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SEVENTY-SEVENTH SESSION
OF THE
LEGISLATURE

STATE OF MINNESOTA

1991

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STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 8, 1991

In accordance with the Constitution and the Laws of the State of Minnesota, the members-elect of the House of Representatives assembled in the Chamber of the House of Representatives in the Capitol in Saint Paul on Tuesday, the eighth day of January, 1991.

At the hour of twelve o'clock noon and pursuant to Minnesota Statutes 1990, Section 3.05, the Honorable Joan Anderson Growe, Secretary of State, called the members-elect to order and appointed the Honorable Elton R. Redalen from District 32B as Clerk pro tempore.

Prayer was offered by Monsignor James D. Habiger from the Minnesota Catholic Conference, Saint Paul, Minnesota.

The Clerk pro tempore called the roll by legislative district in numerical order and the following members-elect presented proof of their eligibility to be sworn in and seated as members of the House of Representatives:

District 1A	Jim Tunheim
District 1B	Wally Sparby
District 2A	Bernard L. "Bernie" Lieder
District 2B	Edgar Olson
District 3A	Irv Anderson
District 3B	Loren A. Solberg
District 4A	Bob Johnson
District 4B	Anthony G. (Tony) Kinkel
District 5A	Tom Rukavina
District 5B	Jerry R. Janezich
District 6A	David P. Battaglia
District 6B	Joseph R. Begich
District 7A	Willard Munger
District 7B	Mike Jaros
District 8A	Mary Murphy
District 8B	Ben Boo

District 9A	Kevin Goodno
District 9B	Marvin K. Dauner
District 10A	Loren P. Thompson
District 10B	Bob Anderson
District 11A	Chuck Brown
District 11B	Hilda Bettermann
District 12A	Syd G. Nelson
District 12B	Richard "Rick" Krueger
District 13A	Kris Hasskamp
District 13B	Stephen G. Wenzel
District 14A	Paul Anders Ogren
District 14B	Becky Lourey
District 15A	Sylvester Uphus
District 15B	Alan W. Welle
District 16A	Bernie Omann
District 16B	Jeff Bertram
District 17A	Marcus Marsh
District 17B	Dave Gruenes
District 18A	LeRoy Koppendrayer
District 18B	Jerry J. Bauerly
District 19A	Harold Lasley
District 19B	Loren George Jennings
District 20A	Doug Peterson
District 20B	Ray Welker
District 21A	Steve Dille
District 21B	Roger Cooper
District 22A	Bob McEachern
District 22B	Tony Onnen
District 23A	Terry Dempsey
District 23B	Don Ostrom
District 24A	John Dorn
District 24B	Marcel "Sal" Frederick
District 25A	Robert E. Vanasek
District 25B	Peter Rodosovich
District 26A	Steven Sviggum
District 26B	Bob Waltman
District 27A	Jim Girard
District 27B	Andy Steensma
District 28A	Ted Winter
District 28B	Katy Olson
District 29A	Gene Hugoson
District 29B	Henry J. Kalis
District 30A	Dean P. Hartle
District 30B	Dick Anderson
District 31A	Bob Haukoos
District 31B	Leo J. Reding
District 32A	Don L. Frerichs
District 32B	Elton R. Redalen
District 33A	Gil Gutknecht
District 33B	Dave Bishop
District 34A	Virgil J. Johnson
District 34B	Gene Pelowski, Jr.

District 35A	Gary Schafer
District 35B	Larry Bodahl
District 36A	Becky Kelso
District 36B	Bill Macklin
District 37A	Eileen Tompkins
District 37B	Dennis Ozment
District 38A	Connie Morrison
District 38B	Art Seaberg
District 39A	Thomas W. Pugh
District 39B	Bob Milbert
District 40A	Edwina Garcia
District 40B	Joyce Henry
District 41A	Paul C. Hufnagle
District 41B	Kathleen Blatz
District 42A	Sidney Pauly
District 42B	Ron Erhardt
District 43A	Steve Smith
District 43B	Jerry Knickerbocker
District 44A	Sally Olsen
District 44B	Gloria Segal
District 45A	Ron Abrams
District 45B	Peggy Leppik
District 46A	Ann H. Rest
District 46B	Lyndon R. Carlson
District 47A	Linda Scheid
District 47B	Phil Carruthers
District 48A	Warren Limmer
District 48B	Bill Schreiber
District 49A	Charlie Weaver
District 49B	Joel Jacobs
District 50A	Teresa Lynch
District 50B	
District 51A	Alice M. Johnson
District 51B	Wayne Simoneau
District 52A	Linda Runbeck
District 52B	Richard M. "Dick" Pellow
District 53A	Phil Krinkie
District 53B	Brad Stanius
District 54A	Don Valento
District 54B	Dennis R. Newinski
District 55A	Doug Swenson
District 55B	Harriet A. McPherson
District 56A	Jeff Hanson
District 56B	Pat Beard
District 57A	James I. Rice
District 57B	Richard H. Jefferson
District 58A	John J. Sarna
District 58B	Phyllis Kahn
District 59A	Dee Long
District 59B	Myron Orfield
District 60A	Karen Clark
District 60B	Linda Wejzman

District 61A	Lee Greenfield
District 61B.....	Wesley J. "Wes" Skoglund
District 62A	Ken Nelson
District 62B.....	Jean Wagenius
District 63A	Mary Jo McGuire
District 63B.....	Alice Hausman
District 64A	Kathleen Vellenga
District 64B.....	Howard Orenstein
District 65A	Andy Dawkins
District 65B.....	Carlos Mariani
District 66A	Tom Osthoff
District 66B.....	Rich O'Connor
District 67A	Jim Farrell
District 67B.....	Steve Trimble

133 eligible persons answered to the call by legislative district.

No one answered to the call by legislative district from District 50B due to the appointment of Joe Quinn to a seat on the 10th Judicial District Court.

The arrival of the Honorable Rosalie E. Wahl, Associate Justice, Minnesota Supreme Court, was announced and she was escorted to the front of the Chamber.

OATH OF OFFICE

The members-elect subscribed to the oath of office as administered to them by the Honorable Associate Justice Rosalie E. Wahl.

The oath of office for Representative in the Minnesota Legislature was administered in Minneapolis on Monday, January 7, 1991, to James I. Rice by his son, Minnesota District Court Judge Sean Jerome Rice.

The members took their seats in the Chamber of the House of Representatives.

The Clerk pro tempore called the roll in alphabetical order and the following members answered to their names:

Abrams	Boo	Frederick	Henry	Kelso
Anderson, I.	Brown	Frerichs	Hufnagle	Kinkel
Anderson, R.	Carlson	Garcia	Hugoson	Knickerbocker
Anderson, R. H.	Carruthers	Girard	Jacobs	Koppendrayner
Battaglia	Clark	Goodno	Janezich	Krinkie
Bauerly	Cooper	Greenfield	Jaros	Krueger
Beard	Dauner	Gruenes	Jefferson	Lasley
Begich	Dawkins	Gutknecht	Jennings	Leppik
Bertram	Dempsey	Hanson	Johnson, A.	Lieder
Bettermann	Dille	Hartle	Johnson, R.	Limmer
Bishop	Dorn	Hasskamp	Johnson, V.	Long
Blatz	Erhardt	Haukoos	Kahn	Lourey
Bodahl	Farrell	Hausman	Kalis	Lynch

Macklin	Ogren	Peterson	Segal	Uphus
Mariani	Olsen, S.	Pugh	Simoneau	Valento
Marsh	Olson, E.	Redalen	Skoglund	Vanasek
McEachern	Olson, K.	Reding	Smith	Vellenga
McGuire	Omann	Rest	Solberg	Wagenius
McPherson	Onnen	Rice	Sparby	Waltman
Milbert	Orenstein	Rodosovich	Stanius	Weaver
Morrison	Orfield	Rukavina	Steensma	Wejzman
Munger	Osthoff	Runbeck	Sviggum	Welker
Murphy	Ostrom	Sarna	Swenson	Welle
Nelson, K.	Ozment	Schafer	Thompson	Wenzel
Nelson, S.	Pauly	Scheid	Tompkins	Winter
Newinski	Pellow	Schreiber	Trimble	
O'Connor	Pelowski	Seaberg	Tunheim	

A quorum was present.

ELECTION OF OFFICERS

The Secretary of State announced the next order of business to be the election of the Speaker.

The name of Robert E. Vanasek was placed in nomination by Long. The nomination was seconded by Vellenga, Greenfield, Reding and Johnson, A.

The name of William H. Schreiber was placed in nomination by Blatz. The nomination was seconded by Dempsey and Valento.

There being no further nominations, the Secretary of State declared the nominations closed.

The Clerk pro tempore called the roll on the election of a Speaker.

The following members of the House voted for Vanasek:

Anderson, I.	Garcia	Krueger	Olson, K.	Simoneau
Battaglia	Greenfield	Lasley	Orenstein	Skoglund
Bauerly	Hanson	Lieder	Orfield	Solberg
Beard	Hasskamp	Long	Osthoff	Sparby
Begich	Hausman	Lourey	Ostrom	Steensma
Bertram	Jacobs	Mariani	Pelowski	Thompson
Bodahl	Janezich	McEachern	Peterson	Trimble
Brown	Jaros	McGuire	Pugh	Tunheim
Carlson	Jefferson	Milbert	Reding	Vanasek
Carruthers	Jennings	Munger	Rest	Vellenga
Clark	Johnson, A.	Murphy	Rice	Wagenius
Cooper	Johnson, R.	Nelson, K.	Rodosovich	Wejzman
Dauner	Kahn	Nelson, S.	Rukavina	Welle
Dawkins	Kalis	O'Connor	Sarna	Wenzel
Dorn	Kelso	Ogren	Scheid	Winter
Farrell	Kinkel	Olson, E.	Segal	

Vanasek received 79 votes.

The following members of the House voted for Schreiber:

Abrams	Frerichs	Knickerbocker	Olsen, S.	Smith
Anderson, R.	Girard	Koppendrayer	Omann	Stanius
Anderson, R. H.	Goodno	Krinkie	Onnen	Sviggum
Bettermann	Gruenes	Leppik	Ozment	Swenson
Bishop	Gutknecht	Limmer	Pauly	Tompkins
Blatz	Hartle	Lynch	Pellow	Uphus
Boo	Haukoos	Macklin	Redalen	Valento
Dempsey	Henry	Marsh	Runbeck	Waltman
Dille	Hufnagle	McPherson	Schafer	Weaver
Erhardt	Hugoson	Morrison	Schreiber	Welker
Frederick	Johnson, V.	Newinski	Seaberg	

Schreiber received 54 votes.

Robert E. Vanasek, having received a majority of the votes cast, was declared duly elected Speaker of the House.

Scheid, Brown, McGuire, Milbert, Mariani, Blatz, Kalis and Anderson, R., were appointed to escort the Speaker-elect to the rostrum.

OATH OF OFFICE

The oath of office was administered to Speaker-elect Robert E. Vanasek by the Honorable Associate Justice Rosalie E. Wahl. The Speaker expressed his appreciation for the honor bestowed upon him.

The Speaker announced the next order of business to be the election of the Chief Clerk.

The name of Edward A. Burdick was placed in nomination by Long. The nomination was seconded by Dempsey.

There being no further nominations, the Speaker declared the nominations closed.

The Clerk pro tempore called the roll on the election of the Chief Clerk and the following members of the House voted for Burdick:

Abrams	Bauerly	Bishop	Carlson	Dawkins
Anderson, I.	Beard	Blatz	Carruthers	Dempsey
Anderson, R.	Begich	Bodahl	Clark	Dille
Anderson, R. H.	Bertram	Boo	Cooper	Dorn
Battaglia	Bettermann	Brown	Dauner	Erhardt

Farrell	Johnson, A.	McGuire	Pellow	Stanis
Frederick	Johnson, R.	McPherson	Pelowski	Steensma
Frerichs	Johnson, V.	Milbert	Peterson	Sviggum
Garcia	Kahn	Morrison	Pugh	Swenson
Girard	Kalis	Munger	Redalen	Thompson
Goodno	Kelso	Murphy	Reding	Tompkins
Greenfield	Kinkel	Nelson, K.	Rest	Trimble
Gruenes	Knickerbocker	Nelson, S.	Rice	Tunheim
Gutknecht	Koppendrayner	Newinski	Rodosovich	Uphus
Hanson	Krinkie	O'Connor	Rukavina	Valento
Hartle	Krueger	Ogren	Runbeck	Vellenga
Hasskamp	Lasley	Olsen, S.	Sarna	Wagenius
Haukoos	Leppik	Olson, E.	Schafer	Waltman
Hausman	Lieder	Olson, K.	Scheid	Weaver
Henry	Limmer	Omann	Schreiber	Wejzman
Hufnagle	Long	Onnen	Seaberg	Welker
Hugoson	Lourey	Orenstein	Segal	Welle
Jacobs	Lynch	Orfield	Simoneau	Wenzel
Janezich	Macklin	Osthoff	Skoglund	Winter
Jaros	Mariani	Ostrom	Smith	Spk. Vanasek
Jefferson	Marsh	Ozment	Solberg	
Jennings	McEachern	Pauly	Sparby	

Edward A. Burdick, having received a majority of the votes cast, was declared elected Chief Clerk of the House of Representatives.

OATH OF OFFICE

The oath of office was administered to the Chief Clerk-elect by the Speaker.

The Speaker announced the next order of business to be the election of other elected officers of the House of Representatives.

Long offered the following resolution and moved its adoption:

Resolved, That the election of other officers be made on one roll call unless there should be more than one nomination for any one office.

The motion prevailed and the resolution was adopted.

The following names were placed in nomination:

The name of Albin A. Mathiowetz was placed in nomination for First Assistant Chief Clerk by Rodosovich.

The name of Teresa B. Kittridge was placed in nomination for Second Assistant Chief Clerk by Long.

The name of Ronald G. Lawrence was placed in nomination for Postmaster by Jacobs.

The name of Song K. Kong was placed in nomination for Assistant Postmaster by Trimble.

The name of Margaret M. Olson was placed in nomination for Assistant Sergeant at Arms by Osthoff.

The name of Sandra A. Dicke was placed in nomination for Assistant Sergeant at Arms by O'Connor.

The name of LeClair G. Lambert was placed in nomination for Assistant Sergeant at Arms by Ogren.

The name of Frank J. Strohmayer was placed in nomination for Index Clerk by Hausman.

The name of Monsignor James D. Habiger was placed in nomination for House Chaplain by Vellenga.

There being no further nominations, the Speaker declared the nominations closed.

The Chief Clerk called the roll on the election of the other officers and the following members of the House voted for the other officers:

Abrams	Dorn	Jennings	McGuire	Pelowski
Anderson, I.	Erhardt	Johnson, A.	McPherson	Peterson
Anderson, R.	Farrell	Johnson, R.	Milbert	Pugh
Anderson, R. H.	Frederick	Johnson, V.	Morrison	Redalen
Battaglia	Frerichs	Kahn	Munger	Reding
Bauerly	Garcia	Kalis	Murphy	Rest
Beard	Girard	Kelso	Nelson, K.	Rice
Begich	Goodno	Kinkel	Nelson, S.	Rodosovich
Bertram	Greenfield	Knickerbocker	Newinski	Rukavina
Bettermann	Gruenes	Koppendraye	O'Connor	Runbeck
Bishop	Gutknecht	Krinkie	Ogren	Sarna
Blatz	Hanson	Krueger	Olsen, S.	Schafer
Bodahl	Hartle	Lasley	Olson, E.	Scheid
Boo	Hasskamp	Leppik	Olson, K.	Schreiber
Brown	Haukoos	Lieder	Onann	Seaberg
Carlson	Hausman	Limmer	Onnen	Segal
Carruthers	Henry	Long	Orenstein	Simoneau
Clark	Hufnagle	Lourey	Orfield	Skoglund
Cooper	Hugoson	Lynch	Osthoff	Smith
Dauner	Jacobs	Macklin	Ostrom	Solberg
Dawkins	Janezich	Mariani	Ozment	Sparby
Dempsey	Jaros	Marsh	Pauly	Stanius
Dille	Jefferson	McEachern	Pellow	Steensma

Sviggum	Trimble	Vellenga	Wejman	Winter
Swenson	Tunheim	Wagenius	Welker	Spk. Vanasek
Thompson	Uphus	Waltman	Welle	
Tompkins	Valento	Weaver	Wenzel	

The nominees, having received a majority of the votes cast, were declared duly elected to their respective offices.

OATH OF OFFICE

The oath of office was administered to those elected to the above offices by the Speaker.

Long offered the following resolution and moved its adoption:

Resolved, That the temporary Rules of the House for this session, the 77th regular session, shall be the same as the Permanent Rules of the House for the last session, the 76th regular session, as they existed on Monday, April 25, 1990, with the following exceptions:

Rule 5.8 shall read as follows:

5.8 BILLS AFFECTING STATE GOVERNMENT POWERS AND STRUCTURE. Any bill, whether originating in the House or the Senate, which creates or reestablishes any new department, agency, commission, board, task force, advisory committee or council, or bureau, or any other such entity, or which substantially changes or alters the organization of or delegates emergency rulemaking authority to or exempts from rulemaking any department or agency thereof of state government, or substantially changes, alters, vests or divests official rights, powers, or duties of any official, department or agency of the state government or any institution under its control, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Governmental Operations for action by that committee. Prior to the deadline set by Rule 9.3, any committee other than the Committee on Governmental Operations to which such bill is referred shall, in its report, recommend re-referral to the Committee on Governmental Operations. After the deadline set by Rule 9.3, a report shall recommend re-referral to the Committee on Rules and Legislative Administration.

This rule does not apply to the omnibus bill on taxation, the education finance bill, or the omnibus appropriations bills for: state government; human resources; education; economic development, infrastructure and regulation; or environment and natural resources. But, if those bills contain provisions that would create or reestablish a commission, board, task force, advisory committee or council, or other such entity, then the chair of the Committee on Taxes, the chair of the Committee on Education, or the chair of a

division of the Committee on Appropriations, as appropriate, must communicate the inclusion of the provision to the chair of the Committee on Rules and Legislative Administration prior to consideration of the matter on the floor.

All other bills in the House Committees on Appropriations and on Taxes are also exempt from this rule except for bills to create or reestablish a commission, board, task force, advisory committee or council, or other such entity. Prior to the deadline set by Rule 9.3, those bills shall be re-referred to the Committee on Governmental Operations. After that deadline, the bills shall be re-referred to the Committee on Rules and Legislative Administration.

Rule 5.10 shall read as follows:

5.10 WAYS AND MEANS COMMITTEE; RESOLUTION; EFFECT ON EXPENDITURES AND TAX BILLS. The Committee on Ways and Means shall hold hearings as necessary to determine state expenditures and taxes for the coming fiscal biennium. No later than March 19, 1990, the Committee on Ways and Means shall report a budget resolution to the House for consideration. The budget resolution shall take the form of a House resolution that sets the maximum limitation on expenditures and taxes for the coming fiscal biennium for the general fund and an amount to be set aside as a budget reserve. The limitation is effective, if adopted, unless the House adopts a different limitation in a subsequent budget resolution that accounts for increases or decreases in general fund revenues and expenditures anticipated for the current fiscal biennium.

No bill described in Rule 5.7 or 5.9 shall be given its second reading until the House has received a statement from the Committee on Ways and Means certifying that the major expenditure and tax bills are reconciled and do not exceed the limitation specified in the budget resolution for the general fund. Major expenditure and tax bills are: the education appropriation bill; the environment and natural resources appropriation bill; the human resources appropriation bill; the state government appropriation bill; the economic development, infrastructure and regulation appropriation bill; the education finance bill; and the omnibus tax bill. However, a bill may be given its second reading by special authorization of the Committee on Ways and Means or by majority vote of the whole House. A special authorization may be reported by an oral notice to the House from the Chair of the Committee on Ways and Means or a designee of the Chair stating that the fiscal impact of a bill will be accounted for in the reconciliation statement.

The Committee on Appropriations and the Committee on Taxes, upon recommending passage of any bill described in Rule 5.7 or 5.9, shall provide to the Committee on Ways and Means a fiscal statement on the bill.

After the House has received a reconciliation statement from the Committee on Ways and Means, the House shall not give a second reading to any bill described in Rule 5.7 or 5.9 other than the major expenditure and tax bills. However, a bill may be given its second reading after the House has received from the Committee on Ways and Means a statement certifying that the fiscal impact of the bill is within the guidelines of the budget resolution, or after authorization by majority vote of the whole House. The statement of the Committee on Ways and Means may be reported orally by the Chair of the Committee on Ways and Means or a designee of the Chair.

Rule 6.1 shall read as follows:

6.1 COMMITTEES. Standing committees of the House shall be appointed by the Speaker as follows:

Agriculture

Appropriations

Divisions: Economic Development, Infrastructure
and Regulation
Education
Environment and Natural Resources
Human Resources
State Government

Commerce

Economic Development

Division: International Trade and Technology

Education

Divisions: Education Finance
Higher Education

Energy

Environment and Natural Resources

Ethics

Financial Institutions and Insurance

Division: Banking

General Legislation, Veterans Affairs and Gaming

Divisions: Elections
Veterans Affairs

Governmental Operations

Division: Government Structures

Health and Human Services

Housing

Judiciary

Division: Criminal Justice

Labor-Management Relations
Local Government and Metropolitan Affairs
Redistricting
Regulated Industries
Rules and Legislative Administration
Taxes
Transportation
Ways and Means

Rule 10.1 shall read as follows:

10.1 SOLICITATIONS DURING LEGISLATIVE SESSION. No member of the House, nor the member's principal campaign committee, nor any other political committee with the member's name or title, nor any committee authorized by the member which would benefit the member, shall solicit or accept a contribution on behalf of the member, shall solicit or accept a contribution on behalf of the member's principal campaign committee, any other political committee with the member's name or title, or any political committee authorized by the member which would benefit the member, from a registered lobbyist, political committee, or political fund during the regular session of the House.

All other deadlines referred to in the temporary rules shall not be applicable until new Permanent Rules have been adopted.

The temporary Rules of the House for the 77th session shall apply to the order of business of parliamentary practice until the Committee on Rules and Legislative Administration to be appointed by the Speaker has made its report and new Permanent Rules have been adopted.

The motion prevailed and the temporary Rules of the House for the 77th session were adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of Andrew R. Remke as Chief Sergeant at Arms.

OATH OF OFFICE

The oath of office was administered to the Chief Sergeant at Arms by the Speaker.

Long offered the following resolution and moved its adoption:

Resolved, That the Chief Clerk be instructed to inform the Senate that the House is duly organized pursuant to law and to invite the Senate to meet with the House in Joint Convention at 6:45 p.m., Wednesday, January 16, 1991, to receive the message of the Governor which will be delivered at 7:00 p.m.

The motion prevailed and the resolution was adopted.

Long offered the following resolution and moved its adoption:

Resolved, That an invitation be extended to the Governor to address a Joint Convention of the House and Senate to be held in the House Chamber on Wednesday, January 16, 1991, said Joint Convention to convene at 6:45 p.m. and said message to be delivered at 7:00 p.m.; and that the Speaker appoint a committee of seven members of the House to act with a similar committee of the Senate to extend the invitation to the Governor and to notify him that the House of Representatives is now duly organized pursuant to law.

The motion prevailed and the resolution was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the committee to invite the Governor to address the Joint Convention and to notify him that the House is now organized:

Segal, Chair; Lourey; Nelson, S.; Orfield; Jaros; Hartle and Morrison.

Long offered the following resolution and moved its adoption:

Resolved, That the Speaker be and he is hereby directed to appoint a committee of seven members on the part of the House to act with a similar committee on the part of the Senate to escort the Governor to the Joint Convention to be held in the House Chamber on Wednesday evening, January 16, 1991.

The motion prevailed and the resolution was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following mem-

bers of the House to the committee to escort the Governor to the House Chamber Wednesday evening, January 16, 1991:

Welle, Chair; Garcia; Thompson; Bodahl; Olson, K.; Johnson, V., and Leppik.

