or imposition of an undue hardship.

(c) This section authorizes the commission to suspend a rule only when the vote to suspend is taken, and the effective date of the suspension occurs, at a time when the legislature could not enact a bill to repeal the rule.

Sec. 3. Minnesota Statutes 1994, section 3.842, is amended by adding a subdivision to read:

Subd. 4a. [OBJECTIONS TO RULES.] (a) If the legislative commission to review administrative rules objects to all or some portion of a rule because the commission considers it to be beyond the procedural or substantive authority delegated to the agency, including a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), the commission may file that objection in the office of the secretary of state. The filed objection must contain a concise statement of the commission's reasons for its action. An objection to a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), may not be filed before the rule is adopted.

(b) The secretary of state shall affix to each objection a certification of the date and time of its filing and as soon after the objection is filed as practicable shall transmit a certified copy of it to the agency issuing the rule in question and the revisor of statutes. The secretary of state shall also maintain a permanent register open to public inspection of all objections by the commission.

(c) The legislative commission to review administrative rules shall publish and index an objection filed under this section in the next issue of the State Register. The revisor of statutes shall indicate its existence adjacent to the rule in question when that rule is published in Minnesota Rules.

(d) Within 14 days after the filing of an objection by the commission to a rule, the issuing agency shall respond in writing to the commission. After receipt of the response, the commission may withdraw or modify its objection.

(e) After the filing of an objection by the commission that is not subsequently withdrawn, the burden is upon the agency in any proceeding for judicial review or for enforcement of the rule to establish that the whole or portion of the rule objected to is valid.

(f) The failure of the commission to object to a rule is not an implied legislative authorization of its validity.

(g) Pursuant to sections 14.44 and 14.45, the commission may petition for a declaratory judgment to determine the validity of any rule objected to by the commission.

This action must be started within two years after an objection is filed in the office of the secretary of state.

(h) The commission may intervene in litigation arising from agency action. For purposes of this paragraph, agency action means the whole or part of a rule, or the failure to issue a rule.

Sec. 4. Minnesota Statutes 1994, section 4A.05, subdivision 2, is amended to read:

Subd. 2. [FEES.] The director shall set fees under section ~~16A.128, subdivision 2,~~ 16A.1285 reflecting the actual costs of providing the center's information products and services to clients.

Fees collected must be deposited in the state treasury and credited to the land management information center revolving account. Money in the account is appropriated to the director for operation of the land management information system, including the cost of services, supplies, materials, labor, and equipment, as well as the portion of the general support costs and statewide indirect costs of the office that is attributable to the land management information system. The director may require a state agency to make an advance payment to the revolving fund sufficient to cover the agency's estimated obligation for a period of 60 days or more. If the revolving fund is abolished or liquidated, the total net profit from operations must be distributed to the funds from which purchases were made. The amount to be distributed to each fund must bear to the net profit the same ratio as the total purchases from each fund bear to the total purchases from all the funds during a period of time that fairly reflects the amount of net profit each fund is entitled to receive under this distribution.

Sec. 5. Minnesota Statutes 1994, section 14.04, is amended to read:

14.04 [AGENCY ORGANIZATION; GUIDEBOOK.]

To assist interested persons dealing with it, each agency shall, in a manner prescribed by the commissioner of administration, prepare a description of its organization, stating the ~~process whereby~~ general course and method of its operations and where and how the public may obtain information or make submissions or requests. The commissioner of administration shall publish these descriptions at least once every four years commencing in 1981 in a guidebook of state agencies. Notice of the publication of the guidebook shall be published in the State Register and given in newsletters, newspapers, or other publications, or through other means of communication.

Sec. 6. Minnesota Statutes 1994, section 14.05, subdivision 2, is amended to read:

Subd. 2. [AUTHORITY TO MODIFY PROPOSED RULE.] (a) An agency may modify a proposed rule in accordance with the procedures of the administrative procedure act. However, an agency may not modify a proposed rule so that it is substantially different from the proposed rule in the notice of intent to adopt rules or notice of hearing.

(b) A modification does not make a proposed rule substantially different if:

(1) the differences are within the scope of the matter announced in the notice of intent to adopt or notice of hearing and are in character with the issues raised in that notice;

(2) the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice; and

(3) the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question.

(c) In determining whether the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question the following factors must be considered:

(1) the extent to which persons who will be affected by the rule should have understood that the rulemaking proceeding on which it is based could affect their interests;

(2) the extent to which the subject matter of the rule or issues determined by the rule are different from the subject matter or issues contained in the notice of intent to adopt or notice of hearing; and

(3) the extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of intent to adopt or notice of hearing.

Sec. 7. Minnesota Statutes 1994, section 14.05, is amended by adding a subdivision to read:

Subd. 5. [REVIEW AND REPEAL OF RULES.] By December 1 of each year, an agency shall submit a list of all the rules of the agency to the governor, the legislative commission to review administrative rules, and the revisor of statutes. The list must identify any rules that are obsolete and should be repealed. The list must also include an explanation of why the rule is obsolete and the agency's timetable for repeal.

Sec. 8. Minnesota Statutes 1994, section 14.06, is amended to read:

14.06 [REQUIRED RULES.]

(a) Each agency shall adopt rules, in the form prescribed by the revisor of statutes, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public.

(b) Upon the request of any person, and as soon as feasible and to the extent practicable, each agency shall adopt rules to supersede those principles of law or policy lawfully declared by the agency as the basis for its decisions in particular cases it intends to rely on as precedents in future cases. This paragraph does not apply to the public utilities commission.

Sec. 9. Minnesota Statutes 1994, section 14.08, is amended to read:

14.08 [~~REVISOR OF STATUTES~~ APPROVAL OF RULE AND RULE FORM; COSTS.]

(a) Two copies of a rule adopted pursuant to ~~the provisions of section 14.26 or 14.32~~ shall be submitted by the agency to the ~~attorney-general~~ chief administrative law judge. The ~~attorney-general~~ chief administrative law judge shall send one copy of the rule to the revisor on the same day as it is submitted by the agency under section 14.26 ~~or 14.32~~. Within five days after receipt of the rule, excluding weekends and holidays, the revisor shall either return the rule with a certificate of approval of the form of the rule to the ~~attorney-general~~ chief administrative law judge or notify the ~~attorney-general~~ chief administrative law judge and the agency that the form of the rule will not be approved.

If the ~~attorney-general~~ chief administrative law judge disapproves a rule, the agency may modify it and the agency shall submit two copies of the modified rule to the ~~attorney-general~~ chief administrative law judge who shall send a copy to the revisor for approval as to form as described in this paragraph.

(b) One copy of a rule adopted after a public hearing shall be submitted by the agency to the revisor for approval of the form of the rule. Within five working days after receipt of the rule, the revisor shall either return the rule with a certificate of approval to the agency or notify the agency that the form of the rule will not be approved.

(c) If the revisor refuses to approve the form of the rule, the revisor's notice shall revise the rule so it is in the correct form.

(d) The ~~attorney-general~~ chief administrative law judge shall assess an agency for the ~~attorney-general's~~ actual cost of processing rules under this section. ~~The agency shall pay the attorney-general's assessments using the procedures of section 8.15.~~ Each agency shall include in its budget money to pay the ~~attorney-general's~~ assessments. Receipts from the assessment must be deposited in the ~~state treasury and credited to the general fund~~ administrative hearings account created in section 14.54.

Sec. 10. Minnesota Statutes 1994, section 14.09, is amended to read:

14.09 [PETITION FOR ADOPTION OF RULE.]

Any ~~interested~~ person may petition an agency requesting the adoption, ~~suspension~~, amendment, or repeal of any rule. The petition shall be specific as to what action is requested and the need for the action. Upon receiving a petition an agency shall have 60 days in which to make a specific and detailed reply in writing as to its planned disposition of the request and the reasons for its planned disposition of the request. If the agency states its intention to hold a public hearing on the subject of the request, it shall proceed according to sections 14.05 to 14.36 ~~14.28~~. The ~~attorney-general~~ chief administrative law judge shall prescribe by rule the form for all petitions under this section and may prescribe further procedures for their submission, consideration, and disposition.

Sec. 11. [14.101] [ADVICE ON POSSIBLE RULES.]

Subdivision 1. [REQUIRED NOTICE.] In addition to seeking information by other methods

designed to reach persons or classes of persons who might be affected by the proposal, an agency, before publication of a notice of intent to adopt or a notice of hearing, shall solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by causing notice to be published in the State Register. The notice must include a description of the subject matter of the proposal, the types of groups and individuals likely to be affected, and indicate where, when, and how persons may comment on the proposal and whether and how drafts of any proposal may be obtained from the agency.

Subd. 2. [ADVISORY COMMITTEES.] Each agency may also appoint committees to comment, before publication of a notice of intent to adopt or a notice of hearing, on the subject matter of a possible rulemaking under active consideration within the agency. The membership of those committees must be published at least annually in the State Register.

Subd. 3. [EFFECT OF GOOD FAITH COMPLIANCE.] If an agency has made a good faith effort to comply with this section, a rule may not be invalidated on the grounds that the contents of this notice are insufficient or inaccurate.

Sec. 12. [14.125] [TIME LIMIT ON AUTHORITY TO ADOPT, AMEND, OR REPEAL RULES.]

An agency shall publish a notice of intent to adopt rules or a notice of hearing within 18 months of the effective date of the law authorizing or requiring rules to be adopted, amended, or repealed. If the notice is not published within the time limit imposed by this section, the authority for the rules expires. The agency shall not use other law in existence at the time of the expiration of rulemaking authority under this section as authority to adopt, amend, or repeal these rules.

An agency that publishes a notice of intent to adopt rules or a notice of hearing within the time limit specified in this section may subsequently amend or repeal the rules without additional legislative authorization.

Sec. 13. Minnesota Statutes 1994, section 14.131, is amended to read:

14.131 [STATEMENT OF NEED AND REASONABLENESS.]

Before the agency orders the publication of a rulemaking notice required by section 14.14, subdivision 1a, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness of the rule ~~and a fiscal note if required by section 3.982.~~ The statement of need and reasonableness must be prepared under rules adopted by the chief administrative law judge, and must include the following to the extent the agency, through reasonable effort, can ascertain this information:

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;

(5) the probable costs of complying with the proposed rule; and

(6) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

For rules setting, adjusting, or establishing regulatory, licensure, or other charges for goods and services, the statement of need and reasonableness must include the comments and recommendations of the commissioner of finance and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285.

The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

The agency shall send a copy of the statement of need and reasonableness to the legislative commission to review administrative rules when it becomes available for public review.

Sec. 14. Minnesota Statutes 1994, section 14.14, subdivision 1a, is amended to read:

Subd. 1a. [NOTICE OF RULE HEARING.] (a) Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule ~~hearings~~ proceedings. The agency may inquire as to whether those persons on the list wish to maintain their names thereon and may remove names for which there is a negative reply or no reply within 60 days. The agency shall, at least 30 days prior to the date set for the hearing, give notice of its intention to adopt rules by United States mail to all persons on its list, and by publication in the State Register. The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency. Each agency may, at its own discretion, also contact persons not on its list ~~and may give~~ who may be affected by the rule being proposed. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be affected by the rule being proposed by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. The notice in the State Register must include the proposed rule or an amended rule in the form required by the revisor under section 14.07, together with a citation to the most specific statutory authority for the proposed rule, a statement of the place, date, and time of the public hearing, a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that a rule has been adopted, and other information as required by law or rule. When an entire rule is proposed to be repealed, the agency need only publish that fact, giving the citation to the rule to be repealed in the notice.

(b) The legislative commission to review administrative rules may authorize an agency to omit from the notice of rule hearing the text of any proposed rule, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient if:

- (1) knowledge of the rule is likely to be important to only a small class of persons;
- (2) the notice of rule hearing states that a free copy of the entire rule is available upon request to the agency; and
- (3) the notice of rule hearing states in detail the specific subject matter of the omitted rule, cites the statutory authority for the proposed rule, and details the proposed rule's purpose and motivation.

Sec. 15. Minnesota Statutes 1994, section 14.15, subdivision 3, is amended to read:

Subd. 3. [FINDING OF SUBSTANTIAL ~~CHANGE~~ DIFFERENCE.] If the report contains a finding that a rule has been modified in a way which makes it substantially different, as determined under section 14.05, subdivision 2, from that which was originally proposed, or that the agency has not met the requirements of sections 14.131 to 14.18, it shall be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves the finding of the administrative law judge, the chief administrative law judge shall advise the agency and the revisor of statutes of actions which will correct the defects. The agency shall not adopt the rule until the chief administrative law judge determines that the defects have been corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.

Sec. 16. Minnesota Statutes 1994, section 14.15, subdivision 4, is amended to read:

Subd. 4. [NEED OR REASONABLENESS NOT ESTABLISHED.] If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the

proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to ~~delay adoption longer~~ wait for the commission's advice for more than 30 60 days after the commission has received the agency's submission. ~~Advice of the commission shall not be binding on the agency.~~

Sec. 17. Minnesota Statutes 1994, section 14.16, subdivision 1, is amended to read:

Subdivision 1. [REVIEW OF MODIFICATIONS.] If the report of the administrative law judge finds no defects, the agency may proceed to adopt the rule. After receipt of the administrative law judge's report, if the agency makes any modifications to the rule other than those recommended by the administrative law judge, it must return the rule to the chief administrative law judge for a review on the issue of ~~substantial change~~ whether the rule as modified is substantially different, as determined under section 14.05, subdivision 2, from the rule as originally proposed. If the chief administrative law judge determines that the modified rule is substantially different from that which was originally proposed, the chief administrative law judge shall advise the agency of actions which will correct the defects. The agency shall not adopt the modified rule until the chief administrative law judge determines that the defects have been corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.

The agency shall give notice to all persons who requested to be informed that the rule has been adopted and filed with the secretary of state. This notice shall be given on the same day that the rule is filed.

Sec. 18. Minnesota Statutes 1994, section 14.18, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] A rule is effective after it has been subjected to all requirements described in sections 14.131 to 14.20 and five working days after the notice of adoption is published in the State Register unless a later date is required by law or specified in the rule. If the rule adopted is the same as the proposed rule, publication may be made by publishing notice in the State Register that the rule has been adopted as proposed and by citing the prior publication. If the rule adopted differs from the proposed rule, the portions of the adopted rule which differ from the proposed rule shall be included in the notice of adoption together with a citation to the prior State Register publication of the remainder of the proposed rule. The nature of the modifications must be clear to a reasonable person when the notice of adoption is considered together with the State Register publication of the proposed rule, except that modifications may also be made which comply with the form requirements of section 14.07, subdivision 7.

If the agency omitted from the notice of proposed rule adoption the text of the proposed rule, as permitted by section 14.14, subdivision 1a, paragraph (b), the legislative commission to review administrative rules may provide that the notice of the adopted rule need not include the text of any changes from the proposed rule. However, the notice of adoption must state in detail the substance of the changes made from the proposed rule, and must state that a free copy of that portion of the adopted rule that was the subject of the rulemaking proceeding, not including any material adopted by reference as permitted by section 14.07, is available upon request to the agency.

Sec. 19. Minnesota Statutes 1994, section 14.19, is amended to read:

14.19 [DEADLINE TO COMPLETE RULEMAKING.]

The agency shall, within 180 days after issuance of the administrative law judge's report, submit its notice of adoption, amendment, ~~suspension~~, or repeal to the State Register for publication. If the agency has not submitted its notice to the State Register within 180 days, the rule is automatically withdrawn. The agency shall not adopt the withdrawn rules without again following the procedures of sections 14.05 to 14.36. It shall report to the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor its failure to adopt rules and the reasons for that failure. The 180-day time limit of this section does not include any days used for review by the chief administrative law judge, ~~the attorney general~~, or the legislative commission to review administrative rules if the review is required by law.

Sec. 20. Minnesota Statutes 1994, section 14.22, subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] (a) Unless an agency proceeds directly to a public hearing on a proposed rule and gives the notice prescribed in section 14.14, subdivision 1a, the agency shall give notice of its intention to adopt a rule without public hearing. The notice shall be given by publication in the State Register and by United States mail to persons who have registered their names with the agency pursuant to section 14.14, subdivision 1a. The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency. Each agency may, at its own discretion, also contact persons not on its list who may be affected by the rule being proposed. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be affected by the rule by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. The notice in the State Register shall include the proposed rule or the amended rule in the form required by the revisor under section 14.07, and a citation to the most specific statutory authority for the proposed rule, a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that a rule has been submitted to the chief administrative law judge, and other information as required by law or rule. When an entire rule is proposed to be repealed, the notice need only state that fact, giving the citation to the rule to be repealed in the notice. The notice shall include a statement advising the public:

(1) that they have 30 days in which to submit comment in support of or in opposition to the proposed rule and that comment is encouraged;

(2) that each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed;

(3) that if 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held;

(4) of the manner in which persons shall request a public hearing on the proposed rule;

~~(5) that the name and address of the person requesting a public hearing shall be stated of the requirements contained in section 14.25 relating to a written request for a public hearing, and that the requester is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and propose any change proposed desired;~~

(6) that the proposed rule may be modified if the modifications are supported by the data and views submitted; and

(7) that if a hearing is not required, notice of the date of submission of the proposed rule to the ~~attorney general~~ chief administrative law judge for review will be mailed to any person requesting to receive the notice.