Long offered the following resolution and moved its adoption:

Resolved, That necessary employees as directed by the Committee on Rules and Legislative Administration be authorized by the House effective today, Tuesday, January 8, 1991, to better expedite the business of the House.

The question was taken on the adoption of the Long resolution relating to employees and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Garcia	Koppendrayer	Omann	Smith
Anderson, I.	Girard	Krinkie	Onnen	Solberg
Anderson, R.	Goodno	Krueger	Orenstein	Sparby
Anderson, R. H.	Greenfield	Lasley	Orfield	Stanius
Battaglia	Gruenes	Leppik	Osthoff	Steensma
Bauerly	Gutknecht	Lieder	Ostrom	Sviggum
Beard	Hanson	Limmer	Ozment	Swenson
Begich	Hartle	Long	Pauly	Thompson
Bertram	Hasskamp	Lynch	Pellow	Tompkins
Bettermann	Haukoos	Macklin	Pelowski	Trimble
Bishop	Hausman	Mariani	Peterson	Tunheim
Blatz	Henry	Marsh	Pugh	Uphus
Bodahl	Hufnagle	McEachern	Redalen	Valento
Boo	Hugoson	McGuire	Reding	Vellenga
Brown	Jacobs	McPherson	Rest	Wagenius
Carlson	Janezich	Milbert	Rice	Waltman
Carruthers	Jaros	Morrison	Rodosovich	Weaver
Clark	Jefferson	Munger	Rukavina	Wejcman
Cooper	Jennings	Murphy	Runbeck	Welker
Dauner	Johnson, A.	Nelson, K.	Sarna	Welle
Dawkins	Johnson, R.	Nelson, S.	Schafer	Wenzel
Dempsey	Johnson, V.	Newinski	Scheid	Winter
Dille	Kahn	O'Connor	Schreiber	Spk. Vanasek
Dorn	Kalis	Ogren	Seaberg	
Farrell	Kelso	Olsen, S.	Segal	
Frederick	Kinkel	Olson, E.	Simoneau	
Frerichs	Knickerbocker	Olson, K.	Skoglund	

The motion prevailed and the resolution relating to employees was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Committee on Rules and Legislative Administration:

Long, Chair; Begich; Carlson; Greenfield; Jacobs; Johnson, A.; Krueger; Munger; Nelson, K.; Ogren; Rest; Rice; Rodosovich; Simoneau; Trimble; Vanasek; Vellenga; Blatz; Dempsey; Gruenes; Hugoson; Knickerbocker; Olsen, S., and Valento.

Long offered the following resolution and moved its adoption:

Resolved, That the selection of permanent desks shall be as directed by the Speaker as follows:

1. That the majority caucus shall occupy section 3, seats 47, 50, 51, 54-56, 60-62, and 66-68; section 4, seats 70-97; section 5, seats 99, 101-119; and section 6, seats 120-138. All members of the majority caucus shall be seated in the manner prescribed by the majority caucus.

2. That the minority caucus shall occupy section 1, seats 1-19; section 2, seats 22-41; and section 3, seats 42-46, 48, 49, 52, 53, 57-59, and 63-65. All members of the minority caucus shall be seated in the manner prescribed by the minority caucus.

The motion prevailed and the resolution was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I have the honor to announce that the Senate of the State of Minnesota is now duly organized pursuant to law with the election of the following officers:

Jerome M. Hughes, President

Patrick E. Flahaven, Secretary of the Senate

Janine Mattson, First Assistant Secretary of the Senate

Patrice Dworak, Second Assistant Secretary of the Senate

Catherine Morrison, Engrossing Secretary

Sven Lindquist, Sergeant at Arms

Ralph Graham, Assistant Sergeant at Arms

Reverend Arlen Hermodson, Chaplain

The Senate also adopted a resolution naming Roger D. Moe as Majority Leader and Duane Benson as Minority Leader.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I have the honor to announce that the Senate has appointed a committee of five to notify the House of Representatives that the Senate is now organized.

Mses. Johnston and Johnson, J. B.; Messrs. Neuville, Riveness and Finn have been appointed to such committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following House committee assignments and the committee meeting schedule for the 1991-92 session:

1991-92 HOUSE COMMITTEE ASSIGNMENTS

AGRICULTURE—

Mondays, 10:00 A.M., Room 5

Wenzel, Chair	Anderson, R. H.
Steensma, Vice Chair	Dille
Bauerly	Frederick
Bertram	Girard
Brown	Hugoson
Cooper	Koppendrayer
Dauner	McPherson
Kahn	Omann
Kalis	Redalen
Krueger	Uphus
Nelson, S.	
Olson, E.	
Peterson	
Sparby	
Winter	

APPROPRIATIONS—

Mondays through Thursdays, 8:00 A.M., Room 200

Simoneau, Chair	Anderson, R.
Brown, Vice Chair	Bishop

Battaglia	Frederick
Bertram	Frerichs
Carlson	Gruenes
Clark	Haukoos
Dorn	Johnson, V.
Greenfield	Limmer
Jennings	Lynch
Kahn	Morrison
Kalis	Omann
Krueger	Seaberg
Lieder	Stanius
McGuire	Swenson
Munger	Tompkins
Murphy	Welker
Orenstein	
Osthoff	
Pugh	
Rice	
Rodosovich	
Sarna	
Segal	
Solberg	
Sparby	
Steensma	
Trimble	
Wenzel	

**Economic Development, Infrastructure and Regulation Division/
Appropriations**

Mondays through Thursdays, 8:00 A.M., Room 400S

Rice, Chair	Frederick
Lieder, Vice Chair	Frerichs
Kalis	Seaberg
Krueger	
Sarna	
Simoneau	
Steensma	

Education Division/Appropriations

Mondays through Thursdays, 8:00 A.M., Room 300N

Carlson, Chair	Haukoos
Dorn, Vice Chair	Limmer
Bertram	Morrison
Brown	
Orenstein	
Simoneau	

Environment and Natural Resources Division/Appropriations
Mondays through Thursdays, 8:00 A.M., Room 400N

Battaglia, Chair	Johnson, V.
McGuire, Vice Chair	Lynch
Munger	Omann
Osthoff	Swenson
Simoneau	
Sparby	
Wenzel	

Human Resources Division/Appropriations
Mondays through Thursdays, 8:00 A.M., Room 200

Greenfield, Chair	Anderson, R.
Jennings, Vice Chair	Gruenes
Clark	Stanisus
Murphy	
Rodosovich	
Segal	
Simoneau	

State Government Division/Appropriations
Mondays through Thursdays, 8:00 A.M., Room 300S

Kahn, Chair	Bishop
Pugh, Vice Chair	Tompkins
Simoneau	Welker
Solberg	
Trimble	

COMMERCE—

Tuesdays and Thursdays, 10:00 A.M., Basement

Sarna, Chair	Anderson, R.
Kinkel, Vice Chair	Bettermann
Beard	Bishop
Farrell	Erhardt
Hasskamp	Girard
Janezich	Koppendrayer
Jaros	Newinski
McEachern	Pellow
Milbert	
O'Connor	
Solberg	
Thompson	

ECONOMIC DEVELOPMENT—

Tuesdays, 12:30 P.M., Room 5

Segal, Chair	Anderson, R. H.
Hausman, Vice Chair	Bettermann
Bodahl	Erhardt
Carlson	Frerichs
Clark	Hugoson
Cooper	Leppik
Hanson	Marsh
Krueger	Omann
Lourey	Pauly
Murphy	Pellow
Nelson, S.	Uphus
Olson, K.	
Rukavina	
Sparby	
Thompson	
Trimble	
Winter	

International Trade and Technology Division/Economic
Development

Thursdays, 12:30 P.M., Room 400S

Krueger, Chair	Anderson, R. H.
Cooper, Vice Chair	Frerichs
Bodahl	Hugoson
Carlson	Marsh
Clark	Pauly
Hanson	Uphus
Segal	
Sparby	
Thompson	
Winter	

EDUCATION—

Mondays and Wednesdays, 8:00 A.M., Room 5

McEachern, Chair	Anderson, R. H.
Olson, K., Vice Chair	Bettermann
Bauerly	Dille
Beard	Hartle
Garcia	Henry
Hasskamp	Leppik
Hausman	McPherson
Jaros	Ozment
Johnson, A.	Pellow
Kelso	Runbeck
Kinkel	Schafer
Lasley	Waltman

Mariani
 Nelson, K.
 Pelowski
 Rukavina
 Scheid
 Thompson
 Tunheim

Weaver

Education Finance Division/Education
 Mondays, 12:30 P.M., Room 300N
 Wednesdays, 2:30 P.M., Room 300N
 Fridays, 8:00 A.M., Room 300N

Nelson, K., Chair
 Bauerly, Vice Chair
 Hausman
 Johnson, A.
 Kelso
 Lasley
 McEachern
 Olson, K.
 Scheid
 Tunheim

Hartle
 Leppik
 Ozment
 Schafer
 Weaver

Higher Education Division/Education
 Wednesdays, 10:00 A.M., Room 500N

Jaros, Chair
 Pelowski, Vice Chair
 Beard
 Garcia
 Hasskamp
 Kinkel
 Mariani
 Nelson, K.
 Rukavina
 Thompson

Anderson, R. H.
 Bettermann
 Dille
 Henry
 McPherson
 Pellow
 Runbeck
 Waltman

ENERGY

Wednesdays, 12:30 P.M., Room 500N

Murphy, Chair
 Hasskamp, Vice Chair
 Bauerly
 Bodahl
 Dawkins
 Dorn
 Hausman

Anderson, R. H.
 Erhardt
 Girard
 Gutknecht
 Hartle
 Hufnagle
 Krinkie

Munger	Marsh
Olson, K.	
Rodosovich	
Trimble	
Wejzman	

ENVIRONMENT AND NATURAL RESOURCES—
Tuesdays and Thursdays, 10:00 A.M., Room 10

Munger, Chair	Blatz
Johnson, R., Vice Chair	Dille
Battaglia	Goodno
Begich	Johnson, V.
Hanson	Marsh
Hausman	McPherson
Jennings	Ozment
Kahn	Pauly
McGuire	Runbeck
Orfield	Schafer
Peterson	Waltman
Pugh	Weaver
Reding	
Rukavina	
Skoglund	
Trimble	
Wagenius	
Winter	

ETHICS
Call of the Chair

Tunheim, Chair	Anderson, R.
Reding	Bishop
Solberg	Pauly

FINANCIAL INSTITUTIONS AND INSURANCE—
Wednesdays, 10:00 A.M., Basement

Skoglund, Chair	Abrams
Winter, Vice Chair	Boo
Bertram	Frerichs
Carlson	Girard
Carruthers	Gruenes
Clark	Hartle
Dawkins	Haukoos
Farrell	Knickerbocker
Hausman	Lynch
Jacobs	Newinski
Johnson, R.	Onnen
Lourey	Stanisus

Orfield
 Pugh
 Reding
 Rodosovich
 Segal
 Sparby
 Wenzel

Banking Division/Financial Institutions and Insurance
 Mondays, 12:30 P.M., Room 300S

Sparby, Chair	Abrams
Carruthers, Vice Chair	Boo
Bertram	Frerichs
Jacobs	Haukoos
Lourey	Lynch
Orfield	Stanius
Reding	
Skoglund	
Winter	

GENERAL LEGISLATION, VETERANS AFFAIRS AND GAMING—
 Thursdays, 12:30 P.M., Room 500S

Osthoff, Chair	Abrams
Bertram, Vice Chair	Boo
Beard	Frederick
Kinkel	Gutknecht
Lasley	Henry
McEachern	Knickerbocker
Milbert	Sviggum
Ostrom	Waltman
Pelowski	
Scheid	
Solberg	

Elections Division/General Legislation, Veterans Affairs and
 Gaming
 Tuesdays, 12:30 P.M., Room 500N

Scheid, Chair	Abrams
Ostrom, Vice Chair	Boo
Lasley	Gutknecht
McEachern	Knickerbocker
Osthoff	
Pelowski	
Solberg	

Veterans Affairs Division/General Legislation, Veterans Affairs
and Gaming
Tuesdays, 12:30 P.M., Room 500S

Beard, Chair	Frederick
Milbert, Vice Chair	Henry
Bertram	Sviggum
Kinkel	Waltman
Osthoff	

GOVERNMENTAL OPERATIONS—

Mondays through Thursdays, 8:00 A.M., Room 10

Reding, Chair	Erhardt
Jefferson, Vice Chair	Goodno
Cooper	Hufnagle
Farrell	Knickerbocker
Hanson	Koppendrayer
Johnson, R.	Krinkie
Lourey	Newinski
Nelson, S.	Redalen
O'Connor	Smith
Orfield	Uphus
Peterson	
Wejzman	

Government Structures Division/Governmental Operations
Mondays, 8:00 A.M., Room 10

O'Connor, Chair	Erhardt
Orfield, Vice Chair	Knickerbocker
Cooper	Koppendrayer
Nelson, S.	Uphus
Peterson	
Reding	

HEALTH AND HUMAN SERVICES—

Tuesdays and Thursdays, 10:00 A.M., Room 5

Welle, Chair	Boo
Dauner, Vice Chair	Gruenes
Cooper	Gutknecht
Dorn	Henry
Greenfield	Leppik
Jefferson	Lynch
Kalis	Macklin
Kelso	Omann
Lourey	Onnen

Nelson, S.	Sviggum
Ogren	Swenson
Orenstein	Tompkins
Ostrom	
Pelowski	
Segal	
Steensma	
Vellenga	
Wejcman	

HOUSING—

Mondays, 12:30 P.M., Room 5

Clark, Chair	Anderson, R. H.
Dawkins, Vice Chair	Hufnagle
Bodahl	Morrison
Dauner	Redalen
Jefferson	Runbeck
Jennings	Schreiber
Mariani	Valento
McGuire	
O'Connor	
Segal	
Thompson	
Wejcman	

JUDICIARY—

Mondays, 10:00 A.M., Basement

Fridays, 12:30 P.M., Basement

Vellenga, Chair	Bishop
Wagenius, Vice Chair	Blatz
Brown	Limmer
Carruthers	Macklin
Greenfield	Marsh
Hasskamp	Onnen
McGuire	Seaberg
Milbert	Smith
Murphy	Swenson
Orenstein	Welker
Pugh	
Rest	
Skoglund	
Solberg	
Wejcman	

Criminal Justice Division/Judiciary
Wednesdays, 10:00 A.M., Room 500S

Solberg, Chair	Bishop
Orenstein, Vice Chair	Blatz
Brown	Marsh
Greenfield	Seaberg
McGuire	Swenson
Milbert	Welker
Murphy	
Rest	
Vellenga	
Wagenius	

LABOR-MANAGEMENT RELATIONS—
Mondays, 12:30 P.M., Room 200

Begich, Chair	Bettermann
Rukavina, Vice Chair	Dille
Anderson, I.	Girard
Battaglia	Goodno
Beard	Krinkie
Farrell	McPherson
Jaros	Sviggum
Johnson, A.	Welker
Murphy	
Rice	
Sarna	
Wenzel	

LOCAL GOVERNMENT AND METROPOLITAN AFFAIRS—
Tuesdays and Thursdays, 12:30 P.M., Room 200

Anderson, I., Chair	Anderson, R.
Janezich, Vice Chair	Goodno
Carruthers	Hufnagle
Dorn	Johnson, V.
Garcia	Krinkie
Hasskamp	Morrison
Jefferson	Schreiber
Lieder	Smith
Olson, E.	Tompkins
Orenstein	Valento
Orfield	Weaver
Peterson	
Rice	
Sarna	

REDISTRICTING

Tuesdays and Wednesdays, 2:30 P.M., Room 400N
 Fridays, 10:00 A.M., Room 400N

Rodosovich, Chair
 Bauerly
 Garcia
 Jefferson
 Kelso
 Olson, E.
 Osthoff
 Rest
 Rukavina
 Simoneau
 Welle

Knickerbocker, Vice Chair
 Abrams
 Boo
 Haukoos
 Hugoson
 Limmer
 Olsen, S.

REGULATED INDUSTRIES—

Mondays, 10:00 A.M., Room 10

Jacobs, Chair
 Kelso, Vice Chair
 Anderson, I.
 Janezich
 Jennings
 Lasley
 O'Connor
 Osthoff
 Pelowski
 Reding
 Tunheim

Boo
 Gruenes
 Hartle
 Haukoos
 Olsen, S.
 Ozment
 Schreiber
 Stanius

RULES AND LEGISLATIVE ADMINISTRATION—

Call of the Chair, Room 400N

Long, Chair
 Rest, Vice Chair
 Begich
 Carlson
 Greenfield
 Jacobs
 Johnson, A.
 Krueger
 Munger
 Nelson, K.
 Ogren

Blatz
 Dempsey
 Gruenes
 Hugoson
 Knickerbocker
 Olsen, S.
 Valento

Rice
 Rodosovich
 Simoneau
 Trimble
 Vanasek
 Vellenga

TAXES—

Tuesdays, Thursdays and Fridays, 8:00 A.M., Room 5

Ogren, Chair	Abrams
Olson, E., Vice Chair	Blatz
Anderson, I.	Dempsey
Begich	Girard
Bodahl	Gutknecht
Carruthers	Hugoson
Dauner	Macklin
Dawkins	Olsen, S.
Jacobs	Onnen
Janezich	Pauly
Jaros	Schreiber
Long	Sviggum
Milbert	Valento
Ostrom	
Rest	
Scheid	
Skoglund	
Vanasek	
Vellenga	
Wagenius	
Welle	
Winter	

TRANSPORTATION—

Wednesdays, 12:30 P.M., Room 10

Kalis, Chair	Henry
Lasley, Vice Chair	Morrison
Begich	Pauly
Brown	Pellow
Dauner	Redalen
Garcia	Runbeck
Hanson	Schafer
Johnson, A.	Seaberg
Kelso	Uphus
Lieder	Valento
Mariani	Waltman
Olson, E.	

Ostrom
Steensma
Tunheim
Wagenius
Welle

WAYS AND MEANS—

Call of the Chair, Room 400N

Vanasek, Chair	Bishop
Sparby, Vice Chair	Dempsey
Anderson, I.	Frerichs
Battaglia	Schreiber
Carlson	Seaberg
Greenfield	Stanisus
Kahn	
Long	
McEachern	
Nelson, K.	
Ogren	
Rice	
Simoneau	

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following schedule of committee meetings for the 1991-92 regular session:

1991-92 HOUSE COMMITTEE SCHEDULE

<i>Committee</i>	<i>Meeting Room</i>	<i>Hour</i>
MONDAY		
Appropriations	200	8:00- 9:45 a.m.
Appropriations (Economic Development, Infrastructure and Regulation Division)	400S	8:00- 9:45 a.m.
Appropriations (Education Division)	300N	8:00- 9:45 a.m.
Appropriations (Environment and Natural Resources Division)	400N	8:00- 9:45 a.m.
Appropriations (Human Resources Division)	200	8:00- 9:45 a.m.

Appropriations (State Government Division)	300S	8:00- 9:45 a.m.
Governmental Operations	10	8:00- 9:45 a.m.
Governmental Operations (Government Structures Division)	10	8:00- 9:45 a.m.
Education	5	8:00- 9:45 a.m.
Agriculture	5	10:00-11:45 a.m.
Regulated Industries	10	10:00-11:45 a.m.
Judiciary	Bsmt.	10:00-11:45 a.m.
Education (Education Finance Division)	300N	12:30- 2:15 p.m.
Labor-Management Relations	200	12:30- 2:15 p.m.
Financial Institutions and Insurance (Banking Division)	300S	12:30- 2:15 p.m.
Housing	5	12:30- 2:15 p.m.

TUESDAY

Appropriations	200	8:00- 9:45 a.m.
Appropriations (Economic Development, Infrastructure and Regulation Division)	400S	8:00- 9:45 a.m.
Appropriations (Education Division)	300N	8:00- 9:45 a.m.
Appropriations (Environment and Natural Resources Division)	400N	8:00- 9:45 a.m.
Appropriations (Human Resources Division)	200	8:00- 9:45 a.m.
Appropriations (State Government Division)	300S	8:00- 9:45 a.m.
Governmental Operations	10	8:00- 9:45 a.m.
Taxes	5	8:00- 9:45 a.m.
Commerce	Bsmt.	10:00-11:45 a.m.
Environment and Natural Resources	10	10:00-11:45 a.m.
Health and Human Services	5	10:00-11:45 a.m.

General Legislation, Veterans Affairs and Gaming (Elections Division)	500N	12:30- 2:15 p.m.
General Legislation, Veterans Affairs and Gaming (Veterans Affairs Division)	500S	12:30- 2:15 p.m.
Local Government and Metropolitan Affairs	200	12:30- 2:15 p.m.
Economic Development	5	12:30- 2:15 p.m.
Redistricting	400N	2:30- 4:30 p.m.

WEDNESDAY

Appropriations	200	8:00- 9:45 a.m.
Appropriations (Economic Development, Infrastructure and Regulation Division)	400S	8:00- 9:45 a.m.
Appropriations (Education Division)	300N	8:00- 9:45 a.m.
Appropriations (Environment and Natural Resources Division)	400N	8:00- 9:45 a.m.
Appropriations (Human Resources Division)	200	8:00- 9:45 a.m.
Appropriations (State Government Division)	300S	8:00- 9:45 a.m.
Governmental Operations	10	8:00- 9:45 a.m.
Education	5	8:00- 9:45 a.m.
Education (Higher Education Division)	500N	10:00-11:45 a.m.
Judiciary (Criminal Justice Division)	500S	10:00-11:45 a.m.
Financial Institutions and Insurance	Bsmt.	10:00-11:45 a.m.
Transportation	10	12:30- 2:15 p.m.
Energy	500N	12:30- 2:15 p.m.
Education (Education Finance Division)	300N	2:30- 4:30 p.m.
Redistricting	400N	2:30- 4:30 p.m.

THURSDAY

Appropriations	200	8:00- 9:45 a.m.
Appropriations (Economic Development, Infrastructure and Regulation Division)	400S	8:00- 9:45 a.m.
Appropriations (Education Division)	300N	8:00- 9:45 a.m.
Appropriations (Environment and Natural Resources Division)	400N	8:00- 9:45 a.m.
Appropriations (Human Resources Division)	200	8:00- 9:45 a.m.
Appropriations (State Government Division)	300S	8:00- 9:45 a.m.
Governmental Operations	10	8:00- 9:45 a.m.
Taxes	5	8:00- 9:45 a.m.
Commerce	Bsmt.	10:00-11:45 a.m.
Environment and Natural Resources	10	10:00-11:45 a.m.
Health and Human Services	5	10:00-11:45 a.m.
Local Government and Metropolitan Affairs	200	12:30- 2:15 p.m.
General Legislation, Veterans Affairs and Gaming	500S	12:30- 2:15 p.m.
Economic Development (International Trade and Technology Division)	400S	12:30- 2:15 p.m.

FRIDAY

Taxes	5	8:00- 9:45 a.m.
Education (Education Finance Division)	300N	8:00- 9:45 a.m.
Redistricting	400N	10:00-11:45 a.m.
Judiciary	Bsmt.	12:30- 2:15 p.m.

CALL OF THE CHAIR

Ethics

Rules and Legislative Administration	400N
Ways and Means	400N

ANNOUNCEMENT BY THE SPEAKER

In the interest of maintaining order and decorum in the House Chamber and providing an atmosphere of respect and courtesy for members who have the floor, and in accordance with House Rule 7.1, paragraph 2, the following policies will be in effect for the 1991-92 legislative session:

(1) In accordance with House Rule 4.7, any excessive noise in the House Chamber when the House is in session will not be tolerated, and this policy will apply to House members and any other persons admitted to the House floor when the House is in session. The Sergeant at Arms is instructed to enforce this policy.

(2) In accordance with House Rule 4.9, legislative staff should not be on the House floor or in the House retiring room unless they have specific business with a House member. The Sergeant at Arms is instructed to enforce this policy.