In connection with the statements required in clauses (1) and (3), the notice must also include the date on which the 30-day comment period ends.

(b) The legislative commission to review administrative rules may authorize an agency to omit from the notice of intent to adopt the text of any proposed rule, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient if:

(1) knowledge of the rule is likely to be important to only a small class of persons;

(2) the notice of intent to adopt states that a free copy of the entire rule is available upon request to the agency; and

(3) the notice of intent to adopt states in detail the specific subject matter of the omitted rule, cites the statutory authority for the proposed rule, and details the proposed rule's purpose and motivation.

Sec. 21. Minnesota Statutes 1994, section 14.23, is amended to read:

14.23 [STATEMENT OF NEED AND REASONABLENESS.]

Before the date of the section 14.22 notice, the agency shall prepare a statement of need and

reasonableness which shall be available to the public. The statement of need and reasonableness must include the analysis required in section 14.131 and the comments and recommendations of the commissioner of finance, and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285. The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rules or must explain why these efforts were not made. For at least 30 days following the notice, the agency shall afford all interested persons the public an opportunity to request a public hearing and to submit data and views on the proposed rule in writing.

The agency shall send a copy of the statement of need and reasonableness to the legislative commission to review administrative rules when it becomes available to the public.

Sec. 22. Minnesota Statutes 1994, section 14.24, is amended to read:

14.24 [MODIFICATIONS OF PROPOSED RULE.]

The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a ~~substantial change~~ substantially different rule, as determined under section 14.05, subdivision 2, from the rule as originally proposed. An agency may adopt a substantially different rule after satisfying the rule requirements for the adoption of a substantially different rule.

Sec. 23. Minnesota Statutes 1994, section 14.25, is amended to read:

14.25 [PUBLIC HEARING ~~REQUIRED~~.]

Subdivision 1. [REQUESTS FOR HEARING.] If, during the 30-day period allowed for comment, 25 or more persons submit to the agency a written request for a public hearing of the proposed rule, the agency shall proceed under the provisions of sections 14.14 to 14.20. The written request must include: (1) the name and address of the person requesting the public hearing; and (2) the portion or portions of the rule to which the person objects or a statement that the person opposes the entire rule. A notice of the public hearing must be published in the State Register and mailed to those persons who submitted a written request for the public hearing. Unless the agency has modified the proposed rule, the notice need not include the text of the proposed rule but only a citation to the State Register pages where the text appears.

A written request for a public hearing that does not comply with the requirements of this section is invalid and must not be counted by the agency for purposes of determining whether a public hearing must be held.

Subd. 2. [WITHDRAWAL OF HEARING REQUESTS.] If a request for a public hearing has been withdrawn, the agency must give written notice of that fact to all persons who have requested the public hearing. The notice must explain why the request is being withdrawn, and must include a description of any action the agency has taken or will take that affected or may have affected the decision to withdraw the request. The notice must also invite persons to submit written comments to the agency relating to the withdrawal. The notice and any written comments received by the agency is part of the rulemaking record submitted to the administrative law judge under section 14.14 or 14.26. The administrative law judge shall review the notice and any comments received and determine whether the withdrawal is consistent with section 14.001, clauses (2), (4), and (5).

This subdivision applies only to a withdrawal of a hearing request that affects whether a public hearing must be held and only if the agency has taken any action to obtain the withdrawal of the hearing request.

Sec. 24. Minnesota Statutes 1994, section 14.26, is amended to read:

14.26 [ADOPTION OF PROPOSED RULE; SUBMISSION TO ATTORNEY GENERAL ADMINISTRATIVE LAW JUDGE.]

Subdivision 1. [SUBMISSION.] If no hearing is required, the agency shall submit to the ~~attorney general~~ an administrative law judge assigned by the chief administrative law judge the proposed rule and notice as published, the rule as proposed for adoption, any written comments received by the agency, and a statement of need and reasonableness for the rule. The agency shall

give notice to all persons who requested to be informed that these materials have been submitted to the ~~attorney-general~~ administrative law judge. This notice shall be given on the same day that the record is submitted. If the proposed rule has been modified, the notice shall state that fact, and shall state that a free copy of the proposed rule, as modified, is available upon request from the agency. The rule and these materials shall be submitted to the ~~attorney-general~~ administrative law judge within 180 days of the day that the comment period for the rule is over or the rule is automatically withdrawn. The agency shall report its failure to adopt the rules and the reasons for that failure to the legislative commission to review administrative rules, other appropriate legislative committees, and the governor.

Subd. 2. [RESUBMISSION.] Even if the 180-day period expires while the ~~attorney-general~~ administrative law judge reviews the rule, if the ~~attorney-general~~ administrative law judge rejects the rule, the agency may resubmit it after taking corrective action. The resubmission must occur within 30 days of when the agency receives written notice of the disapproval. If the rule is again disapproved, the rule is withdrawn. An agency may resubmit at any time before the expiration of the 180-day period. If the agency withholds some of the proposed rule, it may not adopt the withheld portion without again following the procedures of sections 14.14 to 14.28, ~~or 14.29 to 14.36.~~

Subd. 3. [REVIEW.] (a) The ~~attorney-general~~ administrative law judge shall, within 14 days, approve or disapprove the rule as to its legality and its form to the extent the form relates to legality, including the ~~issue~~ issues of ~~substantial change~~ whether the rule if modified is substantially different, as determined under section 14.05, subdivision 2, from the rule as originally proposed, and ~~determine~~ whether the agency has the authority to adopt the rule, and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rule within 14 days. If the rule is approved, the ~~attorney-general~~ administrative law judge shall promptly file two copies of it in the office of the secretary of state. The secretary of state shall forward one copy of each rule to the revisor of statutes. If the rule is disapproved, the ~~attorney-general~~ administrative law judge shall state in writing the reasons and make recommendations to overcome the deficiencies, and ~~defects.~~

(b) The written disapproval must be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves of the findings of the administrative law judge, the chief administrative law judge shall send the statement of the reasons for disapproval of the rule to the agency, the legislative commission to review administrative rules, and the revisor of statutes and advise the agency and the revisor of statutes of actions that will correct the defects. The rule shall not be filed in the office of the secretary of state, nor published until the ~~deficiencies~~ chief administrative law judge determines that the defects have been ~~overcome~~ corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule. ~~The attorney-general shall send a statement of reasons for disapproval of the rule to the agency, the chief administrative law judge, the legislative commission to review administrative rules, and to the revisor of statutes.~~

(c) If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to wait for the commission's advice for more than 60 days after the commission has received the agency's submission.

(d) The ~~attorney-general~~ administrative law judge shall disregard any error or defect in the proceeding due to the agency's failure to satisfy any procedural requirements imposed by law or rule if the ~~attorney-general~~ administrative law judge finds:

(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or

(2) that the agency has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Subd. 4. [COSTS.] The ~~attorney-general~~ office of administrative hearings shall assess an agency for the actual cost of processing rules under this section. ~~The agency shall pay the attorney general's assessments using the procedures of section 8.15.~~ Each agency shall include in its budget money to pay the ~~attorney-general's~~ assessment. Receipts from the assessment must be deposited in the ~~state treasury and credited to the general fund~~ administrative hearings account created in section 14.54.

Sec. 25. Minnesota Statutes 1994, section 14.365, is amended to read:

14.365 [OFFICIAL RULEMAKING RECORD.]

The agency shall maintain the official rulemaking record for every rule adopted pursuant to sections 14.05 to 14.36 14.28. The record shall be available for public inspection. The record required by this section constitutes the official and exclusive agency rulemaking record with respect to agency action on or judicial review of the rule. The record shall contain:

- (1) copies of all publications in the State Register pertaining to the rule;
- (2) all written petitions, requests, submissions, or comments received by the agency, or the administrative law judge, ~~or the attorney-general~~ pertaining to the rule;
- (3) the statement of need and reasonableness for the rule, if any;
- (4) the official transcript of the hearing if one was held, or the tape recording of the hearing if a transcript was not prepared;
- (5) the report of the administrative law judge, if any;
- (6) the rule in the form last submitted to the administrative law judge under sections 14.14 to 14.20 or first submitted to the ~~attorney-general~~ administrative law judge under sections 14.22 to 14.28;
- (7) the ~~attorney-general's~~ administrative law judge's written statement of required modifications and of approval or disapproval by the chief administrative law judge, if any;
- (8) any documents required by applicable rules of the office of administrative hearings ~~or of the attorney-general~~;
- (9) the agency's order adopting the rule;
- (10) the revisor's certificate approving the form of the rule; and
- (11) a copy of the adopted rule as filed with the secretary of state.