(3) House members may consume coffee, tea and soft drinks at their desks when the House is in session, but no food or snacks will be allowed in the House Chamber when the House is in session. House members wishing to eat or have a snack may do so in the retiring room or elsewhere outside the House Chamber.

This policy shall also apply for all meetings of House standing committees, subcommittees and divisions.

(4) In reference to House Rule 3.9 relating to germaneness it is the intent of the Speaker to adhere to a strict interpretation of this rule.

ADJOURNMENT

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Wednesday, January 9, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, JANUARY 9, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

The roll was called and the following members were present:

Abrams	Garcia	Koppendrayer	Olson, E.	Simoneau
Anderson, I.	Girard	Krinkie	Olson, K.	Skoglund
Anderson, R.	Goodno	Krueger	Omann	Smith
Anderson, R. H.	Greenfield	Lasley	Onnen	Solberg
Battaglia	Gruenes	Leppik	Orenstein	Sparby
Bauerly	Gutknecht	Lieder	Orfield	Stanius
Beard	Hanson	Limmer	Osthoff	Steensma
Begich	Hartle	Long	Ostrom	Sviggum
Bertram	Hasskamp	Lourey	Ozment	Swenson
Bettermann	Haukoos	Lynch	Pauly	Thompson
Blatz	Hausman	Macklin	Pellow	Tompkins
Bodahl	Henry	Mariani	Peterson	Trimble
Brown	Hufnagle	Marsh	Pugh	Tunheim
Carlson	Hugoson	McEachern	Reding	Uphus
Clark	Jacobs	McGuire	Rest	Valento
Cooper	Janezich	McPherson	Rice	Vellenga
Dauner	Jaros	Milbert	Rodosovich	Wagenius
Dawkins	Jefferson	Morrison	Rukavina	Waltman
Dempsey	Johnson, A.	Munger	Runbeck	Weaver
Dille	Johnson, R.	Murphy	Sarna	Wejcmán
Dorn	Kahn	Nelson, K.	Schafer	Welle
Erhardt	Kalis	Nelson, S.	Scheid	Wenzel
Farrell	Kelso	Newinski	Schreiber	Winter
Frederick	Kinkel	Ogren	Seaberg	Spk. Vanasek
Frerichs	Knickerbocker	Olsen, S.	Segal	

A quorum was present.

Bishop; Boo; Carruthers; Jennings; Johnson, V.; O'Connor; Pelowski; Redalen and Welker were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Blatz moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Munger, Vanasek, Marsh, Kalis and Dille introduced:

H. F. No. 1, A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103E.701, by adding a subdivision; 103G.005, subdivision 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 103G and 273; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ogren; Vanasek; Simoneau; Anderson, R., and Segal introduced:

H. F. No. 2, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bauerly, Vanasek, McEachern and Lasley introduced:

H. F. No. 3, A bill for an act relating to education; equalizing a portion of the debt service levy; equalizing a portion of the referendum levy; amending Minnesota Statutes 1990, section 275.125, subdivision 4; proposing coding for new law in Minnesota Statutes,

chapters 124 and 124A; repealing Minnesota Statutes 1990, section 124A.03.

The bill was read for the first time and referred to the Committee on Education.

Skoglund; Winter; Munger; Johnson, R., and Rodosovich introduced:

H. F. No. 4, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Welle, Reding, Dorn, Peterson and Knickerbocker introduced:

H. F. No. 5, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Lourey, Cooper, Ostrom, Osthoff and Dauner introduced:

H. F. No. 6, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield, Solberg, Clark, Dawkins and Vellenga introduced:

H. F. No. 7, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Long, Vanasek, Dempsey, Simoneau and Ogren introduced:

H. F. No. 8, A bill for an act relating to finance; extending the deadline for submission of the governor's budget to the 1991 legislature.

The bill was read for the first time and referred to the Committee on Ways and Means.

Johnson, A.; McEachern; Vellenga; Nelson, K., and Weaver introduced:

H. F. No. 9, A bill for an act relating to education; establishing a legislative commission on children, youth, and their families; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Education.

Kalis, McEachern and Olson, K., introduced:

H. F. No. 10, A bill for an act relating to education; restoring continuing contract rights to superintendents; amending Minnesota Statutes 1990, sections 123.34, subdivision 9; and 125.12, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Welle, Greenfield, Simoneau, Gruenes and Rodosovich introduced:

H. F. No. 11, A bill for an act relating to human services; providing for cost-based reimbursement for outpatient services provided by pediatric specialty hospitals to children under age 18 under the medical assistance and general assistance medical care programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Skoglund introduced:

H. F. No. 12, A bill for an act relating to insurance; regulating credit for reinsurance; establishing standards and the commissioner's authority for companies considered to be in hazardous financial condition; regulating managing general agents; creating and regulating the life and health guaranty association; prescribing its powers and duties; amending Minnesota Statutes 1990, section 60B.25; proposing coding for new law in Minnesota Statutes, chapter 61B; proposing coding for new law as Minnesota Statutes, chapters

60G, 60H, and 60I; repealing Minnesota Statutes 1990, sections 61B.01; 61B.02; 61B.03; 61B.04; 61B.05; 61B.06; 61B.07; 61B.08; 61B.09; 61B.10; 61B.11; 61B.12; 61B.13; 61B.14; 61B.15; and 61B.16.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 1, A senate concurrent resolution relating to the adoption of temporary joint rules.

PATRICK E. FLAHAVEN, Secretary of the Senate

SUSPENSION OF RULES

Long moved that the rules be so far suspended that Senate Concurrent Resolution No. 1 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 1

A senate concurrent resolution relating to the adoption of temporary joint rules.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring:

The Joint Rules of the Senate and the House of Representatives for the 76th session are adopted as the temporary joint rules of the 77th session, to be effective until the adoption of Permanent Joint Rules by the Senate and the House of Representatives.

Long moved that Senate Concurrent Resolution No. 1 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 1 was adopted.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 2, A senate concurrent resolution relating to parking space on the Capitol grounds, Capitol approach and Aurora Avenue for members of the Legislature and staff.

PATRICK E. FLAHAVEN, Secretary of the Senate

SUSPENSION OF RULES

Long moved that the rules be so far suspended that Senate Concurrent Resolution No. 2 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 2

A senate concurrent resolution relating to parking space on the Capitol grounds, Capitol approach and Aurora Avenue for members of the Legislature and staff.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring:

The custodian of the Capitol shall reserve all parking space necessary on the Capitol grounds, Capitol approach and Aurora Avenue for the use of the members and staff of the Legislature for the 77th session of the Legislature, allowing reasonable space for parking to the general public having business at the Capitol. The Committee on Rules and Administration of the Senate and the Committee on Rules and Legislative Administration of the House of Representatives may designate necessary personnel to assist the custodian of the Capitol in this matter.

The Secretary of the Senate and the Chief Clerk of the House of

Representatives may deduct from the check of any legislator or legislative employee in each year of the 77th session of the Legislature a sum adequate to cover the exercise of the parking privilege defined in this resolution in conformity with the practice of the Department of Administration.

Long moved that Senate Concurrent Resolution No. 2 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 2 was adopted.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 3, A senate concurrent resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

SUSPENSION OF RULES

Long moved that the rules be so far suspended that Senate Concurrent Resolution No. 3 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 3

A senate concurrent resolution relating to adjournment for more than three days.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon its adjournment on Wednesday, January 9, 1991, the Senate may set its next day of meeting for Monday, January 14, 1991.

2. Upon its adjournment on Wednesday, January 9, 1991, the House of Representatives may set its next day of meeting for Monday, January 14, 1991.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consents to the adjournment of the other for more than three days.

Long moved that Senate Concurrent Resolution No. 3 be now

adopted. The motion prevailed and Senate Concurrent Resolution No. 3 was adopted.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1, A bill for an act relating to finance; extending the deadline for submission of the governor's budget to the 1991 legislature.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Long moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Long moved that the Rules of the House be so far suspended that S. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1 was read for the second time.

S. F. No. 1, A bill for an act relating to finance; extending the deadline for submission of the governor's budget to the 1991 legislature.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Garcia	Krinkie	Olson, K.	Skoglund
Anderson, I.	Girard	Krueger	Omann	Smith
Anderson, R.	Goodno	Lasley	Onnen	Solberg
Anderson, R. H.	Greenfield	Leppik	Orenstein	Sparby
Battaglia	Gruenes	Lieder	Orfield	Stanius
Bauerly	Gutknecht	Limmer	Osthoff	Steenasma
Beard	Hanson	Long	Ostrom	Sviggum
Begich	Hartle	Lourey	Ozment	Swenson
Bertram	Hasskamp	Lynch	Pauly	Thompson
Bettermann	Hausman	Macklin	Pellow	Tompkins
Blatz	Henry	Mariani	Peterson	Trimble
Bodahl	Hufnagle	Marsh	Pugh	Tunheim
Brown	Hugoson	McEachern	Reding	Uphus
Carlson	Jacobs	McGuire	Rest	Valento
Clark	Janezich	McPherson	Rice	Vellenga
Cooper	Jaros	Milbert	Rodosovich	Wagenius
Dauner	Jefferson	Morrison	Rukavina	Waltman
Dawkins	Johnson, A.	Munger	Runbeck	Weaver
Dempsey	Johnson, R.	Murphy	Sarna	Wejman
Dille	Kahn	Nelson, K.	Schafer	Welle
Dorn	Kalis	Nelson, S.	Scheid	Wenzel
Erhardt	Kelso	Newinski	Schreiber	Winter
Farrell	Kinkel	Ogren	Seaberg	Spk. Vanasek
Frederick	Knickerbocker	Olsen, S.	Segal	
Frerichs	Koppendrayner	Olsen, E.	Simoneau	

The bill was passed and its title agreed to.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, January 14, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, January 14, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION — 1991

THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 14, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Peg Chamberlin, Director, Minnesota Food Share, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that Elton R. Redalen in a letter addressed to the Governor resigned as State Representative from District 32B effective January 10, 1991.

The roll was called and the following members were present:

Abrams	Dempsey	Jacobs	Lynch	Osthoff
Anderson, I.	Dille	Janezich	Macklin	Ostrom
Anderson, R.	Dorn	Jaros	Mariani	Ozment
Anderson, R. H.	Erhardt	Jefferson	Marsh	Pauly
Battaglia	Farrell	Johnson, A.	McEachern	Pellow
Bauerly	Frederick	Johnson, R.	McGuire	Pelowski
Beard	Frerichs	Johnson, V.	McPherson	Peterson
Begich	Garcia	Kahn	Milbert	Pugh
Bertram	Girard	Kalis	Morrison	Reding
Bettermann	Goodno	Kelso	Munger	Rest
Bishop	Greenfield	Kinkel	Murphy	Rice
Blatz	Gruenes	Knickerbocker	Nelson, K.	Rodosovich
Bodahl	Gutknecht	Koppendrayer	Nelson, S.	Rukavina
Boo	Hanson	Krinkie	Newinski	Runbeck
Brown	Hartle	Krueger	Ogren	Sarna
Carlson	Hasskamp	Lasley	Olsen, S.	Schafer
Carruthers	Haukoos	Leppik	Olson, K.	Scheid
Clark	Hausman	Lieder	Omann	Schreiber
Cooper	Henry	Limmer	Onnen	Seaberg
Dauner	Hufnagle	Long	Orenstein	Segal
Dawkins	Hugoson	Lourey	Orfield	Simoneau

Skoglund	Steensma	Trimble	Wagenius	Welle
Smith	Sviggum	Tunheim	Waltman	Wenzel
Solberg	Swenson	Uphus	Weaver	Winter
Sparby	Thompson	Valento	Wejeman	Spk. Vanasek
Stanius	Tompkins	Vellenga	Welker	

A quorum was present.

Jennings, O'Connor and Olson, E., were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Morrison moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Long, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Resolved, that the Permanent Rules of the House of Representatives for the 77th Session shall read as follows:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES

ARTICLE I – DAILY BUSINESS

1.1 CONVENING OF THE HOUSE. Unless otherwise ordered, regular sessions of the House shall convene at two-thirty p.m. The Speaker shall take the chair at the hour at which the House convenes and the House shall then be called to order. A prayer shall be said by the Chaplain or time allowed for a brief meditation. Then, on the first legislative day in any calendar week, it shall be followed by the pledge of allegiance to the flag of the United States of America. Then a roll of members shall be called and the names of members present and members excused shall be entered in the Journal of the House.

1.2 READING OF THE JOURNAL. A quorum being present, the Journal of the preceding day shall be read by the Chief Clerk unless otherwise ordered. The House may correct any errors in the Journal of the preceding day.

1.3 ORDER OF BUSINESS. After the reading of the Journal, the order of business of the day shall be:

- (1) Presentation of petitions or other communications.

- (2) Reports of standing committees.
- (3) Second reading of House bills.
- (4) Second reading of Senate bills.
- (5) Reports of select committees.
- (6) Introduction and first reading of House bills.
- (7) Consideration of messages from the Senate.
- (8) First reading of Senate bills.
- (9) Consent Calendar.
- (10) Calendar for the day.
- (11) General Orders.
- (12) Motions and resolutions.

Conference committees on House bills and the Committee on Rules and Legislative Administration may report at any time except when the House is in the Committee of the Whole.

1.4 SECOND READING OF BILLS. Every bill shall require a second reading.

Except as otherwise ordered, every bill requiring the approval of the Governor shall, after a second reading, be considered in a Committee of the Whole before it shall be finally acted upon by the House.

1.5 COMMITTEE OF THE WHOLE. The Committee of the Whole is a committee of the entire membership of the House. The Speaker may appoint another member as chair to preside over the Committee of the Whole.

When the House arrives at the General Orders of the Day, it shall resolve itself into a Committee of the Whole to consider bills on General Orders.

A bill considered in the Committee of the Whole shall be reported and then debated by sections, with the title considered last. All amendments shall be typewritten and five copies shall be submitted to the Chair who shall report them to the House.

1.6 RULES TO APPLY TO COMMITTEE OF THE WHOLE. The Rules of the House shall be observed in the Committee of the Whole so far as

may be applicable except that the previous question shall not be forced or speaking limited.

Upon demand of 15 members, the yeas and nays shall be called, the question voted on, and the yeas and nays recorded in the Journal of the House.

In the Committee of the Whole no amendment increasing the amount of any appropriation shall be passed without the yeas and nays recorded in the Journal of the House.

A motion that the Committee arise shall always be in order and shall be decided without debate.

1.7 GENERAL ORDERS OF THE DAY. The Chief Clerk at the direction of the Speaker shall prepare the General Orders of the Day, which is a list of all bills which have not been made Special Orders or placed on the Consent Calendar, numbered according to their order at second reading. Unless otherwise ordered by a majority of the Committee, items on General Orders shall be taken up in numerical order.

The Chief Clerk shall see that a copy of each bill printed under the Rules or Orders of the House is placed in each member's file, which is to be kept at the member's desk in the chamber, at least 24 hours before the bill shall be considered in the Committee of the Whole. ~~Under the first order of business each day, the Chief Clerk shall report to the House which bills have been placed in the files.~~

If a bill is progressed three times it shall be placed at the end of General Orders.

Except during the last five days in any year on which a bill may be passed, a bill amended in the Committee of the Whole shall not be given its third reading until it is engrossed and reproduced as amended.

1.8 THIRD READING OF BILLS. No amendment shall be received after the third reading without the unanimous consent of the House, except to fill blanks or to amend titles.

At any time prior to its passage any bill or resolution may be referred or re-referred by a majority vote of the whole House. If the committee, other than the Committee of the Whole, to which it was referred or re-referred reports an amendment on it, it shall again be given its second reading, considered in Committee of the Whole, given its third reading and placed upon its final passage.

1.9 SPECIAL ORDERS. A bill may be made the Order of the Day

for a special time and be placed upon a separate list known as "Special Orders."

The Committee on Rules and Legislative Administration may by committee report designate as a Special Order any bill which has had its second reading.

Any member may move to make a bill a Special Order by giving notice at least two legislative days in advance of and specifying the day on which the member will so move. The notice shall include the number and title of the bill and the day and time certain for the Special Order. Only the member giving such notice, or another member designated in writing by the member who originally gave notice of the Special Order to the Speaker, may make the motion for the Special Order. A two-thirds vote of the whole House on such motion is required to make a bill a Special Order.

The time set for the motion may not be extended, and failure to make the motion on the specified day forfeits the right to make the motion.

A motion to make a bill a Special Order, when made according to the procedures herein prescribed, shall be a privileged motion, shall take precedence over all other motions except a motion to adjourn or to set the time to adjourn and questions of personal privilege, and may be made at any time on the day designated in the notice. A three-fourths vote of the whole House is required to suspend the motion.

Any Special Order, or any part of it, may be continued or postponed by two-thirds vote of the whole House at the time of such Special Order; however, a Special Order designated by the Committee on Rules and Legislative Administration may be continued or postponed by a majority vote of the whole House at the time of such Special Order.

When the time arrives for the consideration of any Special Order, the House shall consider each bill upon the Special Order in the order in which it is listed. After consideration it shall immediately be read the third time and placed upon final passage.

1.10 TAX AND APPROPRIATION BILLS GIVEN PRECEDENCE. Any bill relating to taxes or raising revenue shall be acted upon whenever requested by the Chair of the Committee on Taxes, and any appropriation bill shall be acted upon whenever requested by the Chair of the Committee on Appropriations.

1.11 CONSENT CALENDAR. Any bill of a non-controversial nature for which the committee report recommends placement upon the Consent Calendar shall be given its second reading after the

report is adopted and placed upon the Consent Calendar. The bill shall be printed and placed in the members' files at least one day before it can be considered. The bill shall be placed upon the Consent Calendar in the order in which it is given its second reading.

The Consent Calendar shall immediately precede the order of business known as "Calendar for the Day." Every bill on the Consent Calendar shall be debated, given its third reading and voted upon, provided, however, that at any time prior to third reading, ten members may object to any bill as being controversial. Any bill so objected to shall be stricken from the Consent Calendar and be immediately placed upon General Orders, taking its place in the usual order.

1.12 SUSPENSION OF RULES TO ADVANCE A BILL. Every bill shall be reported on three different days, except that in case of urgency, a two-thirds majority of the whole House may suspend this Rule. A motion for suspension of the Rules to advance a bill for consideration out of its regular order is in order under the order of business "Motions and Resolutions" or at any time the bill is before the House. The motion must be presented to the Speaker in writing and must state the present position of the bill.

1.13 MINORITY REPORTS. Any minority report shall be made separately from the majority report and shall be considered before the majority report. If the minority report is adopted the majority report shall not be considered. If the minority report is not adopted the majority report shall then be considered.

1.14 COMMITTEE REPORT LAID OVER. The report of any committee may be laid over one day and printed in the Journal, if so ordered by the House.

1.15 RECALLING BILL FROM COMMITTEE OR DIVISION. In regular session, except after the deadline for committee reports on bills originating in the House, any bill or resolution may be recalled from any committee or division at any time by majority vote of the whole House, be given a second reading and be advanced to General Orders. A motion to recall a bill or resolution shall be in order only under the order of business "Motions and Resolutions."

1.16 TIME LIMIT FOR CONSIDERATION OF BILLS. If 20 legislative days after a bill has been referred to committee or division (other than a bill in Appropriations) no report has been made upon it by the committee or division, its chief author may request that it be returned to the House and the request shall be entered in the Journal for the day. The committee or division shall have ten calendar days thereafter in which to vote upon the bill requested. If the committee or division fails to vote upon it within the ten days, the chief author may, at any time within five calendar days thereafter, present a written demand to the Speaker for its immediate

return to the House. The demand shall be entered in the Journal for that day and shall constitute the demand of the House. The bill shall then be considered to be in the possession of the House, given its second reading and placed at the end of General Orders.

Such bill is subject to re-reference by a majority vote of the whole House. If the motion to re-refer is made on the day of the demand or within one legislative day thereafter, the motion shall take precedence over all other motions except privileged motions and shall be in order at any time.

After Monday, March 26, 1990 In regular session after, the House shall not act on bills other than those recommended by conference committee reports or the Committee on Rules and Legislative Administration, and those bills contained in messages from the Senate or from the Governor.

1.17 DISPOSITION OF SENATE BILLS. Any Senate File received by the House, accompanied by a message announcing its passage by the Senate, shall be referred to the appropriate standing committee in accordance with Rule 5.4. However, if a Senate File is received which is stated by a member to be identical to a House File already reported by a standing committee of the House and placed on General Orders, Calendar, Consent Calendar, or Special Orders, the Senate File shall be referred to the Chief Clerk for comparison. If the Chief Clerk reports that the Senate File is identical with the House File, the Senate File may by majority vote be substituted for the House File and take its place. The fact that the bills are identical shall be entered in the Journal and the House File is then considered withdrawn.

Any Senate File which has been amended on the floor of the House, except at time of final passage, and any Senate File which has been reported to the House with amendments by a House standing committee, shall be unofficially engrossed and reprinted by the Chief Clerk. Amendments to unofficial engrossments of a Senate File may be offered by members on the floor of the House but shall not be offered in standing committees.

1.18 RECORDED FLOOR PROCEEDINGS. All proceedings on the floor of the House shall be recorded on magnetic tape or similar recording device under the direction of the Chief Clerk. Two copies of each tape shall be delivered to the Director of the Legislative Reference Library and there maintained on file for use by any member of the public in accordance with the rules of the Legislative Reference Library. At the end of each biennium, the Director of the Legislative Reference Library shall deliver one copy of each tape to the Director of the Minnesota Historical Society.

Any person may obtain a copy of any such tape during the biennium in which it is recorded upon payment of a fee determined

by the Chief Clerk to be adequate to cover the cost of preparing the copy.

Discussion preserved under this rule is not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.

ARTICLE II - VOTING

2.1 AUTHORIZING ELECTRIC VOTING SYSTEM. Except for a vote upon elections or the overriding of a Governor's veto, any vote may be taken by means of the electric voting system which shall be under the control of the Speaker of the House.

2.2 CALL OF THE HOUSE. Ten members may demand a call of the House at any time except after voting has commenced. When such call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave until the roll call is suspended or completed. During the roll call, no motion shall be in order except a motion pertaining to matters incidental to the call. Proceedings under the roll call may be suspended by a majority vote of the whole House. After the roll call is suspended or completed the Sergeant at Arms shall not permit any member to leave the Chamber unless excused by the Speaker. A call of the House may be lifted by a majority vote of the whole House.

2.3 DEMANDING YEAS AND NAYS. Yeas and nays shall be ordered without demand upon final passage of bills and upon adoption of resolutions or motions directing the payment of money. In all other cases the yeas and nays shall be ordered only upon demand of 15 members.

2.4 EXPLAINING OR CHANGING VOTE. No member shall be allowed to explain a vote or discuss the question while the yeas and nays are being taken, nor be allowed to change a vote after the yeas and nays have been announced from the chair by the Speaker.

2.5 EVERY UNEXCUSED MEMBER TO VOTE. Any member who is immediately interested in the question being voted on shall not vote.

Every other member present before a vote is declared from the chair shall vote for or against the matter before the House, unless the House excuses the member from voting. However, no member is required to vote on any matter concerning a resolution except for a resolution relating to the internal business of the House or the Legislature.

A member who declines to vote on a call of the member's name shall be required to state reasons for so declining. After the vote has

been taken but before the chair has announced the vote, the chair shall submit to the House the question, "Shall the member, for the reasons stated, be excused from voting?" which shall be decided without debate. Any other proceedings in reference thereto shall take place after announcement of the vote.

ARTICLE III – MOTIONS AND AMENDMENTS

3.1 AMENDMENTS AND OTHER MOTIONS. No amendment or other motion shall be debated until after it is stated by the Speaker.

After an amendment or other motion has been stated by the Speaker it is in possession of the House, but the mover may withdraw it at any time before amendment or decision. Unless a motion, resolution or amendment is withdrawn on the day it is made, it shall be entered in the Journal, together with the name of the member offering it.

The Speaker may require any amendment or other motion be typewritten and that five copies be given to the Chief Clerk.

3.2 PRECEDENCE OF MOTIONS. When a question is under consideration, no motion shall be received except the following, the first four of which shall be decided without debate:

- (1) To fix the time of adjournment.
- (2) To adjourn.
- (3) To lay on the table.
- (4) For the previous question.
- (5) To refer.
- (6) To postpone to a day certain.
- (7) To amend.
- (8) To postpone indefinitely.
- (9) To pass.

The motions shall have precedence in the order listed. However, if the motion for the previous question has been seconded and the main question ordered, the motion to lay on the table shall not be in order.

3.3 MOTION TO ADJOURN. A motion to adjourn shall always be in order except during roll call.

When a motion to adjourn is made it shall be in order for the Speaker, before putting the question, to permit any member to state reasons which would seem to render adjournment improper at that time. Such a statement shall not be debatable and shall be limited to not over two minutes.

3.4 MOTION FOR RECONSIDERATION. When a question has been decided either in the affirmative or negative, it shall be in order for any member who voted with the prevailing side to move its reconsideration, provided that such motion is made either on the same day the vote was taken or within the following two days of actual session of the House. A motion for reconsideration can be made at any time in the Order of Business and shall take precedence over all other questions except the motion to adjourn and the notice of intention to move reconsideration. Such motion or notice shall not be in order if the document, bill, resolution, message, report or other official action on which the vote was taken shall have left the possession of the House.

When a member gives notice of intention to move reconsideration of the final action of the House on any bill, resolution, message, report or other official action, the Chief Clerk shall retain the same until after the matter is disposed of or the time has expired during which the motion for reconsideration can be made.

On the last day allowed for the motion to reconsider, it shall be in order for any member who voted on the prevailing side to make the motion, unless the matter has been already disposed of.

A motion for reconsideration having been voted upon and lost shall not be renewed.

In regular session in an odd-numbered year, notice of intention to move reconsideration shall not be in order after ~~Monday, April 24, 1989~~

In regular session in an even-numbered year, notice of intention to move reconsideration shall not be in order after ~~Thursday, March 22, 1990~~

3.5 ORDER OF PUTTING QUESTION. Except in the case of privileged questions, all questions, whether in committee or in the House, shall be put in the order in which they are moved. When filling blanks, a motion for the largest sum or the longest time shall be put first.

3.6 DIVISION OF A QUESTION. Any member may request the

division of a question which contains several separate and distinct points. A motion to strike out and insert shall not be divisible. If a motion to strike out is lost it shall not preclude another motion to *amend or to strike out and insert*.

3.7 THE PREVIOUS QUESTION. The motion calling for the previous question must be seconded by 15 members. If the motion for the previous question is ordered by a majority of members present, it shall have the effect of cutting off all debate and bringing the House to direct vote upon the question or questions.

The previous question may be moved and ordered upon a single motion, a series of motions allowable under the Rules, or an amendment or amendments; or it may include all authorized motions or amendments, including a vote on final passage of a bill.

On a motion for the previous question, but prior to its being ordered, a call of the House shall be in order. After a majority has ordered the previous question, no call shall be in order prior to the decision on the main question.

When the previous question is decided in the negative, the main question remains under debate until disposed of by taking a vote either on the question or in some other manner.

All incidental questions of order arising after a motion is made for the previous question and prior to the vote on the main question shall be decided without debate.

3.8 AMENDMENTS TO AMENDMENTS. An amendment may be amended, but an amendment to an amendment may not be amended.

3.9 MOTIONS AND PROPOSITIONS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted under guise of its being an amendment.

3.10 AMENDMENT NOT TO ANNEX ANOTHER BILL. Except in a standing committee no bill or resolution shall at any time be amended by annexing or incorporating any other bill or resolution.

3.11 RESOLUTIONS AND MOTIONS INVOLVING EXPENDITURE OF MONEY. Any resolution or motion involving the expenditure of money out of the legislative expense fund shall be referred to the Committee on Rules and Legislative Administration before being acted upon by the House. A majority vote of the whole House, determined by a roll call, is required to pass any such resolution or motion.

3.12 AMENDMENTS TO APPROPRIATION AND TAX BILLS. No

amendment increasing an appropriation and no amendment increasing a tax shall be declared passed until voted for by a majority of the whole House determined by a roll call vote.

3.13 MOTION TO LAY ON THE TABLE. A motion to lay on the table shall not be in order on a motion to amend, except that a motion to amend the Rules may be tabled.

3.14 MOTION TO RESCIND. The motion to rescind shall not be in order at any time in any proceeding in the House or in any committee of the House.

3.15 SUSPENSION OR AMENDMENT OF THE RULES. The concurrence of two-thirds of the whole House is required to suspend, alter, or amend any Rule of the House, except that any amendment to the Rules reported by the Committee on Rules and Legislative Administration may be adopted by a majority of the whole House.

Except as provided in Rule 1.12, a motion to suspend, alter, or amend any Rule of the House must be made under the order of business "Motions and Resolutions." If the motion is made at any other time, unanimous consent is required before the Speaker can entertain the motion.

A motion to suspend the Rules, together with the subject matter to which it pertains, is debatable, but the previous question may be applied to the motion.

ARTICLE IV – DEBATE AND DECORUM

4.1 ABSENCE OF MEMBERS AND OFFICERS. Unless illness or other sufficient cause prevents attendance, no member or officer of the House shall be absent from any session of the House without first having obtained from the Speaker permission to be absent.

4.2 DUTIES OF MEMBERS. Members shall keep their seats until the Speaker announces adjournment.

Every member, before speaking, shall rise and respectfully address the Speaker and shall not speak further until recognized by the Speaker. When two or more members rise at the same time, the Speaker shall designate the member to speak first.

4.3 QUESTIONS OF ORDER. If any member of the House transgresses the Rules, either in speaking or in any other way, the Speaker shall, or any member may, call the member to order. A member so called to order shall immediately sit down unless another member moves to permit the member who was called to order to explain. In either case, the House, if appealed to, shall decide

without debate. Only if the decision is in favor of the member called to order shall that member be at liberty to proceed. A member called to order shall be liable to censure or such other punishment as the House may deem proper.

4.4 ORDER IN DEBATE. No member shall speak more than twice on the same subject without leave of the House, nor more than once until every other member wishing to speak on the pending question has had an opportunity to do so.

4.5 NOTICE OF INTENTION TO DEBATE A RESOLUTION. Any member may give notice of intention to debate a resolution. Such notice may be given at any time before the vote is taken on the resolution. If such notice is given, the resolution shall be laid over one day without debate or any other action.

4.6 OFFENSIVE WORDS IN DEBATE. If any member is called to order for offensive words in debate, the member calling for order shall report the words to which exception is taken and the Clerk shall record them. No member shall be held to answer or be subject to censure of the House for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place.

4.7 ORDER DURING SESSION. No member shall walk out of or across the Chamber when the Speaker is putting the question. No member shall engage in private conversation while another member is speaking or pass between the speaking member and the Chair.

4.8 NO ONE TO REMAIN BY THE CHIEF CLERK'S DESK. No member or other person shall remain by the Chief Clerk's desk while the yeas and nays are being called.

4.9 WHO MAY BE ADMITTED TO THE FLOOR. No person shall be admitted within the House Chamber, except members themselves, properly authorized employees, the Chief Executive and ex-governors of the State of Minnesota, members of the Senate, heads of departments of the state government, judges of the Supreme and District Courts, members of Congress, properly accredited representatives of radio and television stations, newspapers and press associations, as herein provided for, and none other. When a former member of Congress or the Minnesota Legislature or any other person is issued a permit by the Speaker good for the day, that person shall be provided with a seat near the Speaker's rostrum, and at no time shall a conversation be carried on so as to disturb the business of the House. Before issuing the permit, the Speaker shall make certain that the person does not seek the floor of the House for the purpose of influencing decisions of the House.

The alcoves shall be kept for the use of members only, and the Sergeant at Arms shall keep them cleared.

It shall not be in order for the Speaker to entertain a request for the suspension of this Rule, or to present from the Chair the request of any member for unanimous consent unless an extraordinary condition exists, in which event the Speaker may consent to entertain a motion for its suspension.

During the period extending from one hour prior to the time the House is scheduled to convene until one hour after the House adjourns for the day, the retiring room shall be reserved for the exclusive use of the members and employees of the House or Senators specifically authorized to be present by a House member. No committee meetings shall be held therein except for emergency meetings authorized by the Speaker of the House. The Sergeant at Arms is charged with the duty of strict enforcement of this provision.

4.10 PRESENTATION OF PETITIONS. Any petition, memorial or other paper presented to the House shall include the name of the member introducing it and a brief description of its contents and shall be presented by the Speaker, who shall state briefly its contents.

4.11 NO SMOKING IN HOUSE CAPITOL AREA. Smoking is prohibited in areas of the Capitol under the jurisdiction of the House of Representatives, including the House Chamber and Retiring Room and galleries, hearing rooms, minor corridors and offices, except private offices.

ARTICLE V - BILLS

5.1 BILL AND RESOLUTION FORM. No bill or resolution shall be introduced until it has been examined and approved by the Revisor of Statutes as to form and compliance with the Joint Rules of the House and Senate and the Rules of the House. Approval as to form shall be endorsed on the bill or resolution by the Revisor of Statutes.

5.2 INTRODUCTION OF BILLS AND RESOLUTIONS. A bill, advisory bill or resolution offered for introduction shall be placed in the hands of the Speaker at least 24 hours prior to the convening of the daily session. Every bill, advisory bill and resolution shall be introduced in quadruplicate and each copy shall contain the signature of the member or name of the committee introducing it. No bill, advisory bill, memorial or resolution shall have more than five authors. A statement of facts being forwarded for action to a governmental official, agency, or body or other similar proposal is a memorial and shall be introduced in the same form as a bill and take the same course as a bill. No resolution shall authorize the expenditure of monies from any source other than the legislative expense fund.

5.3 ADVISORY BILLS. An advisory bill may be introduced by any

member in the same manner as a bill except that the requirements of Rule 5.1 shall not apply.

Each advisory bill shall be typewritten on a form provided by the Chief Clerk. It shall have a title not exceeding 12 words in length and shall contain a specific proposal for the initiation, termination or alteration of a law or program of the state or any of its subdivisions. It need not be drafted in a form appropriate for enactment into law.

An advisory bill may be considered only in committee and shall not be given a second reading or be otherwise considered by the House, except that the committee may report its recommendation for re-referral to another committee.

5.4 FIRST READING AND REFERENCE OF BILLS. Each bill, advisory bill and resolution shall be reported and given its first reading upon its introduction. No bill, advisory bill or resolution shall be objected to upon its introduction.

Except as provided in Rule 1.17 and Rule 5.5 each bill, advisory bill or resolution shall, after first reading, be referred by the Speaker to the appropriate standing committee or division thereof.

Congratulatory resolutions are exempt from this rule and may be adopted by the Committee on Rules and Legislative Administration without further consideration by the House.

Except as otherwise provided in these Rules, after a bill, advisory bill or resolution has been referred by the Speaker, a majority vote of the whole House shall be required for a re-referral of the bill, advisory bill or resolution by the House.

5.5 COMMITTEE BILLS. A committee bill shall be read for the first time and may be referred by the Speaker to any standing committee. If it is not so referred, it shall be laid over one day. It shall then be read for the second time and placed upon General Orders, or, if recommended by the Committee, upon the Consent Calendar.

5.6 PRINTING OF BILLS. Every bill shall be printed after it has been given its second reading. A bill may be printed at any other time a majority of the House so orders.

5.7 BILLS CARRYING AN APPROPRIATION. Any bill, whether originating in the House or Senate, carrying an appropriation, or which may involve any present or future financial obligation on the part of the State, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Appropriations for action by that committee. Any committee, other than the

Committee on Appropriations, to which such bill has been referred shall note in its report that the bill carries an appropriation.

5.8 **BILLS AFFECTING STATE GOVERNMENT POWERS AND STRUCTURE.** Any bill, whether originating in the House or the Senate, which creates or reestablishes any new department, agency, commission, board, task force, advisory committee or council, or bureau, or any other such entity, or which substantially changes or alters the organization of or delegates emergency rulemaking authority to or exempts from rulemaking any department or agency thereof of state government, or substantially changes, alters, vests or divests official rights, powers, or duties of any official, department or agency of the state government or any institution under its control, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Governmental Operations for action by that committee. Prior to the deadline set by Rule 9.3, any committee other than the Committee on Governmental Operations to which such bill is referred shall, in its report, recommend re-referral to the Committee on Governmental Operations. After the deadline set by Rule 9.3, a report shall recommend re-referral to the Committee on Rules and Legislative Administration.

This rule does not apply to the omnibus bill on taxation, the education finance bill, or the omnibus appropriations bills for: state departments government; health and human services human resources; education; or agriculture, transportation, and semi-state activities economic development, infrastructure and regulation; or environment and natural resources. But, if those bills contain provisions that would create or reestablish a commission, board, task force, advisory committee or council, or other such entity, then the chair of the Committee on Taxes, the chair of the Committee on Education, or the chair of a division of the Committee on Appropriations, as appropriate, must communicate the inclusion of the provision to the chair of the Committee on Rules and Legislative Administration prior to consideration of the matter on the floor.

All other bills in the House Committees on Appropriations and on Taxes are also exempt from this rule except for bills to create or reestablish a commission, board, task force, advisory committee or council, or other such entity. Prior to the deadline set by Rule 9.3, those bills shall be re-referred to the Committee on Governmental Operations. After that deadline, the bills shall be re-referred to the Committee on Rules and Legislative Administration.

5.9 **BILLS AFFECTING TAXES.** Any bill whether originating in the House or Senate, which substantially affects state tax policy or the administration of state tax policy, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Taxes for action by that committee. Any standing committee other than the Committee on Taxes to which such a bill is referred

shall, in its report, recommend re-referral to the Committee on Taxes.

5.10 WAYS AND MEANS COMMITTEE; RESOLUTION; EFFECT ON EXPENDITURES AND TAX BILLS. The Committee on Ways and Means shall hold hearings as necessary to determine state expenditures and taxes for the coming fiscal biennium. ~~No later than March 19, 1990~~ In regular session, not later than ten days following the last available state general fund revenue and expenditure forecast for the coming fiscal biennium prepared during the session, the Committee on Ways and Means shall report a budget resolution to the House for consideration. The budget resolution shall take the form of a House resolution that sets the maximum limitation on expenditures and taxes for the coming fiscal biennium for the general fund and an amount to be set aside as a budget reserve. The limitation is effective, if adopted, unless the House adopts a different limitation in a subsequent budget resolution that accounts for increases or decreases in general fund revenues and expenditures anticipated for the current fiscal biennium.

No bill described in Rule 5.7 or 5.9 shall be given its second reading until the House has received a statement from the Committee on Ways and Means certifying that the major expenditure and tax bills are reconciled and do not exceed the limitation specified in the budget resolution for the general fund. Major expenditure and tax bills are: the education appropriation bill; the environment and natural resources appropriation bill; the health and human services human resources appropriation bill; the state departments government appropriation bill; the agriculture, transportation and semi-state economic development, infrastructure and regulation appropriation bill; the education finance bill; and the omnibus tax bill. However, a bill may be given its second reading by special authorization of the Committee on Ways and Means or by majority vote of the whole House. A special authorization may be reported by an oral notice to the House from the Chair of the Committee on Ways and Means or a designee of the Chair stating that the fiscal impact of a bill will be accounted for in the reconciliation statement.

The Committee on Appropriations and the Committee on Taxes, upon recommending passage of any bill described in Rule 5.7 or 5.9, shall provide to the Committee on Ways and Means a fiscal statement on the bill.

After the House has received a reconciliation statement from the Committee on Ways and Means, the House shall not give a second reading to any bill described in Rule 5.7 or 5.9 other than the major expenditure and tax bills. However, a bill may be given its second reading after the House has received from the Committee on Ways and Means a statement certifying that the fiscal impact of the bill is within the guidelines of the budget resolution, or after authorization by majority vote of the whole House. The statement of the Commit-

tee on Ways and Means may be reported orally by the Chair of the Committee on Ways and Means or a designee of the Chair.

5.11 RECESS BILL INTRODUCTIONS. During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, any bill filed with the Speaker for introduction shall be given a file number and may be unofficially referred to an appropriate standing committee of the House of Representatives.

5.12 BILLS PROPOSING CONSTITUTIONAL AMENDMENTS. Any bill, whether originating in the House or Senate, which proposes a constitutional amendment, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Rules and Legislative Administration for action by that committee. Any committee, other than the Committee on Rules and Legislative Administration, to which such bill has been referred, shall, in its report, recommend re-referral to the Committee on Rules and Legislative Administration.

ARTICLE VI – COMMITTEES – POWERS AND DUTIES

6.1 COMMITTEES. Standing committees of the House shall be appointed by the Speaker as follows:

Agriculture

Appropriations

Divisions: ~~Agriculture, Transportation and Semi-State~~
Economic Development, Infrastructure and
Regulation
 Education
Environment and Natural Resources
~~Health and Human Services~~
Human Resources
~~State Departments~~ Government

Commerce

Economic Development

Divisions Division: International Trade and Technology
 Rural Resource Development
 Community Stabilization and Development

Education

Divisions: Education Finance
 Higher Education

Energy

Environment and Natural Resources

Ethics

Financial Institutions and ~~Housing~~ Insurance

Division: ~~Housing~~
Banking

General Legislation, Veterans Affairs and Gaming

Divisions: ~~Elections~~
Gaming
Veterans Affairs

Governmental Operations

Division: Government Structures

Health and Human Services**Housing****Insurance****Judiciary**

Division: Criminal Justice

Labor-Management Relations**Local Government and Metropolitan Affairs****Redistricting****Regulated Industries****Rules and Legislative Administration****Taxes****Transportation****Ways and Means**

6.2 COMMITTEE MEMBERSHIP. No less than 30 days prior to the opening of a regular session of the Legislature, the Speaker-designate shall provide the minority group with a list of the standing committees proposed for the session. The Speaker-designate shall also designate the number of minority members to be appointed to each committee and may require general membership guidelines to be followed in the selection of committee members.

If the minority leader submits to the Speaker-designate, at least 15 days prior to the opening of the session, a list of proposed committee assignments for the minority group, which complies with the numbers and guidelines provided, the Speaker shall make such proposed assignments with the purpose of attaining proportionate representation on the committees for the minority group.

No committee of the House shall have exclusive membership from any one profession, occupation or vocation.

6.3 COMMITTEE MEETING SCHEDULE. The Speaker shall prepare a schedule of committee meetings, fixing as far as practicable the day of the week and the hour for the regular meeting time of each

committee. The schedule of committee meetings shall officially be made available to the news media. The chair of any committee holding a special meeting or making a change in the regular schedule of meetings shall give written notice which may be announced from the desk and shall be posted on the bulletin board at least one day in advance of the change.

The chair of each committee or subcommittee shall as far as practicable give three days notice of any meeting. The notice shall include the date, time, place and agenda for the meeting.

6.4 COMMITTEE PROCEDURES. Meetings of all committees of the House shall be open to the public except for any executive sessions which the committee on ethics deems necessary.

A majority of members of any committee shall constitute a quorum.

The Rules of the House shall be observed in all committees wherever they are applicable.

Any member of any committee may demand a roll call on any bill, resolution, report, motion or amendment before the committee. Only upon such demand being made shall the roll be called and the vote of each member on the bill, resolution, report, motion or amendment be recorded in the committee minutes, together with the name of the member demanding the roll call.

A committee may reconsider any action so long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

6.5 SUBCOMMITTEES. The chair of a committee shall appoint the chair and members of each subcommittee. The chair or the committee may refer bills to subcommittee. Any subcommittee may make such investigation or exercise such authority as is delegated to it by the chair or the committee.

6.6 COMMITTEE RECORDS. The chair or acting chair of each standing committee shall cause a record to be kept, in the form prescribed by the Committee on Rules and Legislative Administration, which shall include the record of each bill referred to the committee and the minutes of the committee. The minutes shall include:

- a. The time and place of each hearing or meeting of the committee;
- b. Committee members present;

c. The name and address of each person appearing before the committee, together with the name and address of the person, association, firm or corporation in whose behalf the appearance is made;

d. The language of each motion, the name of the committee member making the motion, and the result of any vote taken upon the motion, including the yeas and nays whenever a roll call is demanded;

e. The date on which any subcommittee is created, the names of its members and the bills referred to it;

f. The record of each subcommittee meeting, including the time and place of the meeting; members present; the name of each person appearing before the subcommittee, together with the name of the person, association, firm or corporation in whose behalf the appearance is made; and the language of each motion, together with the name of the member making the motion, and the result of any vote taken upon the motion, including the yeas and nays whenever a roll call is demanded;

g. Other important matters related to the work of the committee.

The minutes shall be approved at the next regular meeting of the committee.

Copies of the minutes, after approval by the committee, shall be filed with the Chief Clerk and shall be open to public inspection in the Chief Clerk's office. At the end of the biennium they shall be delivered, together with the other committee records, to the Director of the Legislative Reference Library, where they shall remain open for public inspection during regular office hours. A copy of any page of any committee minutes may be obtained upon payment of a fee determined by the Chief Clerk to be adequate to cover the cost of preparing the copy.

The magnetic tape recording of any committee meetings shall be retained by the chair until the minutes of that meeting have been approved by the committee. The recording or a copy of the recording shall then be filed with the Director of the Legislative Reference Library, where it shall be maintained for a period of two years from the date of filing for use by any person in accordance with the rules of the Legislative Reference Library. After expiration of the two-year period the recording may be erased and the tape may be reused.

Any person may obtain a copy of such tape during the period in which it is maintained in the Legislative Reference Library upon payment of a fee determined by the Chief Clerk to be sufficient to cover the cost of the copy. Testimony and discussion preserved under

this rule is not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.

6.7 COMMITTEE REPORTS. The chair of a standing committee reporting to the House the action taken by the committee upon any bill or resolution referred to it shall do so upon the form provided for such reports. Each bill or resolution shall be reported separately and the report shall be adopted or rejected without amendment.

The report shall contain the action taken by the committee and the date of such action and shall be authenticated by the signature of the chair.

Before a committee reports favorably upon a bill or resolution, the chair shall see that the form of the bill or resolution conforms to the Joint Rules of the House and Senate and these Rules.

Except during the last seven legislative days in any year, the committee report and any minority report shall be placed in the hands of the Chief Clerk at least four hours prior to the convening of the daily session.

The Committee on Rules and Legislative Administration may report at any time.

If a majority of the members of a standing committee finds a bill referred to the committee to be of a non-controversial nature, the report to the House may recommend that the bill be placed upon a separate calendar to be known as the Consent Calendar.

6.8 COMMITTEE BILLS. Any standing or special committee of the House may introduce a bill as a committee bill on any subject within its purview.

6.9 SUBSTITUTION OF BILLS. No standing or special committee nor any of its members shall report a substitute for any bill referred to the committee if the substitute relates to a different subject, is intended to accomplish a different purpose, or would require a title essentially different from that of the original bill. Whenever the House is advised that a substitute bill reported to the House is in violation of this rule, the report shall not be adopted.

6.10 COMMITTEE ON ETHICS. The Speaker shall appoint a Committee on Ethics. An equal number of members from the majority group and the minority group and one alternate from each group shall be appointed. The committee shall adopt written procedures, which shall include due process requirements, for handling complaints and issuing guidelines.

Complaints regarding a member's conduct must be submitted in

writing to the Speaker verified and signed by two or more members of the House and shall be referred to the committee within 15 days for processing by the committee according to its rules of procedure. Prior to referring the matter to the committee, the Speaker shall inform the member against whom a question of conduct has been raised of the complaint and the complainant's identity. The Speaker, the members making the complaint, the members of the Committee on Ethics, and employees of the House shall hold the complaint in confidence until the committee or the member subject of the complaint cause a public hearing to be scheduled. A complaint of a breach of the confidentiality requirement by a member or employee of the House shall be immediately referred by the Speaker to the Ethics Committee for disciplinary action. The committee shall act in an investigatory capacity and may make recommendations regarding questions of ethical conduct received prior to adjournment sine die.