Sec. 26. [14.366] [PUBLIC RULEMAKING DOCKET.]

- (a) Each agency shall maintain a current, public rulemaking docket.
- (b) The rulemaking docket must contain a listing of the precise subject matter of each possible proposed rule currently under active consideration within the agency for proposal, the name and address of agency personnel with whom persons may communicate with respect to the matter, and an indication of its present status within the agency.
- (c) The rulemaking docket must list each pending rulemaking proceeding. A rulemaking proceeding is pending from the time it is begun, by publication of the notice of solicitation, the notice of intent to adopt, or notice of hearing, to the time it is terminated, by publication of a notice of withdrawal or the rule becoming effective. For each rulemaking proceeding, the docket must indicate:

- (1) the subject matter of the proposed rule;
- (2) a citation to all published notices relating to the proceeding;
- (3) where written comments on the proposed rule may be inspected;

- (4) the time during which written comments may be made;
- (5) the names of persons who have made written requests for a public hearing, where those requests may be inspected, and where and when the hearing will be held;
- (6) the current status of the proposed rule and any agency determinations with respect to the rule;
- (7) any known timetable for agency decisions or other action in the proceeding;
- (8) the date of the rule's adoption;
- (9) the date the rule was filed with the secretary of state; and
- (10) when the rule will become effective.

Sec. 27. [14.386] [PROCEDURE FOR ADOPTING EXEMPT RULES; DURATION.]

(a) A rule adopted, amended, or repealed by an agency, under a statute authorizing or requiring rules to be adopted but excluded from the rulemaking provisions of chapter 14 or from the definition of a rule, has the force and effect of law only if:

- (1) the revisor of statutes approves the form of the rule by certificate;
- (2) the office of administrative hearings approves the rule as to its legality within 14 days after the agency submits it for approval and files two copies of the rule with the revisor's certificate in the office of the secretary of state; and

(3) a copy is published by the agency in the State Register.

(b) A rule adopted under this section is effective for a period of two years from the date of publication of the rule in the State Register. The authority for the rule expires at the end of this two-year period.

(c) The chief administrative law judge shall adopt rules relating to the rule approval duties imposed by this section and section 14.388, including rules establishing standards for review.

(d) This section does not apply to rules adopted, amended, or repealed under section 14.388.

This section also does not apply to:

- (1) rules implementing emergency powers pursuant to sections 12.31 to 12.37;
- (2) rules of agencies directly in the legislative or judicial branches;
- (3) rules of the regents of the University of Minnesota;
- (4) rules of the department of military affairs;
- (5) rules of the comprehensive health association provided in section 62E.10;
- (6) rules of the tax court provided by section 271.06;
- (7) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public;
- (8) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's control, and rules adopted under section 609.105 governing the inmates of those institutions;
- (9) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;
- (10) opinions of the attorney general;

(11) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;

(12) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932;

(13) the occupational safety and health standards provided in section 182.655;

(14) revenue notices and tax information bulletins of the commissioner of revenue;

(15) uniform conveyancing forms adopted by the commissioner of commerce under section 507.09;

(16) game and fish rules of the commissioner of natural resources adopted under section 84.027, subdivision 13, or sections 97A.0451 to 97A.0459; or

(17) experimental and special management waters designated by the commissioner of natural resources under sections 97C.001 and 97C.005.

Sec. 28. [14.387] [LEGAL STATUS OF EXISTING EXEMPT RULES.]

A rule adopted on or before the day following final enactment of this section, and which was not adopted under sections 14.05 to 14.36 or their predecessor provisions, does not have the force and effect of law on and after July 1, 1997, and the authority for the rule expires on that date.

This section does not apply to:

(1) rules implementing emergency powers under sections 12.31 to 12.37;

(2) rules of agencies directly in the legislative or judicial branches;

(3) rules of the regents of the University of Minnesota;

(4) rules of the department of military affairs;

(5) rules of the comprehensive health association provided in section 62E.10;

(6) rules of the tax court provided by section 271.06;

(7) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public;

(8) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's control, and rules adopted under section 609.105 governing the inmates of those institutions;

(9) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;

(10) opinions of the attorney general;

(11) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;

(12) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932;

(13) the occupational safety and health standards provided in section 182.655;

(14) revenue notices and tax information bulletins of the commissioner of revenue;

(15) uniform conveyancing forms adopted by the commissioner of commerce under section 507.09;

(16) game and fish rules of the commissioner of natural resources adopted under section 84.027, subdivision 13, or sections 97A.0451 to 97A.0459; or

(17) experimental and special management waters designated by the commissioner of natural resources under sections 97C.001 and 97C.005.

Sec. 29. [14.388] [GOOD CAUSE EXEMPTION.]

If an agency for good cause finds that the rulemaking provisions of this chapter are unnecessary, impracticable, or contrary to the public interest when adopting, amending, or repealing a rule to:

(1) address a serious and immediate threat to the public health, safety, or welfare;

(2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with sections 14.14 to 14.28;

(3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required; or

(4) make changes that do not alter the sense, meaning, or effect of a rule,

the agency may adopt, amend, or repeal the rule after satisfying the requirements of section 14.386, paragraph (a), clauses (1) to (3). The agency shall incorporate its findings and a brief statement of its supporting reasons in its order adopting, amending, or repealing the rule.

In review of the rule under section 14.386, the office of administrative hearings shall determine whether the agency has provided adequate justification for its use of this section.

Rules adopted, amended, or repealed under clauses (1) and (2) are effective for a period of two years from the date of publication of the rule in the State Register.

Rules adopted, amended, or repealed under clause (3) or (4) are effective upon publication in the State Register.

Sec. 30. Minnesota Statutes 1994, section 14.48, is amended to read:

14.48 [CREATION OF OFFICE OF ADMINISTRATIVE HEARINGS; CHIEF ADMINISTRATIVE LAW JUDGE APPOINTED; OTHER ADMINISTRATIVE LAW JUDGES APPOINTED.]

A state office of administrative hearings is created. The office shall be under the direction of a chief administrative law judge who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. Senate confirmation of the chief administrative law judge shall be as provided by section 15.066. The chief administrative law judge may hear cases and shall appoint additional administrative law judges and compensation judges to serve in the office as necessary to fulfill the duties prescribed in ~~sections 14.48 to 14.56~~ chapters 14 and chapter 176. The chief administrative law judge may delegate to a subordinate employee the exercise of a specified statutory power or duty as deemed advisable, subject to the control of the chief administrative law judge. Every delegation must be by written order filed with the secretary of state. All administrative law judges and compensation judges shall be in the classified service except that the chief administrative law judge shall be in the unclassified service, but may be removed only for cause. All administrative law judges shall have demonstrated knowledge of administrative procedures and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner. All workers' compensation judges shall be learned in the law, shall have demonstrated knowledge of workers' compensation laws and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.

Sec. 31. Minnesota Statutes 1994, section 14.51, is amended to read:

14.51 [PROCEDURAL RULES FOR HEARINGS.]

The chief administrative law judge shall adopt rules to govern: (1) the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings, contested case hearings, and workers' compensation hearings, and to govern the conduct of voluntary mediation sessions for rulemaking and contested cases other than those within the jurisdiction of the bureau of mediation services. ~~Temporary rulemaking authority is granted to the chief administrative law judge for the purpose of implementing Laws 1981, chapter 346, sections 2 to 6, 103 to 122, 127 to 135, and 141; and~~ (2) the review of rules adopted without a public hearing. The procedural rules ~~for hearings~~ shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules ~~for hearings~~ shall include in addition to normal procedural matters provisions relating to ~~recessing and reconvening new hearings~~ the procedure to be followed when the proposed final rule of an agency is substantially different, as determined under section 14.05, subdivision 2, from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief administrative law judge ~~to determine whether or not a new hearing is required because~~ on the issue of substantial changes whether the proposed final rule of the agency is substantially different than that which was proposed or failure of the agency to meet the requirements of sections 14.131 to 14.18 chapter 14. The rules must also provide: (1) an expedited procedure, consistent with section 14.001, clauses (1) to (5), for the adoption of substantially different rules by agencies; and (2) a procedure to allow an agency to receive prior binding approval of its plan regarding the additional notice contemplated under sections 14.101, 14.131, 14.14, 14.22, and 14.23. Upon the chief administrative law judge's own initiative or upon written request of an interested party, the chief administrative law judge may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Sec. 32. Minnesota Statutes 1994, section 16A.1285, subdivision 2, is amended to read:

Subd. 2. [POLICY.] Unless otherwise provided by law, specific charges falling within definitions stipulated in subdivision 1 must be set ~~in the manner prescribed in this subdivision provided that: (1) agencies, when setting, adjusting, or authorizing any charge for goods or services that are of direct, immediate, and primary benefit to an individual, business, or other nonstate entity, shall set the charges at a level that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services; or (2) that agencies, when setting, adjusting, or establishing regulatory, licensure, or other charges that are levied, in whole or in part, in the public interest shall recover, but are not limited to, the costs involved in performance and administration of the functions involved.~~

In setting, adjusting, or authorizing charges that in whole or in part recover previously unrecovered costs, recovery is limited to those unrecovered costs incurred during the two fiscal years immediately preceding the setting, adjustment, or authorization.