Ethics committee recommendations for disciplinary action shall be referred to the Committee on Rules and Legislative Administration, which committee may adopt, amend, or reject the recommendations of the Ethics committee. Recommendations adopted by the Committee on Rules and Legislative Administration to expel, censure, or reprimand shall be reported to the House for final disposition.

6.11 CONFERENCE COMMITTEES. A conference committee may report at any time. No committee except a conference committee or the Committee on Rules and Legislative Administration shall sit during any daily session of the House without leave.

A conference committee report shall include only subject matter contained in the House or Senate versions of the bill for which that conference committee was appointed, or like subject matter contained in a bill passed by the House. The member presenting the conference committee report to the House shall disclose all substantive changes from the House version of the bill.

In regular session in an odd-numbered year except after Monday, May 15, 1989, and in an even-numbered year except after March 28, a written copy of a report of a conference committee shall be placed on the desk of each member of the House 24 hours before action on the report by the House. If the report has been reprinted in the Journal of the House for a preceding day and is available to the members, the Journal copy shall serve as the written report.

6.12 COMMITTEE BUDGETS AND EXPENSES. The Committee on Rules and Legislative Administration shall establish a budget for each standing committee of the House for expenses incurred by the committee, its members, or its staff in conducting its legislative business. Per diem expense allowances paid to members during

sessions or at times set by the Speaker shall not be charged against the budget. No committee shall incur expenses in excess of its authorized budget.

Employees shall be reimbursed for actual expenses in the same manner as state employees.

During sessions, for travel away from the Capitol, members shall be reimbursed for actual expenses in the same manner as state employees in addition to per diem expense allowances.

All charges against the committee budget must be approved by the chair before payment is made.

6.13 PUBLIC TESTIMONY. Public testimony from proponents and opponents shall be allowed on every bill or resolution before either a standing committee, division or subcommittee of the House.

ARTICLE VII – OFFICERS OF THE HOUSE

7.1 DUTIES AND PRIVILEGES OF THE SPEAKER. The Speaker shall preside over the House and shall have all the powers and be charged with all the duties of the presiding officer.

The Speaker shall preserve order and decorum. The Speaker or the chair of the Committee of the Whole may order the lobby or galleries cleared in the case of disorderly conduct or other disturbance.

Except as provided by rule or law, the Speaker shall have general control of the Chamber of the House and of the corridors, passages and rooms assigned to the use of the House.

The Speaker shall sign all acts, addresses, joint resolutions, writs, warrants and subpoenas of the House or issued by order of the House. The Speaker shall sign all abstracts for the payment of money out of the legislative expense fund of the House; but no money shall be paid out of said fund unless the abstract is also signed by the Chief Clerk of the House.

The Speaker shall appoint the Chief Sergeant at Arms or shall designate that officer from among the Sergeants at Arms elected by the House or appointed by the Committee on Rules and Legislative Administration.

7.2 SPEAKER PRO TEMPORE. The Speaker shall appoint a member to preside, whenever the Speaker is absent, as Speaker pro tempore. In the absence of the Speaker and Speaker pro tempore, the Committee on Rules and Legislative Administration shall select a

member ~~to~~ selected by the Speaker shall preside until the return of the Speaker or Speaker pro tempore.

7.3 DUTIES OF CHIEF CLERK. The Chief Clerk shall have general supervision of all clerical duties pertaining to the business of the House. The Chief Clerk shall perform under the direction of the Speaker all the duties pertaining to the office of Chief Clerk and shall keep records showing the status and progress of all bills, memorials and resolutions.

Neither the Chief Clerk nor any of the Chief Clerk's assistants or employees shall permit any records or papers belonging to the House to be removed from their custody other than in the regular course of business. The Chief Clerk shall report any missing records or papers to the Speaker.

During a temporary absence of the Chief Clerk, the First Assistant Chief Clerk shall be delegated all the usual responsibilities of the Chief Clerk and is authorized to sign the daily journal, enrollments, abstracts and other legislative documents.

7.4 ENGROSSMENT AND ENROLLMENT. The Chief Clerk of the House shall have supervision over the engrossment and enrollment of bills. The Chief Clerk shall cause to be kept a record by file number of the bills introduced in the House which have passed both houses and been enrolled.

7.5 BUDGET AND PURCHASING. The Director of House administrative services shall prepare a biennial budget for the House which must be approved by the Committee on Rules and Legislative Administration before it is submitted to the Committee on Appropriations.

The Director shall be the agent of the House of Representatives for the purchase of supplies. The Director shall seek the lowest possible prices and shall file timely reports of expenditures made with the Committee on Rules and Legislative Administration.

7.6 BULLETIN BOARD. The Chief Clerk shall prepare a bulletin board upon which shall be posted a list of committee and subcommittee meetings and any other announcements or notices the House may require.

7.7 INDEX. The Index Clerk, under the supervision of the Chief Clerk, shall prepare an index in which bills may be indexed by topic, number, author, subject, section of the code amended, committees, and any other subject that will make it a complete and comprehensive index. The index shall be open for public inspection at all times during the session and shall be printed in the permanent Journal of the House.

7.8 DUTIES OF THE SERGEANT AT ARMS. It shall be the duty of the Sergeant at Arms to carry out all orders of the House or the Speaker and to perform all other services pertaining to the office of Sergeant at Arms, including maintaining order in the Chamber and supervising entering and exiting from the Chamber and the prompt delivery of messages.

ARTICLE VIII – EMPLOYEES OF THE HOUSE

8.1 APPOINTMENT OF EMPLOYEES. The Committee on Rules and Legislative Administration shall designate the position of and appoint each employee of the House and set the compensation of each officer and employee. A record of all such appointments, including positions and compensation, shall be kept in the office of the Chief Clerk and shall be open for inspection by the public.

The Committee on Rules and Legislative Administration, by resolution, shall establish the procedure for filling vacancies when the Legislature is not in session.

Any employee of the House may be assigned to other duties, suspended or discharged at any time by the Committee on Rules and Legislative Administration.

No employee of the House shall receive any pay, compensation, gratuity or reward over and above the salary named for the position except upon approval of a three-fourths vote of the whole House.

8.2 DUTIES OF EMPLOYEES. No employee shall make or permit to be made any copy or copies of any journal, bill, paper, file, record, or document in that employee's possession or custody or to which the employee has access except on request of a member of the House. No person other than a member of the House shall furnish or deliver any journal, bill, paper, file, record, document, or copy thereof to any person other than a member of the House except by or through the Chief Clerk with the approval or under the direction of the Committee on Rules and Legislative Administration, in accordance with these Rules, and upon such terms as such committee shall prescribe.

Any violation of this rule shall be cause for removal or discharge of the offender.

ARTICLE IX – GENERAL PROVISIONS

9.1 RULE AS TO CONSTRUCTION. As used in these Rules the terms "majority vote" and "vote of the House" shall mean a majority of members present at the particular time. The term "vote of the whole House" shall mean a majority vote of all the members elected to the House for that particular session of the Legislature.

Singular words used in these Rules shall include the plural, unless the context indicates a contrary intention.

9.2 MEDIA NEWS REPORTERS. Accredited representatives of the press, press associations, and radio and television stations shall be accorded equal press privileges by the House. Any person wishing to report proceedings of the House may apply to the Committee on Rules and Legislative Administration for a press pass and assignment to suitable available space.

Television stations shall be permitted to televise sessions of the House.

9.3 DEADLINES. In regular session in odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after Friday, April 14, 1989, and committee reports on bills originating in the other house favorably acted upon by a committee after Wednesday, April 26, 1989, shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. In even-numbered years, committee reports on bills favorably acted upon by a committee of the house of origin after Friday, March 9, and committee reports on bills originating in the other house favorably acted upon by a committee after Friday, March 16, shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. However, referral is not required after the first deadline when, by the second deadline, a committee acts on a bill that is a companion to a bill that has then been acted upon by the first deadline in the Senate.

Bills in the House Committees on Appropriations and on Taxes, and the education finance bill in the Committee on Education, are exempt from this rule and need not be re-referred, except as follows: a bill other than an omnibus tax or appropriation bill that includes provisions that create or reestablish a commission, board, task force, advisory committee or council, or other entity, shall be re-referred to the Committee on Rules and Legislative Administration if it remains in committee after the deadlines set by this rule.

9.4 DISPOSITION OF BILLS. Adjournment of the regular session in any odd-numbered year to a day certain in the following year shall be equivalent to daily adjournment except that any bill on the Consent Calendar, Calendar, Special Orders or General Orders shall be returned to the standing committee last acting on the bill.

9.5 AUTHORIZED MANUAL OF PARLIAMENTARY PROCEDURE. The rules of parliamentary procedure contained in "Mason's Manual of Legislative Procedure" shall govern the House in all applicable cases in which they are not inconsistent with these Rules, the Joint

Rules of the Senate and House of Representatives, or established custom and usage.

ARTICLE X – ETHICS

10.1 SOLICITATIONS DURING LEGISLATIVE SESSION. ~~After March 10, 1990,~~ No member of the House, nor the member's principal campaign committee, nor any other political committee with the member's name or title, nor any committee authorized by the member which would benefit the member, shall solicit or accept a contribution on behalf of the member's principal campaign committee, any other political committee with the member's name or title, or any political committee authorized by the member which would benefit the member, from a registered lobbyist, political committee, or political fund during the regular session of the House.

10.2 ACCEPTANCE OF AN HONORARIUM BY A MEMBER. No member may accept an honorarium for any service performed for an individual or organization which has a direct interest in the business of the House, including, but not limited to, registered lobbyists or any organizations they represent. The term "honorarium" does not include reimbursement for expenses incurred and actually paid by a member in performing any service.

Alleged violations of this rule shall be referred to the Committee on Ethics under Rule 6.10. Upon finding that an honorarium was accepted in violation of this rule, the Committee on Ethics shall direct the return of the funds. If the funds are not returned, the committee may recommend disciplinary action under Rule 6.10.

Long moved to amend the proposed Permanent Rules of the House, as follows:

The Chief Clerk of the House be instructed to renumber the Permanent Rules of the House to reflect a decimal system of numbers.

The motion prevailed and the amendment was adopted.

The question recurred on the Long motion that the report of the Committee on Rules and Legislative Administration and the proposed Permanent Rules of the House for the 77th Session, as amended, be now adopted. The motion prevailed and the Permanent Rules of the House for the 77th Session were adopted.

So the report of the Committee on Rules and Legislative Administration and the Permanent Rules of the House for the 77th Session were adopted as follows:

PERMANENT RULES OF THE HOUSE OF
REPRESENTATIVES

ARTICLE I – DAILY BUSINESS

1.01 CONVENING OF THE HOUSE. Unless otherwise ordered, regular sessions of the House shall convene at two-thirty p.m. The Speaker shall take the chair at the hour at which the House convenes and the House shall then be called to order. A prayer shall be said by the Chaplain or time allowed for a brief meditation. Then, on the first legislative day in any calendar week, it shall be followed by the pledge of allegiance to the flag of the United States of America. Then a roll of members shall be called and the names of members present and members excused shall be entered in the Journal of the House.

1.02 READING OF THE JOURNAL. A quorum being present, the Journal of the preceding day shall be read by the Chief Clerk unless otherwise ordered. The House may correct any errors in the Journal of the preceding day.

1.03 ORDER OF BUSINESS. After the reading of the Journal, the order of business of the day shall be:

- (1) Presentation of petitions or other communications.
- (2) Reports of standing committees.
- (3) Second reading of House bills.
- (4) Second reading of Senate bills.
- (5) Reports of select committees.
- (6) Introduction and first reading of House bills.
- (7) Consideration of messages from the Senate.
- (8) First reading of Senate bills.
- (9) Consent Calendar.
- (10) Calendar for the day.
- (11) General Orders.
- (12) Motions and resolutions.

Conference committees on House bills and the Committee on Rules and Legislative Administration may report at any time except when the House is in the Committee of the Whole.

1.04 SECOND READING OF BILLS. Every bill shall require a second reading.

Except as otherwise ordered, every bill requiring the approval of the Governor shall, after a second reading, be considered in a Committee of the Whole before it shall be finally acted upon by the House.

1.05 COMMITTEE OF THE WHOLE. The Committee of the Whole is a committee of the entire membership of the House. The Speaker may appoint another member as chair to preside over the Committee of the Whole.

When the House arrives at the General Orders of the Day, it shall resolve itself into a Committee of the Whole to consider bills on General Orders.

A bill considered in the Committee of the Whole shall be reported and then debated by sections, with the title considered last. All amendments shall be typewritten and five copies shall be submitted to the Chair who shall report them to the House.

1.06 RULES TO APPLY TO COMMITTEE OF THE WHOLE. The Rules of the House shall be observed in the Committee of the Whole so far as may be applicable except that the previous question shall not be forced or speaking limited.

Upon demand of 15 members, the yeas and nays shall be called, the question voted on, and the yeas and nays recorded in the Journal of the House.

In the Committee of the Whole no amendment increasing the amount of any appropriation shall be passed without the yeas and nays recorded in the Journal of the House.

A motion that the Committee arise shall always be in order and shall be decided without debate.

1.07 GENERAL ORDERS OF THE DAY. The Chief Clerk at the direction of the Speaker shall prepare the General Orders of the Day, which is a list of all bills which have not been made Special Orders or placed on the Consent Calendar, numbered according to their order at second reading. Unless otherwise ordered by a majority of the Committee, items on General Orders shall be taken up in numerical order.

The Chief Clerk shall see that a copy of each bill printed under the Rules or Orders of the House is placed in each member's file, which is to be kept at the member's desk in the chamber, at least 24 hours before the bill shall be considered in the Committee of the Whole.

If a bill is progressed three times it shall be placed at the end of General Orders.

Except during the last five days in any year on which a bill may be passed, a bill amended in the Committee of the Whole shall not be given its third reading until it is engrossed and reproduced as amended.

1.08 THIRD READING OF BILLS. No amendment shall be received after the third reading without the unanimous consent of the House, except to fill blanks or to amend titles.

At any time prior to its passage any bill or resolution may be referred or re-referred by a majority vote of the whole House. If the committee, other than the Committee of the Whole, to which it was referred or re-referred reports an amendment on it, it shall again be given its second reading, considered in *Committee of the Whole*, given its third reading and placed upon its final passage.

1.09 SPECIAL ORDERS. A bill may be made the Order of the Day for a special time and be placed upon a separate list known as "Special Orders."

The Committee on Rules and Legislative Administration may by committee report designate as a Special Order any bill which has had its second reading.

Any member may move to make a bill a Special Order by giving notice at least two legislative days in advance of and specifying the day on which the member will so move. The notice shall include the number and title of the bill and the day and time certain for the Special Order. Only the member giving such notice, or another member designated in writing by the member who originally gave notice of the Special Order to the Speaker, may make the motion for the Special Order. A two-thirds vote of the whole House on such motion is required to make a bill a Special Order.

The time set for the motion may not be extended, and failure to make the motion on the specified day forfeits the right to make the motion.

A motion to make a bill a Special Order, when made according to the procedures herein prescribed, shall be a privileged motion, shall take precedence over all other motions except a motion to adjourn or to set the time to adjourn and questions of personal privilege, and

may be made at any time on the day designated in the notice. A three-fourths vote of the whole House is required to suspend the motion.

Any Special Order, or any part of it, may be continued or postponed by two-thirds vote of the whole House at the time of such Special Order; however, a Special Order designated by the Committee on Rules and Legislative Administration may be continued or postponed by a majority vote of the whole House at the time of such Special Order.

When the time arrives for the consideration of any Special Order, the House shall consider each bill upon the Special Order in the order in which it is listed. After consideration it shall immediately be read the third time and placed upon final passage.

1.10 TAX AND APPROPRIATION BILLS GIVEN PRECEDENCE. Any bill relating to taxes or raising revenue shall be acted upon whenever requested by the Chair of the Committee on Taxes, and any appropriation bill shall be acted upon whenever requested by the Chair of the Committee on Appropriations.

1.11 CONSENT CALENDAR. Any bill of a non-controversial nature for which the committee report recommends placement upon the Consent Calendar shall be given its second reading after the report is adopted and placed upon the Consent Calendar. The bill shall be printed and placed in the members' files at least one day before it can be considered. The bill shall be placed upon the Consent Calendar in the order in which it is given its second reading.

The Consent Calendar shall immediately precede the order of business known as "Calendar for the Day." Every bill on the Consent Calendar shall be debated, given its third reading and voted upon, provided, however, that at any time prior to third reading, ten members may object to any bill as being controversial. Any bill so objected to shall be stricken from the Consent Calendar and be immediately placed upon General Orders, taking its place in the usual order.

1.12 SUSPENSION OF RULES TO ADVANCE A BILL. Every bill shall be reported on three different days, except that in case of urgency, a two-thirds majority of the whole House may suspend this Rule. A motion for suspension of the Rules to advance a bill for consideration out of its regular order is in order under the order of business "Motions and Resolutions" or at any time the bill is before the House. The motion must be presented to the Speaker in writing and must state the present position of the bill.

1.13 MINORITY REPORTS. Any minority report shall be made separately from the majority report and shall be considered before the majority report. If the minority report is adopted the majority

report shall not be considered. If the minority report is not adopted the majority report shall then be considered.

1.14 COMMITTEE REPORT LAID OVER. The report of any committee may be laid over one day and printed in the Journal, if so ordered by the House.

1.15 RECALLING BILL FROM COMMITTEE OR DIVISION. In regular session, except after the deadline for committee reports on bills originating in the House, any bill or resolution may be recalled from any committee or division at any time by majority vote of the whole House, be given a second reading and be advanced to General Orders. A motion to recall a bill or resolution shall be in order only under the order of business "Motions and Resolutions."

1.16 TIME LIMIT FOR CONSIDERATION OF BILLS. If 20 legislative days after a bill has been referred to committee or division (other than a bill in Appropriations) no report has been made upon it by the committee or division, its chief author may request that it be returned to the House and the request shall be entered in the Journal for the day. The committee or division shall have ten calendar days thereafter in which to vote upon the bill requested. If the committee or division fails to vote upon it within the ten days, the chief author may, at any time within five calendar days thereafter, present a written demand to the Speaker for its immediate return to the House. The demand shall be entered in the Journal for that day and shall constitute the demand of the House. The bill shall then be considered to be in the possession of the House, given its second reading and placed at the end of General Orders.

Such bill is subject to re-reference by a majority vote of the whole House. If the motion to re-refer is made on the day of the demand or within one legislative day thereafter, the motion shall take precedence over all other motions except privileged motions and shall be in order at any time.

In regular session after, the House shall not act on bills other than those recommended by conference committee reports or the Committee on Rules and Legislative Administration, and those bills contained in messages from the Senate or from the Governor.

1.17 DISPOSITION OF SENATE BILLS. Any Senate File received by the House, accompanied by a message announcing its passage by the Senate, shall be referred to the appropriate standing committee in accordance with Rule 5.04. However, if a Senate File is received which is stated by a member to be identical to a House File already reported by a standing committee of the House and placed on General Orders, Calendar, Consent Calendar, or Special Orders, the Senate File shall be referred to the Chief Clerk for comparison. If the Chief Clerk reports that the Senate File is identical with the House File, the Senate File may by majority vote be substituted for the

House File and take its place. The fact that the bills are identical shall be entered in the Journal and the House File is then considered withdrawn.

Any Senate File which has been amended on the floor of the House, except at time of final passage, and any Senate File which has been reported to the House with amendments by a House standing committee, shall be unofficially engrossed and reprinted by the Chief Clerk. Amendments to unofficial engrossments of a Senate File may be offered by members on the floor of the House but shall not be offered in standing committees.

1.18 RECORDED FLOOR PROCEEDINGS. All proceedings on the floor of the House shall be recorded on magnetic tape or similar recording device under the direction of the Chief Clerk. Two copies of each tape shall be delivered to the Director of the Legislative Reference Library and there maintained on file for use by any member of the public in accordance with the rules of the Legislative Reference Library. At the end of each biennium, the Director of the Legislative Reference Library shall deliver one copy of each tape to the Director of the Minnesota Historical Society.

Any person may obtain a copy of any such tape during the biennium in which it is recorded upon payment of a fee determined by the Chief Clerk to be adequate to cover the cost of preparing the copy.

Discussion preserved under this rule is not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.

ARTICLE II - VOTING

2.01 AUTHORIZING ELECTRIC VOTING SYSTEM. Except for a vote upon elections, any vote may be taken by means of the electric voting system which shall be under the control of the Speaker of the House.

2.02 CALL OF THE HOUSE. Ten members may demand a call of the House at any time except after voting has commenced. When such call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave until the roll call is suspended or completed. During the roll call, no motion shall be in order except a motion pertaining to matters incidental to the call. Proceedings under the roll call may be suspended by a majority vote of the whole House. After the roll call is suspended or completed the Sergeant at Arms shall not permit any member to leave the Chamber unless excused by the Speaker. A call of the House may be lifted by a majority vote of the whole House.

2.03 DEMANDING YEAS AND NAYS. Yeas and nays shall be ordered without demand upon final passage of bills and upon adoption of resolutions or motions directing the payment of money. In all other cases the yeas and nays shall be ordered only upon demand of 15 members.

2.04 EXPLAINING OR CHANGING VOTE. No member shall be allowed to explain a vote or discuss the question while the yeas and nays are being taken, nor be allowed to change a vote after the yeas and nays have been announced from the chair by the Speaker.

2.05 EVERY UNEXCUSED MEMBER TO VOTE. Any member who is immediately interested in the question being voted on shall not vote.

Every other member present before a vote is declared from the chair shall vote for or against the matter before the House, unless the House excuses the member from voting. However, no member is required to vote on any matter concerning a resolution except for a resolution relating to the internal business of the House or the Legislature.

A member who declines to vote on a call of the member's name shall be required to state reasons for so declining. After the vote has been taken but before the chair has announced the vote, the chair shall submit to the House the question, "Shall the member, for the reasons stated, be excused from voting?" which shall be decided without debate. Any other proceedings in reference thereto shall take place after announcement of the vote.

ARTICLE III - MOTIONS AND AMENDMENTS

3.01 AMENDMENTS AND OTHER MOTIONS. No amendment or other motion shall be debated until after it is stated by the Speaker.

After an amendment or other motion has been stated by the Speaker it is in possession of the House, but the mover may withdraw it at any time before amendment or decision. Unless a motion, resolution or amendment is withdrawn on the day it is made, it shall be entered in the Journal, together with the name of the member offering it.

The Speaker may require any amendment or other motion be typewritten and that five copies be given to the Chief Clerk.

3.02 PRECEDENCE OF MOTIONS. When a question is under consideration, no motion shall be received except the following, the first four of which shall be decided without debate:

- (1) To fix the time of adjournment.

- (2) To adjourn.
- (3) To lay on the table.
- (4) For the previous question.
- (5) To refer.
- (6) To postpone to a day certain.
- (7) To amend.
- (8) To postpone indefinitely.
- (9) To pass.

The motions shall have precedence in the order listed. However, if the motion for the previous question has been seconded and the main question ordered, the motion to lay on the table shall not be in order.

3.03 MOTION TO ADJOURN. A motion to adjourn shall always be in order except during roll call.

When a motion to adjourn is made it shall be in order for the Speaker, before putting the question, to permit any member to state reasons which would seem to render adjournment improper at that time. Such a statement shall not be debatable and shall be limited to not over two minutes.

3.04 MOTION FOR RECONSIDERATION. When a question has been decided either in the affirmative or negative, it shall be in order for any member who voted with the prevailing side to move its reconsideration, provided that such motion is made either on the same day the vote was taken or within the following two days of actual session of the House. A motion for reconsideration can be made at any time in the Order of Business and shall take precedence over all other questions except the motion to adjourn and the notice of intention to move reconsideration. Such motion or notice shall not be in order if the document, bill, resolution, message, report or other official action on which the vote was taken shall have left the possession of the House.

When a member gives notice of intention to move reconsideration of the final action of the House on any bill, resolution, message, report or other official action, the Chief Clerk shall retain the same until after the matter is disposed of or the time has expired during which the motion for reconsideration can be made.

On the last day allowed for the motion to reconsider, it shall be in order for any member who voted on the prevailing side to make the motion, unless the matter has been already disposed of.

A motion for reconsideration having been voted upon and lost shall not be renewed.

In regular session in an odd-numbered year, notice of intention to move reconsideration shall not be in order after

In regular session in an even-numbered year, notice of intention to move reconsideration shall not be in order after

3.05 ORDER OF PUTTING QUESTION. Except in the case of privileged questions, all questions, whether in committee or in the House, shall be put in the order in which they are moved. When filling blanks, a motion for the largest sum or the longest time shall be put first.

3.06 DIVISION OF A QUESTION. Any member may request the division of a question which contains several separate and distinct points. A motion to strike out and insert shall not be divisible. If a motion to strike out is lost it shall not preclude another motion to amend or to strike out and insert.

3.07 THE PREVIOUS QUESTION. The motion calling for the previous question must be seconded by 15 members. If the motion for the previous question is ordered by a majority of members present, it shall have the effect of cutting off all debate and bringing the House to direct vote upon the question or questions.

The previous question may be moved and ordered upon a single motion, a series of motions allowable under the Rules, or an amendment or amendments; or it may include all authorized motions or amendments, including a vote on final passage of a bill.

On a motion for the previous question, but prior to its being ordered, a call of the House shall be in order. After a majority has ordered the previous question, no call shall be in order prior to the decision on the main question.

When the previous question is decided in the negative, the main question remains under debate until disposed of by taking a vote either on the question or in some other manner.

All incidental questions of order arising after a motion is made for the previous question and prior to the vote on the main question shall be decided without debate.

3.08 AMENDMENTS TO AMENDMENTS. An amendment may be

amended, but an amendment to an amendment may not be amended.

3.09 MOTIONS AND PROPOSITIONS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted under guise of its being an amendment.

3.10 AMENDMENT NOT TO ANNEX ANOTHER BILL. Except in a standing committee *no bill* or resolution shall at any time be amended by annexing or incorporating any other bill or resolution.

3.11 RESOLUTIONS AND MOTIONS INVOLVING EXPENDITURE OF MONEY. Any resolution or motion involving the expenditure of money out of the legislative expense fund shall be referred to the Committee on Rules and Legislative Administration before being acted upon by the House. A majority vote of the whole House, determined by a roll call, is required to pass any such resolution or motion.

3.12 AMENDMENTS TO APPROPRIATION AND TAX BILLS. No amendment increasing an appropriation and no amendment increasing a tax shall be declared passed until voted for by a majority of the whole House determined by a roll call vote.

3.13 MOTION TO LAY ON THE TABLE. A motion to lay on the table shall not be in order on a motion to amend, except that a motion to amend the Rules may be tabled.

3.14 MOTION TO RESCIND. The motion to rescind shall not be in order at any time in any proceeding in the House or in any committee of the House.

3.15 SUSPENSION OR AMENDMENT OF THE RULES. The concurrence of two-thirds of the whole House is required to suspend, alter, or amend any Rule of the House, except that any amendment to the Rules reported by the Committee on Rules and Legislative Administration may be adopted by a majority of the whole House.

Except as provided in Rule 1.12, a motion to suspend, alter, or amend any Rule of the House must be made under the order of business "Motions and Resolutions." If the motion is made at any other time, unanimous consent is required before the Speaker can entertain the motion.

A motion to suspend the Rules, together with the subject matter to which it pertains, is debatable, but the previous question may be applied to the motion.

ARTICLE IV – DEBATE AND DECORUM

4.01 ABSENCE OF MEMBERS AND OFFICERS. Unless illness or other sufficient cause prevents attendance, no member or officer of the House shall be absent from any session of the House without first having obtained from the Speaker permission to be absent.

4.02 DUTIES OF MEMBERS. Members shall keep their seats until the Speaker announces adjournment.

Every member, before speaking, shall rise and respectfully address the Speaker and shall not speak further until recognized by the Speaker. When two or more members rise at the same time, the Speaker shall designate the member to speak first.

4.03 QUESTIONS OF ORDER. If any member of the House transgresses the Rules, either in speaking or in any other way, the Speaker shall, or any member may, call the member to order. A member so called to order shall immediately sit down unless another member moves to permit the member who was called to order to explain. In either case, the House, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall that member be at liberty to proceed. A member called to order shall be liable to censure or such other punishment as the House may deem proper.

4.04 ORDER IN DEBATE. No member shall speak more than twice on the same subject without leave of the House, nor more than once until every other member wishing to speak on the pending question has had an opportunity to do so.

4.05 NOTICE OF INTENTION TO DEBATE A RESOLUTION. Any member may give notice of intention to debate a resolution. Such notice may be given at any time before the vote is taken on the resolution. If such notice is given, the resolution shall be laid over one day without debate or any other action.

4.06 OFFENSIVE WORDS IN DEBATE. If any member is called to order for offensive words in debate, the member calling for order shall report the words to which exception is taken and the Clerk shall record them. No member shall be held to answer or be subject to censure of the House for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place.

4.07 ORDER DURING SESSION. No member shall walk out of or across the Chamber when the Speaker is putting the question. No member shall engage in private conversation while another member is speaking or pass between the speaking member and the Chair.

4.08 NO ONE TO REMAIN BY THE CHIEF CLERK'S DESK. No member or other person shall remain by the Chief Clerk's desk while the yeas and nays are being called.

4.09 WHO MAY BE ADMITTED TO THE FLOOR. No person shall be admitted within the House Chamber, except members themselves, properly authorized employees, the Chief Executive and ex-governors of the State of Minnesota, members of the Senate, heads of departments of the state government, judges of the Supreme and District Courts, members of Congress, properly accredited representatives of radio and television stations, newspapers and press associations, as herein provided for, and none other. When a former member of Congress or the Minnesota Legislature or any other person is issued a permit by the Speaker good for the day, that person shall be provided with a seat near the Speaker's rostrum, and at no time shall a conversation be carried on so as to disturb the business of the House. Before issuing the permit, the Speaker shall make certain that the person does not seek the floor of the House for the purpose of influencing decisions of the House.

The alcoves shall be kept for the use of members only, and the Sergeant at Arms shall keep them cleared.

It shall not be in order for the Speaker to entertain a request for the suspension of this Rule, or to present from the Chair the request of any member for unanimous consent unless an extraordinary condition exists, in which event the Speaker may consent to entertain a motion for its suspension.

During the period extending from one hour prior to the time the House is scheduled to convene until one hour after the House adjourns for the day, the retiring room shall be reserved for the exclusive use of the members and employees of the House or Senators specifically authorized to be present by a House member. No committee meetings shall be held therein except for emergency meetings authorized by the Speaker of the House. The Sergeant at Arms is charged with the duty of strict enforcement of this provision.

4.10 PRESENTATION OF PETITIONS. Any petition, memorial or other paper presented to the House shall include the name of the member introducing it and a brief description of its contents and shall be presented by the Speaker, who shall state briefly its contents.

4.11 NO SMOKING IN HOUSE CAPITOL AREA. Smoking is prohibited in areas of the Capitol under the jurisdiction of the House of Representatives, including the House Chamber and Retiring Room and galleries, hearing rooms, minor corridors and offices, except private offices.

ARTICLE V - BILLS

5.01 BILL AND RESOLUTION FORM. No bill or resolution shall be introduced until it has been examined and approved by the Revisor of Statutes as to form and compliance with the Joint Rules of the House and Senate and the Rules of the House. Approval as to form shall be endorsed on the bill or resolution by the Revisor of Statutes.

5.02 INTRODUCTION OF BILLS AND RESOLUTIONS. A bill, advisory bill or resolution offered for introduction shall be placed in the hands of the Speaker at least 24 hours prior to the convening of the daily session. Every bill, advisory bill and resolution shall be introduced in quadruplicate and each copy shall contain the signature of the member or name of the committee introducing it. No bill, advisory bill, memorial or resolution shall have more than five authors. A statement of facts being forwarded for action to a governmental official, agency, or body or other similar proposal is a memorial and shall be introduced in the same form as a bill and take the same course as a bill. No resolution shall authorize the expenditure of monies from any source other than the legislative expense fund.

5.03 ADVISORY BILLS. An advisory bill may be introduced by any member in the same manner as a bill except that the requirements of Rule 5.01 shall not apply.

Each advisory bill shall be typewritten on a form provided by the Chief Clerk. It shall have a title not exceeding 12 words in length and shall contain a specific proposal for the initiation, termination or alteration of a law or program of the state or any of its subdivisions. It need not be drafted in a form appropriate for enactment into law.

An advisory bill may be considered only in committee and shall not be given a second reading or be otherwise considered by the House, except that the committee may report its recommendation for re-referral to another committee.

5.04 FIRST READING AND REFERENCE OF BILLS. Each bill, advisory bill and resolution shall be reported and given its first reading upon its introduction. No bill, advisory bill or resolution shall be objected to upon its introduction.

Except as provided in Rule 1.17 and Rule 5.05 each bill, advisory bill or resolution shall, after first reading, be referred by the Speaker to the appropriate standing committee or division thereof.

Congratulatory resolutions are exempt from this rule and may be adopted by the Committee on Rules and Legislative Administration without further consideration by the House.

Except as otherwise provided in these Rules, after a bill, advisory bill or resolution has been referred by the Speaker, a majority vote of the whole House shall be required for a re-referral of the bill, advisory bill or resolution by the House.

5.05 COMMITTEE BILLS. A committee bill shall be read for the first time and may be referred by the Speaker to any standing committee. If it is not so referred, it shall be laid over one day. It shall then be read for the second time and placed upon General Orders, or, if recommended by the Committee, upon the Consent Calendar.

5.06 PRINTING OF BILLS. Every bill shall be printed after it has been given its second reading. A bill may be printed at any other time a majority of the House so orders.

5.07 BILLS CARRYING AN APPROPRIATION. Any bill, whether originating in the House or Senate, carrying an appropriation, or which may involve any present or future financial obligation on the part of the State, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Appropriations for action by that committee. Any committee, other than the Committee on Appropriations, to which such bill has been referred shall note in its report that the bill carries an appropriation.

5.08 BILLS AFFECTING STATE GOVERNMENT POWERS AND STRUCTURE. Any bill, whether originating in the House or the Senate, which creates or reestablishes any new department, agency, commission, board, task force, advisory committee or council, or bureau, or any other such entity, or which substantially changes or alters the organization of or delegates emergency rulemaking authority to or exempts from rulemaking any department or agency thereof of state government, or substantially changes, alters, vests or divests official rights, powers, or duties of any official, department or agency of the state government or any institution under its control, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Governmental Operations for action by that committee. Prior to the deadline set by Rule 9.03, any committee other than the Committee on Governmental Operations to which such bill is referred shall, in its report, recommend re-referral to the Committee on Governmental Operations. After the deadline set by Rule 9.03, a report shall recommend re-referral to the Committee on Rules and Legislative Administration.

This rule does not apply to the omnibus bill on taxation, the education finance bill, or the omnibus appropriations bills for: state government; human resources; education; economic development, infrastructure and regulation; or environment and natural resources. But, if those bills contain provisions that would create or reestablish a commission, board, task force, advisory committee or council, or other such entity, then the chair of the Committee on

Taxes, the chair of the Committee on Education, or the chair of a division of the Committee on Appropriations, as appropriate, must communicate the inclusion of the provision to the chair of the Committee on Rules and Legislative Administration prior to consideration of the matter on the floor.

All other bills in the House Committees on Appropriations and on Taxes are also exempt from this rule except for bills to create or reestablish a commission, board, task force, advisory committee or council, or other such entity. Prior to the deadline set by Rule 9.03, those bills shall be re-referred to the Committee on Governmental Operations. After that deadline, the bills shall be re-referred to the Committee on Rules and Legislative Administration.

5.09 **BILLS AFFECTING TAXES.** Any bill whether originating in the House or Senate, which substantially affects state tax policy or the administration of state tax policy, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Taxes for action by that committee. Any standing committee other than the Committee on Taxes to which such a bill is referred shall, in its report, recommend re-referral to the Committee on Taxes.

5.10 **WAYS AND MEANS COMMITTEE; RESOLUTION; EFFECT ON EXPENDITURES AND TAX BILLS.** The Committee on Ways and Means shall hold hearings as necessary to determine state expenditures and taxes for the coming fiscal biennium. In regular session, not later than ten days following the last available state general fund revenue and expenditure forecast for the coming fiscal biennium prepared during the session, the Committee on Ways and Means shall report a budget resolution to the House for consideration. The budget resolution shall take the form of a House resolution that sets the maximum limitation on expenditures and taxes for the coming fiscal biennium for the general fund and an amount to be set aside as a budget reserve. The limitation is effective, if adopted, unless the House adopts a different limitation in a subsequent budget resolution that accounts for increases or decreases in general fund revenues and expenditures anticipated for the current fiscal biennium.

No bill described in Rule 5.07 or 5.09 shall be given its second reading until the House has received a statement from the Committee on Ways and Means certifying that the major expenditure and tax bills are reconciled and do not exceed the limitation specified in the budget resolution for the general fund. Major expenditure and tax bills are: the education appropriation bill; the environment and natural resources appropriation bill; the human resources appropriation bill; the state government appropriation bill; the economic development, infrastructure and regulation appropriation bill; the education finance bill; and the omnibus tax bill. However, a bill may be given its second reading by special authorization of the Committee on Ways and Means or by majority vote of the whole House. A

special authorization may be reported by an oral notice to the House from the Chair of the Committee on Ways and Means or a designee of the Chair stating that the fiscal impact of a bill will be accounted for in the reconciliation statement.

The Committee on Appropriations and the Committee on Taxes, upon recommending passage of any bill described in Rule 5.07 or 5.09, shall provide to the Committee on Ways and Means a fiscal statement on the bill.

After the House has received a reconciliation statement from the Committee on Ways and Means, the House shall not give a second reading to any bill described in Rule 5.07 or 5.09 other than the major expenditure and tax bills. However, a bill may be given its second reading after the House has received from the Committee on Ways and Means a statement certifying that the fiscal impact of the bill is within the guidelines of the budget resolution, or after authorization by majority vote of the whole House. The statement of the Committee on Ways and Means may be reported orally by the Chair of the Committee on Ways and Means or a designee of the Chair.

5.11 RECESS BILL INTRODUCTIONS. During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, any bill filed with the Speaker for introduction shall be given a file number and may be unofficially referred to an appropriate standing committee of the House of Representatives.

5.12 BILLS PROPOSING CONSTITUTIONAL AMENDMENTS. Any bill, whether originating in the House or Senate, which proposes a constitutional amendment, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Rules and Legislative Administration for action by that committee. Any committee, other than the Committee on Rules and Legislative Administration, to which such bill has been referred, shall, in its report, recommend re-referral to the Committee on Rules and Legislative Administration.

ARTICLE VI – COMMITTEES – POWERS AND DUTIES

6.01 COMMITTEES. Standing committees of the House shall be appointed by the Speaker as follows:

Agriculture

Appropriations

Divisions: Economic Development, Infrastructure and
Regulation
Education

Environment and Natural Resources
Human Resources
State Government

Commerce

Economic Development

Division: International Trade and Technology

Education

Divisions: Education Finance
Higher Education

Energy

Environment and Natural Resources

Ethics

Financial Institutions and Insurance

Division: Banking

General Legislation, Veterans Affairs and Gaming

Divisions: Elections
Veterans Affairs

Governmental Operations

Division: Government Structures

Health and Human Services

Housing

Judiciary

Division: Criminal Justice

Labor-Management Relations

Local Government and Metropolitan Affairs

Redistricting

Regulated Industries

Rules and Legislative Administration

Taxes

Transportation

Ways and Means

6.02 COMMITTEE MEMBERSHIP. No less than 30 days prior to the opening of a regular session of the Legislature, the Speaker-designate shall provide the minority group with a list of the standing committees proposed for the session. The Speaker-designate shall also designate the number of minority members to be appointed to each committee and may require general membership guidelines to be followed in the selection of committee members.

If the minority leader submits to the Speaker-designate, at least 15 days prior to the opening of the session, a list of proposed

committee assignments for the minority group, which complies with the numbers and guidelines provided, the Speaker shall make such proposed assignments with the purpose of attaining proportionate representation on the committees for the minority group.

No committee of the House shall have exclusive membership from any one profession, occupation or vocation.

6.03 COMMITTEE MEETING SCHEDULE. The Speaker shall prepare a schedule of committee meetings, fixing as far as practicable the day of the week and the hour for the regular meeting time of each committee. The schedule of committee meetings shall officially be made available to the news media. The chair of any committee holding a special meeting or making a change in the regular schedule of meetings shall give written notice which may be announced from the desk and shall be posted on the bulletin board at least one day in advance of the change.

The chair of each committee or subcommittee shall as far as practicable give three days notice of any meeting. The notice shall include the date, time, place and agenda for the meeting.

6.04 COMMITTEE PROCEDURES. Meetings of all committees of the House shall be open to the public except for any executive sessions which the committee on ethics deems necessary.

A majority of members of any committee shall constitute a quorum.

The Rules of the House shall be observed in all committees wherever they are applicable.

Any member of any committee may demand a roll call on any bill, resolution, report, motion or amendment before the committee. Only upon such demand being made shall the roll be called and the vote of each member on the bill, resolution, report, motion or amendment be recorded in the committee minutes, together with the name of the member demanding the roll call.

A committee may reconsider any action so long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

6.05 SUBCOMMITTEES. The chair of a committee shall appoint the chair and members of each subcommittee. The chair or the committee may refer bills to subcommittee. Any subcommittee may make such investigation or exercise such authority as is delegated to it by the chair or the committee.

6.06 COMMITTEE RECORDS. The chair or acting chair of each *standing committee* shall cause a record to be kept, in the form prescribed by the Committee on Rules and Legislative Administration, which shall include the record of each bill referred to the committee and the minutes of the committee. The minutes shall include:

- a. The time and place of each hearing or meeting of the committee;
- b. Committee members present;
- c. The name and address of each person appearing before the committee, together with the name and address of the person, association, firm or corporation in whose behalf the appearance is made;
- d. The language of each motion, the name of the committee member making the motion, and the result of any vote taken upon the motion, including the yeas and nays whenever a roll call is demanded;
- e. The date on which any subcommittee is created, the names of its members and the bills referred to it;
- f. The record of each subcommittee meeting, including the time and place of the meeting; members present; the name of each person appearing before the subcommittee, together with the name of the person, association, firm or corporation in whose behalf the appearance is made; and the language of each motion, together with the name of the member making the motion, and the result of any vote taken upon the motion, including the yeas and nays whenever a roll call is demanded;
- g. Other important matters related to the work of the committee.

The minutes shall be approved at the next regular meeting of the committee.

Copies of the minutes, after approval by the committee, shall be filed with the Chief Clerk and shall be open to public inspection in the Chief Clerk's office. At the end of the biennium they shall be delivered, together with the other committee records, to the Director of the Legislative Reference Library, where they shall remain open for public inspection during regular office hours. A copy of any page of any committee minutes may be obtained upon payment of a fee determined by the Chief Clerk to be adequate to cover the cost of preparing the copy.

The magnetic tape recording of any committee meetings shall be retained by the chair until the minutes of that meeting have been

approved by the committee. The recording or a copy of the recording shall then be filed with the Director of the Legislative Reference Library, where it shall be maintained for a period of two years from the date of filing for use by any person in accordance with the rules of the Legislative Reference Library. After expiration of the two-year period the recording may be erased and the tape may be reused.

Any person may obtain a copy of such tape during the period in which it is maintained in the Legislative Reference Library upon payment of a fee determined by the Chief Clerk to be sufficient to cover the cost of the copy. Testimony and discussion preserved under this rule is not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.

6.07 COMMITTEE REPORTS. The chair of a standing committee reporting to the House the action taken by the committee upon any bill or resolution referred to it shall do so upon the form provided for such reports. Each bill or resolution shall be reported separately and the report shall be adopted or rejected without amendment.

The report shall contain the action taken by the committee and the date of such action and shall be authenticated by the signature of the chair.

Before a committee reports favorably upon a bill or resolution, the chair shall see that the form of the bill or resolution conforms to the Joint Rules of the House and Senate and these Rules.

Except during the last seven legislative days in any year, the committee report and any minority report shall be placed in the hands of the Chief Clerk at least four hours prior to the convening of the daily session.

The Committee on Rules and Legislative Administration may report at any time.

If a majority of the members of a standing committee finds a bill referred to the committee to be of a non-controversial nature, the report to the House may recommend that the bill be placed upon a separate calendar to be known as the Consent Calendar.

6.08 COMMITTEE BILLS. Any standing or special committee of the House may introduce a bill as a committee bill on any subject within its purview.

6.09 SUBSTITUTION OF BILLS. No standing or special committee nor any of its members shall report a substitute for any bill referred to the committee if the substitute relates to a different subject, is intended to accomplish a different purpose, or would require a title essentially different from that of the original bill. Whenever the

House is advised that a substitute bill reported to the House is in violation of this rule, the report shall not be adopted.

6.10 COMMITTEE ON ETHICS. The Speaker shall appoint a Committee on Ethics. An equal number of members from the majority group and the minority group and one alternate from each group shall be appointed. The committee shall adopt written procedures, which shall include due process requirements, for handling complaints and issuing guidelines.

Complaints regarding a member's conduct must be submitted in writing to the Speaker verified and signed by two or more members of the House and shall be referred to the committee within 15 days for processing by the committee according to its rules of procedure. Prior to referring the matter to the committee, the Speaker shall inform the member against whom a question of conduct has been raised of the complaint and the complainant's identity. The Speaker, the members making the complaint, the members of the Committee on Ethics, and employees of the House shall hold the complaint in confidence until the committee or the member subject of the complaint cause a public hearing to be scheduled. A complaint of a breach of the confidentiality requirement by a member or employee of the House shall be immediately referred by the Speaker to the Ethics Committee for disciplinary action. The committee shall act in an investigatory capacity and may make recommendations regarding questions of ethical conduct received prior to adjournment sine die.

Ethics committee recommendations for disciplinary action shall be referred to the Committee on Rules and Legislative Administration, which committee may adopt, amend, or reject the recommendations of the Ethics committee. Recommendations adopted by the Committee on Rules and Legislative Administration to expel, censure, or reprimand shall be reported to the House for final disposition.

6.11 CONFERENCE COMMITTEES. A conference committee may report at any time. No committee except a conference committee or the Committee on Rules and Legislative Administration shall sit during any daily session of the House without leave.

A conference committee report shall include only subject matter contained in the House or Senate versions of the bill for which that conference committee was appointed, or like subject matter contained in a bill passed by the House. The member presenting the conference committee report to the House shall disclose all substantive changes from the House version of the bill.

In regular session in an odd-numbered year except after, and in an even-numbered year except after, a written copy of a report of a conference committee shall be placed on

the desk of each member of the House 24 hours before action on the report by the House. If the report has been reprinted in the Journal of the House for a preceding day and is available to the members, the Journal copy shall serve as the written report.

6.12 COMMITTEE BUDGETS AND EXPENSES. The Committee on Rules and Legislative Administration shall establish a budget for each standing committee of the House for expenses incurred by the committee, its members, or its staff in conducting its legislative business. Per diem expense allowances paid to members during sessions or at times set by the Speaker shall not be charged against the budget. No committee shall incur expenses in excess of its authorized budget.

Employees shall be reimbursed for actual expenses in the same manner as state employees.

During sessions, for travel away from the Capitol, members shall be reimbursed for actual expenses in the same manner as state employees in addition to per diem expense allowances.

All charges against the committee budget must be approved by the chair before payment is made.