Sec. 33. Minnesota Statutes 1994, section 16A.1285, subdivision 4, is amended to read:

Subd. 4. [RULEMAKING.] (a) Unless otherwise exempted or unless specifically set by law, all charges for goods and services, licenses, and regulation must be established or adjusted as provided in chapter 14; except that agencies may establish or adjust individual the following kinds of charges when:

(1) charges for goods and services ~~are~~ provided for the direct and primary use of a private individual, business, or other similar entity;

(2) ~~charges are~~ nonrecurring charges;

(3) charges that would produce insignificant revenues;

(4) charges ~~are~~ billed within or between state agencies; ~~or~~

(5) charges ~~are~~ for admissions to or for use of public facilities operated by the state, if the charges are set according to prevailing market conditions to recover operating costs.

~~(b) In addition to the exceptions in paragraph (a), agencies may adjust charges, with the approval of the commissioner of finance, if the; or~~

(6) proposed adjustments to charges that are within consumer price level (CPI) ranges stipulated by the commissioner of finance, ~~if the adjustments~~ and do not change the type or purpose of the item being adjusted.

~~(e) Any (b) Departmental earnings changes or adjustments authorized by the commissioner of finance or listed in paragraph (a), clause (1), (5), or (6), must be reported by the commissioner of finance to the chairs of the senate committee on finance and the house ways and means committee before August 1 November 30 of each year.~~

Sec. 34. Minnesota Statutes 1994, section 16A.1285, subdivision 5, is amended to read:

Subd. 5. [PROCEDURE.] The commissioner of finance shall review and comment on all departmental charges submitted ~~for approval~~ under chapter 14. The commissioner's comments and recommendations must be included in the statement of need and reasonableness and must address any fiscal and policy concerns raised during the review process.

Sec. 35. Minnesota Statutes 1994, section 17.84, is amended to read:

17.84 [DUTIES OF THE COMMISSIONER.]

Within 30 days of the receipt of the ~~notices~~ notice provided in section 17.82 ~~or 17.83~~, the commissioner shall review the agency's proposed action, shall negotiate with the agency, and shall recommend to the agency in writing the implementation either of the action as proposed or an alternative. In making recommendations, the commissioner shall follow the statement of policy contained in section 17.80. ~~If the proposed agency action is the adoption of a rule, the recommendation of the commissioner shall be made a part of the record in the rule hearing. If the agency receives no response from the commissioner within 30 days, it shall be deemed a recommendation that the agency take the action as proposed.~~

Sec. 36. Minnesota Statutes 1994, section 18E.03, subdivision 3, is amended to read:

Subd. 3. [DETERMINATION OF RESPONSE AND REIMBURSEMENT FEE.] (a) The commissioner shall determine the amount of the response and reimbursement fee under subdivision 4 after a public hearing, ~~but notwithstanding section 16A.128~~, based on:

- (1) the amount needed to maintain an unencumbered balance in the account of \$1,000,000;
- (2) the amount estimated to be needed for responses to incidents as provided in subdivision 2, clauses (1) and (2); and

- (3) the amount needed for payment and reimbursement under section 18E.04.

(b) The commissioner shall determine the response and reimbursement fee so that the total balance in the account does not exceed \$5,000,000.

(c) Money from the response and reimbursement fee shall be deposited in the treasury and credited to the agricultural chemical response and reimbursement account.

Sec. 37. Minnesota Statutes 1994, section 43A.04, is amended by adding a subdivision to read:

Subd. 11. [TRAINING FOR AGENCY RULEMAKING STAFF.] The commissioner, in cooperation with the office of administrative hearings, the attorney general, the revisor of statutes, and experienced agency rulemaking staff, shall provide training to agency staff involved in rulemaking, including information about the availability of mediators through the office of administrative hearings.

The commissioner may charge agency staff a registration fee for attending this training. The fee must be set at a level that permits the commissioner to recover the costs, excluding costs of staff time for staff positions funded through general fund appropriations, of providing this training.

The office of administrative hearings, the attorney general, agencies involved in providing this training, and the revisor of statutes shall not assess the commissioner for the cost of staff time to conduct the training provided under this subdivision.

Sec. 38. Minnesota Statutes 1994, section 62N.05, is amended by adding a subdivision to read:

Subd. 4. [RECOVERY OF COSTS.] The provisions of section 16A.1285, subdivision 2, limiting recovery of costs to the two fiscal years immediately preceding the setting, adjustment, or authorization of fees do not apply to fees charged to entities licensed under this chapter. This subdivision expires June 30, 1999.

Sec. 39. Minnesota Statutes 1994, section 84.027, is amended by adding a subdivision to read:

Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game, to prohibit or allow taking of wild animals to protect a species, and to prohibit or allow importation, transportation, or possession of a wild animal; and

(2) sections 84.093, 84.14, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas.

Clause (2) does not limit or supersede the commissioner's authority to establish opening dates, days, and hours of the wild rice harvesting season under section 84.14, subdivision 3.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the legislative commission to review administrative rules, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

Sec. 40. [97A.0451] [AUTHORITY FOR USE OF EMERGENCY RULES PROCEDURE; EXPIRATION OF AUTHORITY.]

Subdivision 1. [WHEN TO USE EMERGENCY RULEMAKING.] When the commissioner is directed by statute, federal law, or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for compliance with sections 14.14 to 14.28, or if the commissioner is

expressly required or authorized by statute to adopt emergency rules, the commissioner shall adopt emergency rules in accordance with sections 97A.0451 to 97A.0459.

Subd. 2. [180-DAY TIME LIMIT.] Unless the commissioner is directed by federal law or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for compliance with sections 14.14 to 14.28, the commissioner may not adopt an emergency rule later than 180 days after the effective date of the statutory authority, except as provided in section 84.027, subdivision 13. If emergency rules are not adopted within the time allowed, the authority for the rules expires. The time limit of this section does not include any days used for review by the attorney general. If the 180-day period expires while the attorney general is reviewing the rule and the attorney general disapproves the rule, the commissioner may resubmit the rule to the attorney general after taking corrective action. The resubmission must occur within five working days after the commissioner receives written notice of disapproval. If the rule is again disapproved by the attorney general, it is withdrawn.

Sec. 41. [97A.0452] [NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULE.]

The proposed emergency rule must be published with a notice of intent to adopt emergency rules in the State Register, and the same notice must be mailed to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The notice must include a statement advising the public that a free copy of the proposed rule is available on request from the commissioner and that notice of the date of submission of the proposed emergency rule to the attorney general will be mailed to any person requesting to receive the notice. For at least 25 days after publication the commissioner shall afford all interested persons an opportunity to submit data and views on the proposed emergency rule in writing. The notice must also include the date on which the 25-day comment period ends.

Sec. 42. [97A.0453] [NOTICE TO COMMITTEES FOR FEES FIXED BY RULE.]

Before the commissioner submits notice to the State Register of intent to adopt emergency rules that establish or adjust fees, the commissioner shall comply with section 16A.128, subdivision 2a.

Sec. 43. [97A.0454] [MODIFICATIONS OF PROPOSED EMERGENCY RULE.]

The proposed emergency rule may be modified if the modifications are supported by the data and views submitted to the commissioner.

Sec. 44. [97A.0455] [SUBMISSION OF PROPOSED EMERGENCY RULE TO ATTORNEY GENERAL.]

Subdivision 1. [SUBMISSION.] The commissioner shall submit to the attorney general the proposed emergency rule as published, with any modifications. On the same day that it is submitted, the commissioner shall mail notice of the submission to all persons who requested to be informed that the proposed emergency rule has been submitted to the attorney general. If the proposed emergency rule has been modified, the notice must state that fact, and must state that a free copy of the proposed emergency rule, as modified, is available upon request from the commissioner.

Subd. 2. [REVIEW.] The attorney general shall review the proposed emergency rule as to its legality, review its form to the extent the form relates to legality, and shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the commissioner. The attorney general shall send a statement of reasons for disapproval of the rule to the commissioner, the chief administrative law judge, the legislative commission to review administrative rules, and to the revisor of statutes.

The attorney general shall disregard any error or defect in the proceeding due to the commissioner's failure to satisfy any procedural requirement imposed by law or rule if the attorney general finds:

- (1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or
- (2) that the commissioner has taken corrective action to cure the error or defect so that the

failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Subd. 3. [COSTS.] The attorney general shall assess the commissioner for the actual cost of processing rules under this section. The commissioner shall include in the department's budget money to pay the attorney general's assessment. Receipts from the assessment must be deposited in the state treasury and credited to the general fund.

Sec. 45. [97A.0456] [EFFECTIVE DATE OF EMERGENCY RULE.]

The emergency rule takes effect five working days after approval by the attorney general. The attorney general shall file two copies of the approved emergency rule with the secretary of state. The secretary of state shall forward one copy of each approved and filed emergency rule to the revisor of statutes. Failure of the attorney general to approve or disapprove a proposed emergency rule within ten working days is approval.

Sec. 46. [97A.0457] [PUBLICATION OF APPROVAL.]

As soon as practicable, notice of the attorney general's decision must be published in the State Register and the adopted rule must be published in the manner as provided for adopted rules in section 14.18.

Sec. 47. [97A.0458] [EFFECTIVE PERIOD OF EMERGENCY RULE.]

Emergency rules adopted under sections 97A.0451 to 97A.0459 shall be effective for the period stated in the notice of intent to adopt emergency rules which may not be longer than 180 days. The emergency rules may be continued in effect for an additional period of up to 180 days if the commissioner gives notice of continuation by publishing notice in the State Register and mailing the same notice to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The continuation is not effective until these notices have been mailed. No emergency rule may remain in effect on a date 361 days after its original effective date. The emergency rules may not be continued in effect after 360 days without following the procedure of sections 14.14 to 14.28.

Sec. 48. [97A.0459] [APPROVAL OF FORM OF EMERGENCY RULE.]

No approved emergency rule shall be filed with the secretary of state or published in the State Register unless the revisor of statutes has certified that the emergency rule's form is approved.

Sec. 49. Minnesota Statutes 1994, section 116.07, subdivision 4d, is amended to read:

Subd. 4d. [PERMIT FEES.] (a) The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon applications for agency permits and implementing and enforcing the conditions of the permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The agency shall adopt rules under section 16A.128 establishing the amounts and methods of collection of any permit fees collected under this subdivision. The fee schedule must reflect reasonable and routine permitting, implementation, and enforcement costs. The agency may impose an additional enforcement fee to be collected for a period of up to two years to cover the reasonable costs of implementing and enforcing the conditions of a permit under the rules of the agency. Any money collected under this paragraph shall be deposited in the special revenue account.

(b) Notwithstanding paragraph (a), ~~and section 16A.128, subdivision 1,~~ the agency shall collect an annual fee from the owner or operator of all stationary sources, emission facilities, emissions units, air contaminant treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage facilities subject to the requirement to obtain a permit under Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399 et seq., or section 116.081. The annual fee shall be used to pay for all direct and indirect reasonable costs, including attorney general costs, required to develop and administer the permit program requirements of Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399 et seq., and sections of this chapter and the rules adopted under this chapter related to air contamination and noise. Those costs include the reasonable costs of reviewing and acting upon an application for a

permit; implementing and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally applicable regulations; responding to federal guidance; modeling, analyses, and demonstrations; preparing inventories and tracking emissions; providing information to the public about these activities; and, after June 30, 1992, the costs of acid deposition monitoring currently assessed under section 116C.69, subdivision 3.

(c) The agency shall adopt fee rules in accordance with the procedures in section ~~16A.128, subdivisions 1a and 2a~~, 16A.1285 that will result in the collection, in the aggregate, from the sources listed in paragraph (b), of the following amounts:

(1) in fiscal years 1992 and 1993, the amount appropriated by the legislature from the air quality account in the environmental fund for the agency's air quality program;

(2) for fiscal year 1994 and thereafter, an amount not less than \$25 per ton of each volatile organic compound; pollutant regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national primary ambient air quality standard has been promulgated; and

(3) for fiscal year 1994 and thereafter, the agency fee rules may also result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (2) that is regulated under Minnesota Rules, chapter 7005, or for which a state primary ambient air quality standard has been adopted.

The agency must not include in the calculation of the aggregate amount to be collected under the fee rules any amount in excess of 4,000 tons per year of each air pollutant from a source.

(d) To cover the reasonable costs described in paragraph (b), the agency shall provide in the rules promulgated under paragraph (c) for an increase in the fee collected in each year beginning after fiscal year 1993 by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of the year the fee is collected exceeds the Consumer Price Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year. The revision of the Consumer Price Index that is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(e) Any money collected under paragraphs (b) to (d) must be deposited in an air quality account in the environmental fund and must be used solely for the activities listed in paragraph (b).

(f) Persons who wish to construct or expand an air emission facility may offer to reimburse the agency for the costs of staff overtime or consultant services needed to expedite permit review. The reimbursement shall be in addition to fees imposed by paragraphs (a) to (d). When the agency determines that it needs additional resources to review the permit application in an expedited manner, and that expediting the review would not disrupt air permitting program priorities, the agency may accept the reimbursement. Reimbursements accepted by the agency are appropriated to the agency for the purpose of reviewing the permit application. Reimbursement by a permit applicant shall precede and not be contingent upon issuance of a permit and shall not affect the agency's decision on whether to issue or deny a permit, what conditions are included in a permit, or the application of state and federal statutes and rules governing permit determinations.

Sec. 50. Minnesota Statutes 1994, section 144.98, subdivision 3, is amended to read:

Subd. 3. [FEES.] (a) An application for certification under subdivision 1 must be accompanied by the annual fee specified in this subdivision. The fees are for:

(1) base certification fee, \$250; and

(2) test category certification fees:

Test Category	Certification Fee
Bacteriology	\$100
Inorganic chemistry, fewer than four constituents	\$ 50

Inorganic chemistry, four or more constituents	\$150
Chemistry metals, fewer than four constituents	\$100
Chemistry metals, four or more constituents	\$250
Volatile organic compounds	\$300
Other organic compounds	\$300

(b) The total annual certification fee is the base fee plus the applicable test category fees. The annual certification fee for a contract laboratory is 1.5 times the total certification fee.

(c) Laboratories located outside of this state that require an on-site survey will be assessed an additional \$1,200 fee.

(d) The commissioner of health may adjust fees under section ~~16A.128, subdivision 2~~ 16A.1285 without rulemaking. Fees must be set so that the total fees support the laboratory certification program. Direct costs of the certification service include program administration, inspections, the agency's general support costs, and attorney general costs attributable to the fee function.

Sec. 51. Minnesota Statutes 1994, section 221.0335, is amended to read:

221.0335 [HAZARDOUS MATERIALS TRANSPORTATION REGISTRATION; FEES.]

A person required to file a registration statement under section 106(c) of the federal Hazardous Materials Transportation Safety Act of 1990 may not transport a hazardous material unless the person files an annual hazardous materials registration statement with the commissioner and pays a fee. The commissioner shall adopt rules to implement this section, including administration of the registration program and establishing registration fees. A fee may not exceed a person's annual registration fee under the federal act. Fees must be set in accordance with section ~~16A.128, subdivision 1a,~~ 16A.1285 to cover the costs of administering and enforcing this section and the costs of hazardous materials incident response capability under sections 299A.48 to 299A.52 and 299K.095. All fees collected under this section must be deposited in the general fund.

Sec. 52. Minnesota Statutes 1994, section 326.2421, subdivision 3, is amended to read:

Subd. 3. [ALARM AND COMMUNICATION CONTRACTOR'S LICENSES.] No person may lay out, install, maintain, or repair alarm and communication systems, unless the person is licensed as an alarm and communication contractor under this subdivision, or is a licensed electrical contractor under section 326.242, subdivision 6, or is an employee of the contractor. The board of electricity shall issue an alarm and communication contractor's license to any individual, corporation, partnership, sole proprietorship, or other business entity that provides adequate proof that a bond and insurance in the amounts required by section 326.242, subdivision 6, have been obtained by the applicant. The board ~~may initially shall~~ set license fees ~~without rulemaking,~~ pursuant to section ~~16A.128~~ 16A.1285. Installation of alarm and communication systems are subject to inspection and inspection fees as provided in section 326.244, subdivision 1a.