6.13 PUBLIC TESTIMONY. Public testimony from proponents and opponents shall be allowed on every bill or resolution before either a standing committee, division or subcommittee of the House.

ARTICLE VII – OFFICERS OF THE HOUSE

7.01 DUTIES AND PRIVILEGES OF THE SPEAKER. The Speaker shall preside over the House and shall have all the powers and be charged with all the duties of the presiding officer.

The Speaker shall preserve order and decorum. The Speaker or the chair of the Committee of the Whole may order the lobby or galleries cleared in the case of disorderly conduct or other disturbance.

Except as provided by rule or law, the Speaker shall have general control of the Chamber of the House and of the corridors, passages and rooms assigned to the use of the House.

The Speaker shall sign all acts, addresses, joint resolutions, writs, warrants and subpoenas of the House or issued by order of the House. The Speaker shall sign all abstracts for the payment of money out of the legislative expense fund of the House; but no money shall be paid out of said fund unless the abstract is also signed by the Chief Clerk of the House.

The Speaker shall appoint the Chief Sergeant at Arms or shall designate that officer from among the Sergeants at Arms elected by the House or appointed by the Committee on Rules and Legislative Administration.

7.02 SPEAKER PRO TEMPORE. The Speaker shall appoint a member to preside, whenever the Speaker is absent, as Speaker pro tempore. In the absence of the Speaker and Speaker pro tempore, a member selected by the Speaker shall preside until the return of the Speaker or Speaker pro tempore.

7.03 DUTIES OF CHIEF CLERK. The Chief Clerk shall have general supervision of all clerical duties pertaining to the business of the House. The Chief Clerk shall perform under the direction of the Speaker all the duties pertaining to the office of Chief Clerk and shall keep records showing the status and progress of all bills, memorials and resolutions.

Neither the Chief Clerk nor any of the Chief Clerk's assistants or employees shall permit any records or papers belonging to the House to be removed from their custody other than in the regular course of business. The Chief Clerk shall report any missing records or papers to the Speaker.

During a temporary absence of the Chief Clerk, the First Assistant Chief Clerk shall be delegated all the usual responsibilities of the Chief Clerk and is authorized to sign the daily journal, enrollments, abstracts and other legislative documents.

7.04 ENGROSSMENT AND ENROLLMENT. The Chief Clerk of the House shall have supervision over the engrossment and enrollment of bills. The Chief Clerk shall cause to be kept a record by file number of the bills introduced in the House which have passed both houses and been enrolled.

7.05 BUDGET AND PURCHASING. The Director of House administrative services shall prepare a biennial budget for the House which must be approved by the Committee on Rules and Legislative Administration before it is submitted to the Committee on Appropriations.

The Director shall be the agent of the House of Representatives for the purchase of supplies. The Director shall seek the lowest possible prices and shall file timely reports of expenditures made with the Committee on Rules and Legislative Administration.

7.06 BULLETIN BOARD. The Chief Clerk shall prepare a bulletin board upon which shall be posted a list of committee and subcommittee meetings and any other announcements or notices the House may require.

7.07 INDEX. The Index Clerk, under the supervision of the Chief Clerk, shall prepare an index in which bills may be indexed by topic, number, author, subject, section of the code amended, committees, and any other subject that will make it a complete and comprehensive index. The index shall be open for public inspection at all times during the session and shall be printed in the permanent Journal of the House.

7.08 DUTIES OF THE SERGEANT AT ARMS. It shall be the duty of the Sergeant at Arms to carry out all orders of the House or the Speaker and to perform all other services pertaining to the office of Sergeant at Arms, including maintaining order in the Chamber and supervising entering and exiting from the Chamber and the prompt delivery of messages.

ARTICLE VIII – EMPLOYEES OF THE HOUSE

8.01 APPOINTMENT OF EMPLOYEES. The Committee on Rules and Legislative Administration shall designate the position of and appoint each employee of the House and set the compensation of each officer and employee. A record of all such appointments, including positions and compensation, shall be kept in the office of the Chief Clerk and shall be open for inspection by the public.

The Committee on Rules and Legislative Administration, by resolution, shall establish the procedure for filling vacancies when the Legislature is not in session.

Any employee of the House may be assigned to other duties, suspended or discharged at any time by the Committee on Rules and Legislative Administration.

No employee of the House shall receive any pay, compensation, gratuity or reward over and above the salary named for the position except upon approval of a three-fourths vote of the whole House.

8.02 DUTIES OF EMPLOYEES. No employee shall make or permit to be made any copy or copies of any journal, bill, paper, file, record, or document in that employee's possession or custody or to which the employee has access except on request of a member of the House. No person other than a member of the House shall furnish or deliver any journal, bill, paper, file, record, document, or copy thereof to any person other than a member of the House except by or through the Chief Clerk with the approval or under the direction of the Committee on Rules and Legislative Administration, in accordance with these Rules, and upon such terms as such committee shall prescribe.

Any violation of this rule shall be cause for removal or discharge of the offender.

ARTICLE IX – GENERAL PROVISIONS

9.01 **RULE AS TO CONSTRUCTION.** As used in these Rules the terms “majority vote” and “vote of the House” shall mean a majority of members present at the particular time. The term “vote of the whole House” shall mean a majority vote of all the members elected to the House for that particular session of the Legislature.

Singular words used in these Rules shall include the plural, unless the context indicates a contrary intention.

9.02 **MEDIA NEWS REPORTERS.** Accredited representatives of the press, press associations, and radio and television stations shall be accorded equal press privileges by the House. Any person wishing to report proceedings of the House may apply to the Committee on Rules and Legislative Administration for a press pass and assignment to suitable available space.

Television stations shall be permitted to televise sessions of the House.

9.03 **DEADLINES.** In regular session in odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after, and committee reports on bills originating in the other house favorably acted upon by a committee after, shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. In even-numbered years, committee reports on bills favorably acted upon by a committee of the house of origin after, and committee reports on bills originating in the other house favorably acted upon by a committee after, shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. However, referral is not required after the first deadline when, by the second deadline, a committee acts on a bill that is a companion to a bill that has then been acted upon by the first deadline in the Senate.

Bills in the House Committees on Appropriations and on Taxes, and the education finance bill in the Committee on Education, are exempt from this rule and need not be re-referred, except as follows: a bill other than an omnibus tax or appropriation bill that includes provisions that create or reestablish a commission, board, task force, advisory committee or council, or other entity, shall be re-referred to the Committee on Rules and Legislative Administration if it remains in committee after the deadlines set by this rule.

9.04 **DISPOSITION OF BILLS.** Adjournment of the regular session in any odd-numbered year to a day certain in the following year shall be equivalent to daily adjournment except that any bill on the Consent Calendar, Calendar, Special Orders or General Orders shall be returned to the standing committee last acting on the bill.

9.05 AUTHORIZED MANUAL OF PARLIAMENTARY PROCEDURE. The rules of parliamentary procedure contained in "Mason's Manual of Legislative Procedure" shall govern the House in all applicable cases in which they are not inconsistent with these Rules, the Joint Rules of the Senate and House of Representatives, or established custom and usage.

ARTICLE X – ETHICS

10.01 SOLICITATIONS DURING LEGISLATIVE SESSION. No member of the House, nor the member's principal campaign committee, nor any other political committee with the member's name or title, nor any committee authorized by the member which would benefit the member, shall solicit or accept a contribution on behalf of the member's principal campaign committee, any other political committee with the member's name or title, or any political committee authorized by the member which would benefit the member, from a registered lobbyist, political committee, or political fund during the regular session of the House.

10.02 ACCEPTANCE OF AN HONORARIUM BY A MEMBER. No member may accept an honorarium for any service performed for an individual or organization which has a direct interest in the business of the House, including, but not limited to, registered lobbyists or any organizations they represent. The term "honorarium" does not include reimbursement for expenses incurred and actually paid by a member in performing any service.

Alleged violations of this rule shall be referred to the Committee on Ethics under Rule 6.10. Upon finding that an honorarium was accepted in violation of this rule, the Committee on Ethics shall direct the return of the funds. If the funds are not returned, the committee may recommend disciplinary action under Rule 6.10.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Rest, Dauner, Dempsey, Long and Bodahl introduced:

H. F. No. 13, A bill for an act relating to taxation; allowing an extension to file income tax returns and property tax refund claims for national guard and reserve members who are called to active duty; amending Minnesota Statutes 1990, section 289A.39, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Ogren, Hausman, McGuire, Trimble and Carlson introduced:

H. F. No. 14, A resolution memorializing the President and the Congress of the United States to fully commit the United States to negotiations that will avert war and result in a just settlement of disputes with Iraq.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Ostrom, Orenstein, Orfield, Wagenius and Simoneau introduced:

H. F. No. 15, A resolution memorializing the President and the Congress of the United States to fully commit the United States to negotiations that will avert war and result in a just settlement of disputes with Iraq.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Vellenga; Dorn; Johnson, A.; Segal and Bodahl introduced:

H. F. No. 16, A resolution memorializing the President and the Congress of the United States to fully commit the United States to negotiations that will avert war and result in a just settlement of disputes with Iraq.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Clark, Dawkins, Mariani, Kahn and Lourey introduced:

H. F. No. 17, A resolution memorializing the President and the Congress of the United States to fully commit the United States to negotiations that will avert war and result in a just settlement of disputes with Iraq.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Anderson, R.; Munger; Battaglia; Thompson and Nelson, S., introduced:

H. F. No. 18, A bill for an act relating to natural resources; establishing Glendalough state park; prescribing the powers and duties of the commissioner of natural resources in relation thereto; appropriating money; amending Minnesota Statutes 1990, section 85.012, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Lasley, Lourey and Koppendrayner introduced:

H. F. No. 19, A bill for an act relating to education; designating and appropriating money for full campus status for Cambridge community college; amending Minnesota Statutes 1990, sections 136.60 and 136.602.

The bill was read for the first time and referred to the Committee on Education.

Winter, Skoglund, Lourey, Onnen and Bodahl introduced:

H. F. No. 20, A bill for an act relating to insurance; requiring insurers to permit their insureds to inspect medical records obtained in connection with a claim; requiring health care providers to permit access to medical records by persons examined for certain medical review purposes; amending Minnesota Statutes 1990, sections 72A.491, subdivision 19; 144.335, subdivision 1; and 145.64.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Bertram, Onnen, Ozment, McEachern and Dille introduced:

H. F. No. 21, A bill for an act relating to waste management; requiring environmental impact statements and air emission permits for all new medical waste incineration facilities; amending Minnesota Statutes 1990, section 116.07, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kalis introduced:

H. F. No. 22, A resolution memorializing the Board of Regents of

the University of Minnesota to refrain from closing its Waseca campus.

The bill was read for the first time and referred to the Committee on Agriculture.

Blatz, Morrison, Reding and Cooper introduced:

H. F. No. 23, A bill for an act relating to retirement; teachers retirement act; teachers retirement, certain cities; permitting certain teachers placed on unrequested leaves of absence to purchase prior service credit; proposing coding for new law in Minnesota Statutes, chapters 354 and 354A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kahn, Scheid, Dawkins, Segal and Jaros introduced:

H. F. No. 24, A bill for an act proposing an amendment to the Minnesota Constitution, article VII, section 1; changing the voting age.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Sviggum, Rodosovich, Schafer, Swenson and Waltman introduced:

H. F. No. 25, A bill for an act relating to education; providing equity in general education revenue for all school districts; proposing coding for new law in Minnesota Statutes, chapter 124A.

The bill was read for the first time and referred to the Committee on Education.

Jaros, Rukavina, Nelson, S.; Steensma and Mariani introduced:

H. F. No. 26, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and

premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Dawkins, Mariani and Clark introduced:

H. F. No. 27, A bill for an act relating to housing; authorizing community land trusts; providing for homestead property tax status; designating sources of funding; authorizing state housing expenditures through community land trusts; appropriating money; amending Minnesota Statutes 1990, sections 273.124, by adding a subdivision; 462A.03, by adding a subdivision; 462A.057, subdivisions 2, 8, and 9; 462A.21, by adding a subdivision; and 469.205, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 462A.

The bill was read for the first time and referred to the Committee on Housing.

Johnson, R.; Marsh; Nelson, S.; Vanasek and Dempsey introduced:

H. F. No. 28, A bill for an act relating to lotteries; prohibiting advertising which exploits a religious holiday; amending Minnesota Statutes 1990, section 349A.09, subdivision 2.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Skoglund introduced:

H. F. No. 29, A bill for an act relating to drivers' licenses; allowing holder of a limited driver's license to get or keep a Minnesota identification card; amending Minnesota Statutes 1990, sections 171.02, subdivision 1; and 171.07, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Frederick, Dorn and Valento introduced:

H. F. No. 30, A bill for an act relating to the city of North Mankato;

exempting real property in the city from certain requirements relating to covenants; amending Laws 1988, chapter 477, section 2.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Simoneau, Ozment, Rukavina, Reding and Peterson introduced:

H. F. No. 31, A bill for an act relating to public safety; creating the Minnesota advisory council on fire protection systems; requiring licensing and certifying of the fire protection industry; providing for rules and an exemption; creating fire protection systems account; providing for fees; imposing a penalty; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 299M.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Skoglund introduced:

H. F. No. 32, A bill for an act relating to insurance; Medicare supplement; requiring certain foreign travel coverages to be added to the basic plan; amending Minnesota Statutes 1990, section 62A.316.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Sviggum, Peterson and Welle introduced:

H. F. No. 33, A bill for an act relating to human services; prohibiting retroactive effect of time limitations for appeals of hospital payment rates and payment rate determinations; amending Minnesota Statutes 1990, section 256.9695, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Tunheim, McEachern, Kinkel and Welle introduced:

H. F. No. 34, A bill for an act relating to education; approving maximum effort loans; authorizing the sale of bonds.

The bill was read for the first time and referred to the Committee on Education.

Lieder; Olson, E.; Dauner and Wenzel introduced:

H. F. No. 35, A bill for an act relating to the state agricultural society; including the Red River Valley Winter Shows as a state agricultural society member; amending Minnesota Statutes 1990, section 37.03, subdivision 1.

The bill was read for the first time and referred to the Committee on Agriculture.

Welle; Cooper; Nelson, S.; Gruenes and Wejzman introduced:

H. F. No. 36, A bill for an act relating to occupations and professions; changing requirements for reciprocal licensing of physicians from other states and foreign medical school graduates; authorizing physicians to cancel licenses in good standing; requiring the cancellation of physicians' licenses for nonrenewal; changing licensing requirements for midwifery; changing the name of the board of medical examiners; amending Minnesota Statutes 1990, sections 147.03; 147.037, subdivision 1; 148.31; and 148.32; proposing coding for new law in Minnesota Statutes, chapter 147.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Welle and Cooper introduced:

H. F. No. 37, A bill for an act relating to workers' compensation; defining "employee" to include certain volunteers; amending Minnesota Statutes 1990, section 176.011, subdivision 9.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Welle introduced:

H. F. No. 38, A bill for an act proposing an amendment to the Minnesota Constitution, article V, section 2; providing a limitation on the permitted length of service as governor.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Trimble, Sarna, Lasley, Hausman and Hanson introduced:

H. F. No. 39, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to

uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bauerly, Kalis, Hugoson, McEachern and Olson, K., introduced:

H. F. No. 40, A bill for an act relating to wetlands; preserving, enhancing, establishing, and restoring wetlands; identifying wetlands; establishing wetland public value criteria; designating priority areas to establish and preserve wetlands; requiring local water plans to include wetlands with high public value; establishing wetland preservation areas; authorizing a tax exemption for wetland preservation areas; establishing a wetland restoration and compensation fund; establishing fees to pay for wetland establishment, preservation, and restoration; requiring permits and providing criteria for alternative uses of wetlands; requiring compensation for denied uses of wetlands; providing authority to establish and restore wetlands on private land; requiring assessment of direct benefits and payment of damages for establishment of wetlands; requiring a report on simplification and coordination of state and federal wetland permitting procedures; amending Minnesota Statutes 1990, sections 97A.475, by adding a subdivision; 103B.155; 103B.231, subdivision 6; 103B.311, subdivision 6; 103G.005, subdivisions 15 and 18; 103G.221; 103G.225; 103G.231; 103G.235; 103G.301, by adding a subdivision; 103I.208, by adding a subdivision; and 272.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 103F; 103G; 116P; and 144.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rukavina and Begich introduced:

H. F. No. 41, A bill for an act relating to retirement; providing certain widow benefits for the Virginia firefighters relief association; providing for disposition of assets of the Virginia firefighters relief

association under certain conditions; amending Laws 1974, chapter 183, section 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sviggum, Waltman, Brown, Frederick and Steensma introduced:

H. F. No. 42, A bill for an act relating to lawful gambling; providing that payment of the costs of a required audit are a lawful purpose expenditure; repealing requirements for posting of pull-tab winners; amending Minnesota Statutes 1990, section 349.12, subdivision 25; repealing Minnesota Statutes 1990, section 349.172.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Uphus introduced:

H. F. No. 43, A bill for an act relating to taxation; property; allowing Pope county a special levy for certain purposes.

The bill was read for the first time and referred to the Committee on Taxes.

Begich introduced:

H. F. No. 44, A bill for an act relating to retirement; authorizing a benefit increase for certain retired police officers, firefighters, and surviving spouses in the city of Eveleth.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jaros introduced:

H. F. No. 45, A bill for an act relating to taxation; income; permitting seafarers to pay estimated taxes in one installment; amending Minnesota Statutes 1990, section 289A.25, subdivision 10.

The bill was read for the first time and referred to the Committee on Taxes.

Jaros introduced:

H. F. No. 46, A bill for an act relating to elections; making voting mandatory; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 201.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I have the honor to announce the Senate has appointed a committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Arne H. Carlson, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Wednesday, January 16, 1991, at 7:00 o'clock p.m.

Mr. Sams; Ms. Traub; Mrs. Benson, J. E.; Messrs. Bertram and Laidig have been appointed to such committee.

PATRICK E. FLAHAVERN, Secretary of the Senate

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 4, A senate concurrent resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVERN, Secretary of the Senate

SUSPENSION OF RULES

Long moved that the rules be so far suspended that Senate Concurrent Resolution No. 4 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 4

A senate concurrent resolution relating to adjournment for more than three days.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon the House of Representatives adjournment on Wednesday, January 16, 1991, the House of Representatives may set its next day of meeting for Tuesday, January 22, 1991.

2. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate consents to the adjournment of the House of Representatives for more than three days.

Long moved that Senate Concurrent Resolution No. 4 be now

adopted. The motion prevailed and Senate Concurrent Resolution No. 4 was adopted.

MOTIONS AND RESOLUTIONS

Bauerly moved that the name of Scheid be added as an author on H. F. No. 3. The motion prevailed.

Kalis moved that the names of Olsen, S., and Bauerly be added as authors on H. F. No. 10. The motion prevailed.

Skoglund moved that the names of Segal, Knickerbocker and Johnson, R., be added as authors on H. F. No. 12. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of Richard Krueger, from District 12B, as Speaker pro tempore effective Thursday, January 10, 1991.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

Appropriations: Add the name of Pelowski.

Appropriations/State Government Division: Add the name of Krueger.

Appropriations/Economic Development, Infrastructure and Regulation Division: Add the name of Pelowski and remove the name of Krueger.

Judiciary/Criminal Justice Division: Remove the name of Murphy.

Education: Remove the name of Pelowski.

Education/Higher Education Division: Remove the name of Pelowski.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 6:30 p.m., Wednesday, January 16, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 6:30 p.m., Wednesday, January 16, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, JANUARY 16, 1991

The House of Representatives convened at 6:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Monsignor Terrence Murphy, St. Thomas University, St. Paul, Minnesota.

The roll was called and the following members were present:

Abrams	Frerichs	Kinkel	Ogren	Segal
Anderson, I.	Garcia	Knickerbocker	Olsen, S.	Simoneau
Anderson, R.	Girard	Koppendraye	Olsen, E.	Skoglund
Anderson, R. H.	Goodno	Krinkie	Olson, K.	Smith
Battaglia	Greenfield	Krueger	Omann	Solberg
Bauerly	Gruenes	Lasley	Onnen	Sparby
Beard	Gutknecht	Leppik	Orenstein	Stanius
Begich	Hanson	Lieder	Orfield	Steenasma
Bertram	Hartle	Limmer	Osthoff	Sviggum
Bettermann	Hasskamp	Long	Ostrom	Swenson
Bishop	Haukoos	Lourey	Ozment	Thompson
Blatz	Hausman	Lynch	Pellow	Tompkins
Bodahl	Henry	Macklin	Pelowski	Trimble
Brown	Hufnagle	Mariani	Peterson	Tunheim
Carlson	Hugoson	Marsh	Pugh	Uphus
Carruthers	Jacobs	McEachern	Reding	Valento
Clark	Janezich	McGuire	Rest	Vellenga
Cooper	Jaros	McPherson	Rice	Wagenius
Dauner	Jefferson	Milbert	Rodosovich	Waltman
Dawkins	Jennings	Morrison	Rukavina	Weaver
Dempsey	Johnson, A.	Munger	Runbeck	Wejcman
Dille	Johnson, R.	Murphy	Sarna	Welker
Dorn	Johnson, V.	Nelson, K.	Schafer	Welle
Erhardt	Kahn	Nelson, S.	Scheid	Wenzel
Farrell	Kalis	Newinski	Schreiber	Winter
Frederick	Kelso	O'Connor	Seaberg	Spk. Vanasek

A quorum was present.

Boo and Pauly were excused.

Due to the outbreak of hostilities in the Middle East, the Joint Convention and the "State of the State Address" by Governor Arne H. Carlson were canceled.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Tuesday, January 22, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Tuesday, January 22, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

FIFTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, JANUARY 18, 1991

The Senate met on Friday, January 18, 1991, which was the Fifth Legislative Day of the Seventy-seventh Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

SIXTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 22, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Representative Mary Murphy, District 8A, Hermantown, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frerichs	Koppendrayer	Olson, K.	Smith
Anderson, I.	Garcia	Krinkie	Omann	Solberg
Anderson, R.	Girard	Krueger	Onnen	Sparby
Anderson, R. H.	Goodno	Lasley	Orenstein	Stanius
Battaglia	Greenfield	Leppik	Orfield	Steensma
Bauerly	Gruenes	Lieder	Osthoff	Svigum
Beard	Gutknecht	Limmer	Ostrom	Swenson
Begich	Hanson	Long	Ozment	Thompson
Bertram	Hartle	Lourey	Pauly	Tompkins
Bettermann	Hasskamp	Lynch	Pellow	Trimble
Bishop	Haukoos	Macklin	Pelowski	Tunheim
Blatz	Hausman	Mariani	Peterson	Uphus
Bodahl	Henry	Marsh	Pugh	Valento
Boo	Hufnagle	McEachern	Reding	Vellenga
Brown	Hugoson	McGuire	Rest	Wagenius
Carlson	Jacobs	McPherson	Rice	Waltman
Carruthers	Janezich	Milbert	Rodosovich	Weaver
Clark	Jaros	Morrison	Rukavina	Wejcmán
Cooper	Jefferson	Munger	Runbeck	Welker
Dauner	Johnson, A.	Murphy	Sarna	Welle
Dawkins	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dempsey	Johnson, V.	Nelson, S.	Scheid	Winter
Dille	Kahn	Newinski	Schreiber	Spk. Vanasek
Dorn	Kalis	O'Connor	Seaberg	
Erhardt	Kelso	Ogren	Segal	
Farrell	Kinkel	Olsen, S.	Simoneau	
Frederick	Knickerbocker	Olson, E.	Skoglund	

A quorum was present.

Jennings was excused.

The Chief Clerk proceeded to read the Journals of the preceding

days. Lieder moved that further reading of the Journals be dispensed with and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>1991</i>	<i>Date Filed</i> <i>1991</i>
1		1	4:50 p.m. January 14	January 15

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Ogren from the Committee on Taxes to which was referred:

H. F. No. 13, A bill for an act relating to taxation; allowing an extension to file income tax returns and property tax refund claims for national guard and reserve members who are called to active duty; amending Minnesota Statutes 1990, section 289A.39, subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Long from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 14, A resolution memorializing the President and the Congress of the United States to fully commit the United States to negotiations that will avert war and result in a just settlement of disputes with Iraq.