Sec. 53. Minnesota Statutes 1994, section 341.10, is amended to read:

341.10 [LICENSE FEES.]

The board shall have authority to collect and require the payment of a license fee in an amount set by the board from the owners of franchises or licenses. ~~Notwithstanding section 16A.128, subdivision 1a,~~ The fee is not subject to approval by the commissioner of finance and need not recover all costs. The board shall require the payment of the fee at the time of the issuance of the license or franchise to the owner. The moneys so derived shall be collected by the board and paid to the state treasurer. The board shall have authority to license all boxers, managers, seconds, referees and judges and may require them to pay a license fee. All moneys collected by the board from such licenses shall be paid to the state treasurer.

Sec. 54. [APPROPRIATION.]

(a) \$35,000 is appropriated from the general fund to the administrative hearings account in Minnesota Statutes, section 14.54, for the purposes of section 55. The appropriation is available until spent and must be reimbursed to the general fund by June 30, 1997.

(b) The office of the attorney general shall transfer \$15,000 in fiscal year 1996 to the office of administrative hearings.

Sec. 55. [TRANSFER OF RULE REVIEW AUTHORITY.]

(a) The rule review duties of the office of the attorney general are transferred to the office of administrative hearings on January 1, 1996. Minnesota Statutes, section 15.039, does not apply to this transfer.

(b) Proposed rules for which a notice under Minnesota Statutes, section 14.22 or 14.30, has been published in the State Register before January 1, 1996, shall continue to be reviewed by the attorney general under the rule review authority transferred by this article and are governed by Minnesota Statutes 1994, chapter 14, and Minnesota Rules, chapter 2010.

(c) Except as otherwise provided in paragraph (b), Minnesota Rules, chapter 2010, shall be enforced by the office of administrative hearings until it is amended or repealed by that office.

Sec. 56. [REVISOR INSTRUCTION.]

The revisor of statutes shall correct or remove the references in Minnesota Statutes and Minnesota Rules to the statutory sections repealed in this article.

The revisor of statutes shall change the terms "office of attorney general," "attorney general," or similar terms to "office of administrative hearings," "chief administrative law judge," "administrative law judge," or similar terms in Minnesota Rules, chapter 2010, to reflect the intent of the legislature to transfer the attorney general's rule review functions in the manner provided in this article.

Sec. 57. [REPEALER.]

(a) Minnesota Statutes 1994, sections 3.846; 14.12; 14.1311; and 14.235, are repealed.

(b) Minnesota Statutes 1994, sections 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; and 14.36, are repealed.

(c) Minnesota Statutes 1994, sections 14.10, 14.11; 14.115; and 17.83, are repealed.

Sec. 58. [EFFECTIVE DATE.]

Sections 1 to 3; 5; 7; 8; 11; 16; 28; 35; 57, paragraph (c); and the rulemaking authority granted in sections 27 and 31 are effective the day following final enactment. Section 12 applies to laws authorizing or requiring rulemaking that are finally enacted after January 1, 1996. Section 32 is effective for costs incurred after June 30, 1995. Sections 4, 33, 34, 36, and 49 to 54 are effective July 1, 1995. The remainder of the article is effective January 1, 1996.

ARTICLE 3

Section 1. [REPEALER; DEPARTMENT OF AGRICULTURE.]

Minnesota Rules, parts 1540.0010, subparts 12, 18, 21, 22, and 24; 1540.0060; 1540.0070; 1540.0080; 1540.0100; 1540.0110; 1540.0120; 1540.0130; 1540.0140; 1540.0150; 1540.0160; 1540.0170; 1540.0180; 1540.0190; 1540.0200; 1540.0210; 1540.0220; 1540.0230; 1540.0240; 1540.0260; 1540.0320; 1540.0330; 1540.0340; 1540.0350; 1540.0370; 1540.0380; 1540.0390; 1540.0400; 1540.0410; 1540.0420; 1540.0440; 1540.0450; 1540.0460; 1540.0490; 1540.0500; 1540.0510; 1540.0520; 1540.0770; 1540.0780; 1540.0800; 1540.0810; 1540.0830; 1540.0880; 1540.0890; 1540.0900; 1540.0910; 1540.0920; 1540.0930; 1540.0940; 1540.0950; 1540.0960; 1540.0970; 1540.0980; 1540.0990; 1540.1000; 1540.1005; 1540.1010; 1540.1020; 1540.1030; 1540.1040; 1540.1050; 1540.1060; 1540.1070; 1540.1080; 1540.1090; 1540.1100; 1540.1110; 1540.1120; 1540.1130; 1540.1140; 1540.1150; 1540.1160; 1540.1170; 1540.1180; 1540.1190; 1540.1200; 1540.1210; 1540.1220; 1540.1230; 1540.1240; 1540.1250; 1540.1255; 1540.1260; 1540.1280; 1540.1290; 1540.1300; 1540.1310; 1540.1320; 1540.1330; 1540.1340; 1540.1350; 1540.1360; 1540.1380; 1540.1400; 1540.1410; 1540.1420; 1540.1430; 1540.1440; 1540.1450; 1540.1460; 1540.1470; 1540.1490; 1540.1500; 1540.1510; 1540.1520; 1540.1530; 1540.1540; 1540.1550; 1540.1560; 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; and 1540.4340, are repealed.

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

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

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

Minnesota Rules, part 4610.2210, is repealed.

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

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

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

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

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

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

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

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

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

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

ARTICLE 4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT REISSUANCE OF PERMIT.

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

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

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

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

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

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

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

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

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

Subp. 5. **Sale of aircraft.** When the dealer sells the aircraft, the selling price must be included in gross sales. The fact that the aircraft commercial use permit has not expired or that the dealer has reported and paid use tax on the aircraft has no effect on the taxability of the sale. The dealer must return the aircraft commercial use permit (unless previously returned) when the dealer files the sales and use tax return for the month in which the sale was made. No credit or refund is given for the \$20 fee originally paid.

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1076, which the committee recommends to pass, after the following motion:

Ms. Kiscaden moved to amend S.F. No. 1076 as follows:

Page 3, after line 26, insert:

"Sec. 8. Minnesota Statutes 1994, section 116C.771, is amended to read:

116C.771 [ADDITIONAL CASK LIMITATIONS.]

(a) Five casks may be filled and used at Prairie Island on May 11, 1994.

(b) An additional four casks may be filled and used at Prairie Island if ~~the environmental quality board determines that, by December 31, 1996, the public utility operating the Prairie Island plant has filed a license application with the United States Nuclear Regulatory Commission for a spent nuclear fuel storage facility off of Prairie Island in Goodhue county, is continuing to make a good faith effort to implement the site, and has constructed, contracted for construction and operation, or purchased installed capacity of 100 megawatts of wind power in addition to wind power under construction or contract on the effective date of this section.~~

(c)(1) An additional eight casks may be filled and placed at Prairie Island if the legislature has not revoked the authorization under clause (2) or the public utility has satisfied the wind power and biomass mandate requirements in sections 216B.2423, subdivision 1, clause (1), and 216B.2424, clause (1), ~~and the alternative site in Goodhue county is operational or under construction.~~ (2) ~~If the site is not under construction or operational or the wind mandates are not satisfied, the legislature may revoke the authorization for the additional eight casks by a law enacted prior to June 1, 1999.~~

(d) Except as provided under paragraph (e), dry cask storage capacity for high-level nuclear waste within the state may not be increased beyond the casks authorized by section 116C.77 or their equivalent storage capacity.

(e) This section does not prohibit a public utility from applying for or the public utilities commission from granting a certificate of need for dry cask storage to accommodate the decommissioning of a nuclear power plant within this state.

Sec. 9. Minnesota Statutes 1994, section 216C.051, subdivision 4, is amended to read:

Subd. 4. [RADIOACTIVE WASTE MANAGEMENT; FUTURE AND ECONOMIC ANALYSIS.] The legislative task force shall analyze the future of and the economic effects of the continued generation of electric power and radioactive waste at the Prairie Island nuclear power plant. The task force shall include in its report under subdivision 5, a specific discussion of:

(1) when radioactive waste will be removed from Prairie Island for permanent storage outside of the state, who will bear the costs of the future management of the radioactive waste generated by the Prairie Island nuclear generating plant; when that shift in responsibility is likely to occur; and to what extent utility ratepayers and shareholders and state taxpayers will be shielded from the costs to manage the waste in the future;

(2) the probability of an accident and the extent to which persons who may be at risk of personal injury or property damage due to foreseeable or unforeseeable catastrophic events that may allow the release of radioactivity from the nuclear power plant and associated activities could be fully compensated for the injuries or damage and by whom;

(3) a range of reasonable estimates of the costs to manage radioactive waste generated by the nuclear power plant under scenarios to be developed by the task force, ranging from monitoring the waste in the storage pool at Prairie Island to removal of waste from the state beginning in 1998 to permanent storage of the waste in the state; to the extent those costs will necessarily fall on present and future utility ratepayers and shareholders and state taxpayers, how to ensure they can be met without catastrophic disruption of the state's economy in the future; and whether funds should be set aside to ensure that present ratepayers pay the future costs of radioactive waste management based on volume of usage of electricity rather than on the rate structure of the utility;

(4) whether reprocessing and reuse of spent nuclear fuel generated by the Prairie Island nuclear generating plant is technically and economically feasible; if so, how to encourage development of reprocessing and reuse;

(5) whether emerging nuclear technologies, such as integral fast reactors, which can generate electricity without environmental damage while producing no or minimal radioactive waste, are economically feasible and practical electric energy alternatives in the foreseeable future and, if so, how to encourage and take advantage of such technologies;

(6) if the waste is likely to be removed from the state, whether technologies are likely to be economically feasible in the relatively near future for minimizing the handling of the waste and minimizing contamination of additional materials that will need special management prior to transport out of the state, including the availability of combination storage and transport containers; and

~~(7) if the waste is unlikely to be removed from the state or if waste will need to be indefinitely stored outside the power plants after decommissioning, whether sites for storage of the waste outside the structure of the Prairie Island power plant potentially can be found that minimize economic and social disruption, maximize environmental, health, and safety protection, minimize transportation distance, and place the burden of storage of the waste on those communities that enjoy the immediate economic benefits of the existence and operation of the power plants; if potential sites exist, what process should be used to identify and utilize them if necessary; the entity that is searching for an alternative site within the state for the disposal of spent nuclear fuel from the Prairie Island nuclear generating plant, is seeking permits for the site, or is constructing the site shall report progress on these activities every six months to the task force commencing January 1, 1995;~~

~~(8) factors to be used in siting a high-level radioactive waste management facility to include at least:~~

- ~~(i) the proximity of the site to residents and businesses;~~
- ~~(ii) the proximity of the site to surface waters;~~
- ~~(iii) the vulnerability of the site to tornadoes and other natural phenomena;~~
- ~~(iv) the benefits received and the costs incurred by the host and adjacent communities due to operation of the nuclear generating facility that produced the high-level radioactive waste to be managed at the proposed facility;~~
- ~~(v) the benefits received and costs incurred by the host and adjacent communities due to operation of the proposed waste management facility; and~~
- ~~(vi) the availability of transportation routes between the nuclear generating plant and the proposed waste management facility; and~~

~~(9) federal law related to the interstate transportation of high-level radioactive waste and how that law may operate in relation to an independent spent fuel storage installation located in the state.~~

Sec. 10. [REPEALER.]

Minnesota Statutes 1994, section 116C.80, is repealed."

Amend the title accordingly

Mr. Finn questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Ms. Kiscaden appealed the decision of the Chair.

The question was taken on "Shall the decision of the Chair be the judgment of the Senate?"

The roll was called, and there were yeas 34 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Kroening	Moe, R.D.	Samuelson
Beckman	Day	Laidig	Mondale	Solon
Berg	Finn	Langseth	Morse	Spear
Berglin	Frederickson	Lessard	Novak	Stumpf
Bertram	Hottinger	Marty	Price	Vickerman
Betzold	Johnson, J.B.	Merriam	Riveness	Wiener
Chandler	Kelly	Metzen	Sams	

Those who voted in the negative were:

Dille	Kleis	Lesewski	Oliver	Runbeck
Johnson, D.E.	Knutson	Limmer	Olson	Scheevel
Johnston	Kramer	Murphy	Ourada	Stevens
Kiscaden	Larson	Neuville	Pariseau	Terwilliger

The decision of the Chair was sustained.

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

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 358:

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.

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

Wolf; Olson, E. and Jennings have been appointed as such committee on the part of the House.

House File No. 358 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 4, 1995

Ms. Johnson, J.B. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 358, 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. 603:

H.F. No. 603: A bill for an act relating to taxation; making technical and administrative changes, corrections, and clarifications; amending Minnesota Statutes 1994, sections 270.47; 270.48; 270.485; 270.494; 270.50; 270.52; 270.53; 270.69, subdivision 10; 270B.03, subdivision 1; 270B.12, subdivision 2; 270B.14, subdivision 11; 272.121, subdivision 2; 273.11, subdivision 16; 273.1398, by adding a subdivision; 273.17, subdivision 2; 275.065, subdivision 6; 276.04, subdivision 2; 284.28, subdivision 2; 289A.18, subdivision 4; 289A.50, subdivision 1; 290.032, subdivisions 1 and 2; 290A.04, subdivisions 2h and 6; 295.50, subdivisions 1 and 4; 295.53, subdivisions 1 and 5; 295.55, by adding a subdivision; 295.57; 296.01, subdivision 34; 296.025, subdivision 1; 296.12, subdivisions 3 and 4; 297A.01, subdivision 3; 297E.02, subdivisions 1, 6, and 11; 297E.031, subdivision 1; 297E.13, subdivision 5; 298.75, subdivision 2; 325D.33, subdivision 4; 349.163, subdivision 5; 428A.01, subdivision 5; 428A.03, by adding a subdivision; 428A.05; 473.446, subdivision 1; and 473.711, subdivision 2; Laws 1994, chapter 587, article 1, section 27; repealing Minnesota Statutes 1994, sections 60A.15, subdivision 7; 270.49; 270.493; and 290A.04, subdivision 2i; Laws 1988, chapter 698, section 5; and Laws 1989, First Special Session chapter 1, article 7, section 9.

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

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

House File No. 603 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 4, 1995

Mr. Price moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 603, 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. 265:

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.

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

Dorn, Perl and Dehler have been appointed as such committee on the part of the House.

House File No. 265 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 4, 1995

Mr. Berg moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 265, 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Lesewski moved that her name be stricken as a co-author to S.F. No. 1076. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Merriam, for the Committee on Finance, introduced--

S.F. No. 1688: A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing sale of state bonds; requiring periodic reports on the status of authorized and outstanding state bonds; providing for cancellation of certain unused bond authorizations; appropriating money; amending Minnesota Statutes 1994, sections 16A.695, subdivisions 1, 2, 3, and by adding a subdivision; 124.431, subdivisions 2, 5, 6, 7, and 10; 124.494, subdivisions 2, 3, and 4; 446A.12, subdivision 1; Laws 1994, chapters 632, article 3, section 12; 643, sections 2, subdivision 15; 10, subdivision 10; 11, subdivisions 8, 10, and 13; 19, subdivision 8; 23, subdivisions 7 and 28; and 26, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Laws 1992, chapter 558, section 17.

Under the rules of the Senate, laid over one day.

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

S.F. No. 1689: A bill for an act relating to capital improvements; authorizing bonds and appropriating money to build an addition to the St. Louis County Heritage and Arts Center.

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

MEMBERS EXCUSED

Ms. Piper was excused from the Session of today. Ms. Berglin was excused from today's Session for brief periods of time. Mr. Stumpf was excused from the Session of today from 9:00 to 9:40 a.m. Mr. Limmer was excused from the Session of today from 9:00 to 9:47 a.m. and from 12:13 to 12:58 p.m. Mr. Dille and Ms. Wiener were excused from the Session of today from 9:00 to 9:55 a.m. Mr. Mondale was excused from the Session of today from 9:00 to 10:00 a.m. Ms. Pappas was excused from the Session of today from 10:00 to 10:45 a.m. and at 4:00 p.m. Mr. Riveness was excused from the Session of today from 9:00 to 10:55 a.m. Mr. Price was excused from the Session of today from 9:05 to 10:00 a.m. Ms. Johnson, J.B. was excused from the Session of today from 9:15 to 9:40 a.m. Mr. Larson was excused from the Session of today from 9:00 a.m. to 4:20 p.m. Mr. Novak was excused from the Session of today from 9:00 to 10:00 a.m. and from 2:45 to 4:30 p.m. Ms. Ranum was excused from the Session of today at 3:45 p.m. Mr. Beckman was excused from the Session of today from 3:30 to 4:00 p.m. Ms. Krentz was excused from the Session of today at 4:45 p.m. Mr. Terwilliger was excused from the Session of today from 9:15 to 10:15 a.m. and from 11:00 a.m. to 12:00 noon. Mr. Lessard was excused from the Session of today from 9:30 to 10:45 a.m. Mr. Moe, R.D. was excused from the Session of today from 11:55 a.m. to 1:05 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Friday, May 5, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