Reported the same back with the following amendments:

Delete page 1, lines 7 to 25

Delete page 2, lines 1 to 26, and insert:

“Whereas, the citizens of Minnesota acknowledge and appreciate the dedication and devotion to country of the men and women serving in the Persian Gulf area; and

Whereas, the United Nations has condemned Saddam Hussein and the aggressive and oppressive Iraqi invasion and occupation of Kuwait and has called for the immediate withdrawal of Iraq from Kuwait; and

Whereas, the United Nations has imposed strict economic sanctions on Iraq; and

Whereas, the massive buildup of military forces of both Iraq and the United States and its allies in the Persian Gulf region has created an extremely volatile condition in which war could break out with little provocation; and

Whereas, a war with Iraq could involve the use of chemical weapons and could escalate to the use of nuclear weapons; and

Whereas, a war with Iraq could result in the death of thousands of combatants and civilians; and

Whereas, a war with Iraq would damage relations with some Arab nations for decades to come; and

Whereas, a war with Iraq could cost the United States and its allies one billion dollars per day, diverting necessary funds from

health care, housing, education, economic development, and human services; and

Whereas, war in the Persian Gulf region would cause a serious increase in the price of oil, resulting in economic disarray and prolonged worldwide recession; and

Whereas, the citizens of Minnesota wholeheartedly support the United States military personnel currently stationed in the Persian Gulf region, have grave concerns for their safety, and believe that their best interests would be served by averting war; and

Whereas, the Gulf crisis has required great sacrifice from members of our armed forces and their families and friends and war will require even greater sacrifice; *Now, Therefore*,

Be It Resolved by the Legislature of the State of Minnesota that it urges the President of the United States to allow the sanctions adequate time to work and to commit the United States fully to negotiations that will avert war and guarantee mutual security for all nations and people.

Be It Further Resolved that the Legislature requests the Governor of the State of Minnesota to declare a day of prayer for peace and to ask all religious institutions to participate.

Be It Further Resolved that the Legislature urges all Minnesotans to write to members of our armed forces in the Gulf area pledging their personal support for their sacrifice.

Be It Further Resolved that the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress."

Delete the title and insert:

"A resolution memorializing the President of the United States to fully commit the United States to negotiations that will avert war and result in a settlement of disputes with Iraq."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 13 and 14 were read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Frerichs, Schreiber and Dempsey introduced:

H. F. No. 47, A bill for an act relating to financing of government in this state; reducing appropriations for the biennium ending June 30, 1991, with certain conditions; providing for transfer of certain money in the state treasury; appropriating money for a deficiency in income maintenance appropriations; transferring certain balances in the Minnesota resources fund to the general fund; canceling certain balances to the general fund; eliminating the motor vehicle excise tax transfer from the general fund for highway purposes; transferring balances in the transit assistance fund to the general fund; transferring funds from the Greater Minnesota Corporation fund balance to the general fund; transferring receipts from the infrastructure development fund to the general fund; providing for an employee-leave-without-pay program; reducing calendar year 1991 state aid payments to local units of government; amending Minnesota Statutes 1990, sections 16A.662, subdivision 4; 16B.70, subdivision 1; 349A.10, subdivision 5; 477A.011, subdivisions 27, 28, and by adding a subdivision; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, subdivisions 1, 3, and by adding a subdivision; and 477A.014, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

The bill was read for the first time and referred to the Committee on Ways and Means.

Solberg; Kinkel; Anderson, I.; Hartle and Sarna introduced:

H. F. No. 48, A bill for an act relating to consumer protection; regulating sales of used motor vehicles; requiring dealers to disclose all applicable express warranties and service contracts covering the vehicle; amending Minnesota Statutes 1990, section 325F.662, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce.

Trimble, Munger, Stanius and Tompkins introduced:

H. F. No. 49, A bill for an act relating to stepparents; designating Stepparents Day; proposing coding for new law in Minnesota Statutes, chapter 10.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Marsh introduced:

H. F. No. 50, A bill for an act relating to wetland protection and enhancement; requiring counties to protect wetlands; repealing Minnesota Statutes 1990, section 97A.145, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Beard, Osthoff, Boo, Scheid and McPherson introduced:

H. F. No. 51, A bill for an act relating to taxation; income; providing a subtraction for certain armed services compensation; amending Minnesota Statutes 1990, section 290.01, subdivision 19b.

The bill was read for the first time and referred to the Committee on Taxes.

Beard, Osthoff, Boo, Scheid and McPherson introduced:

H. F. No. 52, A resolution memorializing the Congress of the United States to enact H.R. 3603 which relates to the disclosure of information concerning POW/MIAs.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Brown, Ozment, Kinkel, Vanasek and Peterson introduced:

H. F. No. 53, A bill for an act relating to public safety; repealing sunset provision relating to position of public fire safety educator; repealing Laws 1989, chapter 322, section 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Solberg, Milbert, Vellenga, Seaberg and Brown introduced:

H. F. No. 54, A bill for an act relating to juries; requiring persons who are 75 years or older and impaired to be excused from jury service upon request; proposing coding for new law in Minnesota Statutes, chapter 593.

The bill was read for the first time and referred to the Committee on Judiciary.

Orenstein, Milbert, Ozment, Swenson and Osthoff introduced:

H. F. No. 55, A bill for an act relating to peace officers; clarifying the soft body armor reimbursement program; amending Minnesota Statutes 1990, section 299A.38, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Johnson, A.; Mariani; Pelowski; Bauerly and Ozment introduced:

H. F. No. 56, A bill for an act relating to education; requiring the state board of education to adopt a rule on preparation time for teachers.

The bill was read for the first time and referred to the Committee on Education.

Ogren, Rest, Schreiber and Dempsey introduced:

H. F. No. 57, A bill for an act relating to taxation; property; making technical corrections to, and clarifications to, the calculation of certain special levies, the calculation of the levy limit base, the calculation of the amount of market value reductions in certain property tax discrimination actions, fees for issuing certain deeds for tax-forfeited lands, certain special levy referendum provisions, and to the effective dates of certain aid reductions; amending Minnesota Statutes 1990, sections 275.50, subdivision 5; 275.51, subdivision 3f; 278.05, subdivision 4; and 282.33, subdivision 1; Laws 1990, chapter 604, article 3, sections 49, subdivision 3; 50, subdivision 3; 51, subdivision 3; 59, subdivision 2; and 61, subdivision 2; and article 4, section 22.

The bill was read for the first time and referred to the Committee on Taxes.

Jaros, Reding, Knickerbocker, Cooper and Jefferson introduced:

H. F. No. 58, A bill for an act relating to state government; providing for a study of decentralization of state government; providing for a report to the legislature; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Garcia, Kahn, Bodahl, Long and Leppik introduced:

H. F. No. 59, A bill for an act relating to state employees; providing payment of the difference between state and military salaries for certain state employees called to active duty in the United States armed forces; appropriating money.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Olson, K.; Winter and McEachern introduced:

H. F. No. 60, A bill for an act relating to education; allowing the Lakefield school district to conduct a referendum before November 1991.

The bill was read for the first time and referred to the Committee on Education.

Johnson, R.; Lourey; Hanson; Bodahl and Hasskamp introduced:

H. F. No. 61, A bill for an act relating to wetlands; preserving, enhancing, establishing, and restoring wetlands; identifying wetlands; establishing wetland public value criteria; designating priority areas to establish and preserve wetlands; requiring local water plans to include wetlands with high public value; establishing wetland preservation areas; authorizing a tax exemption for wetland preservation areas; establishing a wetland restoration and compensation fund; establishing fees to pay for wetland establishment, preservation, and restoration; requiring permits and providing criteria for alternative uses of wetlands; requiring compensation for denied uses of wetlands; providing authority to establish and restore wetlands on private land; requiring assessment of direct benefits and payment of damages for establishment of wetlands; requiring a report on simplification and coordination of state and federal wetland permitting procedures; amending Minnesota Statutes 1990, sections 97A.475, by adding a subdivision; 103B.155; 103B.231, subdivision 6; 103B.311, subdivision 6; 103G.005, subdivisions 15 and 18; 103G.221; 103G.225; 103G.231; 103G.235; 103G.301, by

adding a subdivision; 103I.208, by adding a subdivision; and 272.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 103F; 103G; 116P; and 144.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rest; McGuire; Johnson, A.; Jefferson and Bishop introduced:

H. F. No. 62, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carlson, Wejcman, Jacobs, Munger and Kalis introduced:

H. F. No. 63, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Dauner introduced:

H. F. No. 64, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in the city of Hitterdal in Clay county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dauner introduced:

H. F. No. 65, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in the city of Barnesville in Clay county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sviggum; Brown; Johnson, V., and Cooper introduced:

H. F. No. 66, A bill for an act relating to cost share contracts for soil and water conservation districts; amending Minnesota Statutes 1990, section 103C.501, subdivision 5.

The bill was read for the first time and referred to the Committee on Agriculture.

Carruthers; Pugh; Seaberg; Johnson, R., and Macklin introduced:

H. F. No. 67, A bill for an act relating to peace officers; guaranteeing peace officers certain rights when under investigation and in disciplinary proceedings; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time and referred to the Committee on Judiciary.

Lieder, Wagenius, Knickerbocker, Kalis and Anderson, I., introduced:

H. F. No. 68, A bill for an act relating to metropolitan government; extending the date for the international airport plan; amending Minnesota Statutes 1990, section 473.616, subdivision 1.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Scheid and Osthoff introduced:

H. F. No. 69, A bill for an act relating to elections; authorizing a party state executive committee to fill certain vacancies and make certain decisions; changing time for examination by judges of certain return envelopes; changing the form of an affidavit; clarifying procedures for nominating certain candidates by petition; providing for withdrawal from the general election ballot; clarifying procedures for filling certain vacancies; providing for write-in votes for a candidate team; amending Minnesota Statutes 1990, sections 202A.12, subdivision 3; 203B.12, subdivision 2; 203B.21, subdivision 3; 204B.04, subdivision 2; 204B.12, by adding a subdivision; 204B.13, subdivisions 1, 2, and 3; and 204C.22, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Cooper, Dauner and Onnen introduced:

H. F. No. 70, A bill for an act relating to human services; requiring continued capacity to serve persons with developmental disabilities in regional treatment centers; amending Minnesota Statutes 1990, sections 252.025, subdivision 4; and 252.038, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Morrison, Pauly, Wagenius, McGuire and Vellenga introduced:

H. F. No. 71, A bill for an act relating to marriage dissolution; requiring information; providing for a report; amending Minnesota Statutes 1990, section 518.10; proposing coding for new law in Minnesota Statutes, chapter 518.

The bill was read for the first time and referred to the Committee on Judiciary.

Long, Pugh, Wagenius, Orfield and Brown introduced:

H. F. No. 72, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research

initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Tunheim, McEachern, Omann and Krueger introduced:

H. F. No. 73, A bill for an act relating to education; eliminating the deduction for one year's interest payments from the proceeds of state bonds for maximum effort school loans; amending Minnesota Statutes 1990, section 124.46, subdivision 3.

The bill was read for the first time and referred to the Committee on Education.

Welle and Cooper introduced:

H. F. No. 74, A bill for an act relating to municipal tort liability; specifying liability for injuries caused by beach and swimming pool equipment; amending Minnesota Statutes 1990, section 466.03, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Uphus introduced:

H. F. No. 75, A bill for an act relating to taxation; property; providing for agricultural homestead classification in certain instances; amending Minnesota Statutes 1990, section 273.124, subdivision 14.

The bill was read for the first time and referred to the Committee on Taxes.

Rodosovich, Sviggum, Hartle and Vanasek introduced:

H. F. No. 76, A bill for an act relating to local government; permitting certain cities to make a levy for peace officer costs; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

The bill was read for the first time and referred to the Committee on Taxes.

Pelowski introduced:

H. F. No. 77, A bill for an act relating to drug enforcement; authorizing an additional levy by the city of Winona for drug abuse resistance education.

The bill was read for the first time and referred to the Committee on Education.

Solberg and Battaglia introduced:

H. F. No. 78, A bill for an act relating to judicial administration; increasing fees; eliminating fees; decreasing the number of certified copies of marriage licenses prepared; expanding the probate surcharge to informal probate matters; amending Minnesota Statutes 1990, sections 357.021, subdivision 2; 517.101; and 525.5501, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Solberg and Anderson, I., introduced:

H. F. No. 79, A bill for an act relating to taxation; extending the authority of Itasca county to impose a special levy for development purposes; amending Minnesota Statutes 1990, section 275.50, subdivision 5a; and Laws 1989, First Special Session chapter 1, article 5, section 50.

The bill was read for the first time and referred to the Committee on Taxes.

Dauner and Murphy introduced:

H. F. No. 80, A bill for an act relating to human services; requiring increases in rates for salaries of employees of intermediate care facilities for persons with mental retardation, home and community-based waived services, developmental achievement centers, and semi-independent living services programs; amending Minnesota Statutes 1990, sections 245.465; 252.24, by adding a subdivision; 252.275, by adding a subdivision; 252.28, by adding a subdivision; 256B.491, by adding a subdivision; and 268A.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

MOTIONS AND RESOLUTIONS

Skoglund moved that the name of Winter be added as an author on H. F. No. 12. The motion prevailed.

Kalis moved that the name of Wenzel be added as an author on H. F. No. 22. The motion prevailed.

Begich moved that the name of Rukavina be added as an author on H. F. No. 44. The motion prevailed.

Beard moved that H. F. No. 51 be returned to its author. The motion prevailed.

Long moved that the Chief Clerk be instructed to invite the Senate by message to meet with the House in Joint Convention at 6:15 p.m. today, Tuesday, January 22, 1991, to receive the message of the Governor which will be delivered at 6:30 p.m. The motion prevailed.

Long moved that the Chief Clerk be instructed to invite the Governor by message to address a Joint Convention to be held in the House Chamber today, Tuesday, January 22, 1991, said Joint Convention to convene at 6:15 p.m. and said address to be delivered by the Governor at 6:30 p.m. The motion prevailed.

Long moved that the Speaker be directed to appoint a committee of seven members on the part of the House to act with a similar committee on the part of the Senate to escort the Governor to the Joint Convention to be held in the House Chamber this evening. The motion prevailed.

Long and Vanasek introduced:

House Resolution No. 1, A house resolution honoring Willard Munger, the dean of the Minnesota Legislature, on the occasion of his 80th birthday.

The resolution was referred to the Committee on Rules and Legislative Administration.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the committee to escort the Governor to the House Chamber for the Joint Convention this evening:

Welle, Chair; Garcia; Thompson; Bodahl; Olson, K.; Johnson, V., and Leppik.

ANNOUNCEMENT BY THE SPEAKER

When offering an amendment already read into the record by the Chief Clerk, it is not necessary for the author of the amendment to further move the amendment.

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, January 24, 1991. The motion prevailed.

Long moved that the House recess subject to the call of the Chair for the purpose of meeting with the Senate in Joint Convention to hear the address by the Governor. The motion prevailed.

RECESS

RECONVENED

The Speaker called the House to order at 6:15 p.m.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I have the honor to announce the Senate has appointed a committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Arne H. Carlson, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Tuesday, January 22, 1991, at 6:30 p.m.

Mr. Sams; Ms. Traub; Mrs. Benson, J. E.; Messrs. Bertram and Laidig have been appointed to such committee.

PATRICK E. FLAHAVERN, Secretary of the Senate

The Sergeant at Arms announced the arrival of the members of the Senate and they were escorted to the seats reserved for them at the front of the Chamber.

JOINT CONVENTION

The Speaker of the House as President of the Joint Convention called the Joint Convention to order.

Prayer was offered by the Reverend Kenneth W. Nyhusmoen, Walker, Minnesota.

The roll being called the following Senators answered to their names: Adkins, Beckman and Belanger.

Senator Moe, R. D., moved that further proceedings of the roll call be dispensed with. The motion prevailed and a quorum was declared present.

The Sergeant at Arms announced the arrival of the Justices of the Supreme Court. They were escorted to the seats reserved for them near the rostrum.

The Sergeant at Arms announced the arrival of the Honorable D. D. Wozniak, *Chief Judge of the Court of Appeals* and the Associate Judges of the Court of Appeals. They were escorted to the seats reserved for them near the rostrum.

The Sergeant at Arms announced the arrival of the Constitutional Officers of the State of Minnesota: Joan Anderson Growe, Secretary of State; Mark Dayton, *State Auditor*; Michael A. McGrath, *State Treasurer* and Hubert H. Humphrey III, *Attorney General*. The Constitutional Officers were escorted to the seats reserved for them.

The Sergeant at Arms announced the arrival of former Governors Harold E. Stassen, C. Elmer Anderson, Elmer L. Andersen, Harold LeVander and Wendell R. Anderson. The distinguished guests were escorted to the seats reserved for them.

The Sergeant at Arms announced the arrival of the Honorable Joanell M. Dyrstad, Lieutenant Governor of the State of Minnesota. The Lieutenant Governor was escorted to the seat reserved for her at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Arne H. Carlson, Governor of the State of Minnesota and his official party. The Governor was escorted to the rostrum by the appointed committees.

ADDRESS BY THE GOVERNOR

Governor Arne H. Carlson was presented by the President of the Joint Convention, the Honorable Robert E. Vanasek, and the Governor and the Lieutenant Governor delivered their "State of the State Address" to the members of the Joint Convention and their guests.

Following the address, Senator Moe, R. D., moved that the Joint Convention arise. The motion prevailed and the President declared the Joint Convention adjourned.

RECONVENED

The House reconvened and was called to order by the Speaker.

ADJOURNMENT

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, January 24, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 24, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Thomas Duke, Executive Director, St. Paul Area Council of Churches, St. Paul, Minnesota.

The roll was called and the following members were present:

Abrams	Frerichs	Koppendrayer	Olson, K.	Smith
Anderson, I.	Garcia	Krinkie	Omann	Solberg
Anderson, R.	Girard	Krueger	Onnen	Sparby
Anderson, R. H.	Goodno	Lasley	Orenstein	Stanius
Battaglia	Greenfield	Leppik	Orfield	Steensma
Bauerly	Gruenes	Lieder	Osthoff	Sviggum
Beard	Gutknecht	Limmer	Ostrom	Swenson
Begich	Hanson	Long	Ozment	Thompson
Bertram	Hartle	Lourey	Pauly	Tompkins
Bettermann	Hasskamp	Lynch	Pellow	Trimble
Bishop	Haukoos	Macklin	Pelowski	Tunheim
Blatz	Hausman	Mariani	Peterson	Uphus
Bodahl	Henry	Marsh	Pugh	Valento
Boo	Hufnagle	McEachern	Reding	Vellenga
Brown	Hugoson	McGuire	Rest	Wagenius
Carlson	Jacobs	McPherson	Rice	Waltman
Carruthers	Janezich	Milbert	Rodosovich	Weaver
Cooper	Jaros	Morrison	Rukavina	Wejman
Dauner	Jefferson	Munger	Runbeck	Welker
Dawkins	Johnson, A.	Murphy	Sarna	Welle
Dempsey	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, V.	Nelson, S.	Scheid	Winter
Dorn	Kahn	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kalis	O'Connor	Seaberg	
Farrell	Kelso	Ogren	Segal	
Frederick	Kinkel	Olson, S.	Simoneau	
	Knickerbocker	Olson, E.	Skoglund	

A quorum was present.

Jennings was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Seaberg moved that further reading of the Journal be dispensed

with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Ways and Means to which was referred:

H. F. No. 47, A bill for an act relating to financing of government in this state; reducing appropriations for the biennium ending June 30, 1991, with certain conditions; providing for transfer of certain money in the state treasury; appropriating money for a deficiency in income maintenance appropriations; transferring certain balances in the Minnesota resources fund to the general fund; canceling certain balances to the general fund; eliminating the motor vehicle excise tax transfer from the general fund for highway purposes; transferring balances in the transit assistance fund to the general fund; transferring funds from the Greater Minnesota Corporation fund balance to the general fund; transferring receipts from the infrastructure development fund to the general fund; providing for an employee-leave-without-pay program; reducing calendar year 1991 state aid payments to local units of government; amending Minnesota Statutes 1990, sections 16A.662, subdivision 4; 16B.70, subdivision 1; 349A.10, subdivision 5; 477A.011, subdivisions 27, 28, and by adding a subdivision; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, subdivisions 1, 3, and by adding a subdivision; and 477A.014, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE 1

SUMMARY

(General Fund Only)

TRANSFERS FROM OTHER FUNDS	36,415,000
PRIOR YEAR ADJUSTMENTS	3,081,000
APPROPRIATION REDUCTIONS	151,148,400
CANCELLATIONS	6,897,000
TOTAL	197,541,400
DEFICIENCY APPROPRIATION	125,412,000

ARTICLE 2
EDUCATION FINANCE ADJUSTMENTS

Section 1. APPROPRIATION REDUCTIONS: SUMMARY

SUMMARY (General Fund Only)

1991 APPROPRIATIONS

APPROPRIATION REDUCTIONS **(6,528,400)**

Sec. 2. APPROPRIATION REDUCTIONS

The general fund appropriations in Laws 1989, chapter 329, as amended by Laws 1990, chapter 562, articles 6, 7, and 9, are reduced by the listed amounts. All reductions are for fiscal year 1991 only.

(a) Transportation aid for enrollment options	(25,400)
(b) Summer special education aid	(759,800)
(c) Secondary vocational handicapped	(1,500,400)
(d) Assurance of mastery	(849,000)
(e) Individualized learning and development aid	(429,000)
(f) Adult graduation aid	(426,000)
(g) Health and developmental screening aid	(1,360,800)
(h) Secondary vocational cooperative aid	(5,300)
(i) Cooperation and combination aid	(2,900)
(j) PER process aid	(500)
(k) Tobacco use prevention	(2,700)
(l) Career teacher aid	(222,600)
(m) Educational cooperative service unit loans	(500,000)
(n) Adult education – basic skills evaluation	(75,000)

(o) Department of education (136,000)

None of this reduction shall be taken from the appropriations for the Faribault academies.

(p) Minnesota center for arts education (200,000)

(q) Task force on mathematics, science, technology, and international education (33,000)

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment.

ARTICLE 3

POSTSECONDARY EDUCATION

Section 1. APPROPRIATION REDUCTIONS: SUMMARY

The sums set forth in parentheses in the column designated "1991 APPROPRIATIONS" are reduced from the general fund appropriations for the fiscal year ending June 30, 1991, in Laws 1989, chapter 293, as amended by Laws 1990, chapter 591, article 1, to the specified agencies.

SUMMARY (General Fund Only)

1991 APPROPRIATIONS

APPROPRIATION REDUCTIONS (17,020,000)

Sec. 2. APPROPRIATION REDUCTIONS

(a) Higher education coordinating board (3,020,000)

This reduction is from the state grant program.

(b) University of Minnesota (8,800,000)

(c) State University Board (2,130,000)

(d) Community College Board (1,190,000)

(e) State Board of Technical Colleges (1,880,000)

The reductions in this section must not be considered in developing the budget base for the 1992-1993 biennium.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment.

ARTICLE 4

HUMAN DEVELOPMENT

Section 1. APPROPRIATION REDUCTIONS: SUMMARY

The sums set forth in the column marked "1991 APPROPRIATIONS BY FUND" are added to appropriations from the general fund or any other fund named, to the agencies and programs specified. Sums shown in parentheses are reduced from the general fund appropriations, or from other named appropriations, to the specified agencies in Laws 1989, chapter 282, article 1, sections 2 to 10, as amended by Laws 1990, chapter 568, article 1, sections 2 to 8; Laws 1989, chapter 335, article 1, section 27, as amended by Laws 1990, chapter 594, article 1, section 25; and Laws 1990, chapter 568, article 6, for the fiscal year ending June 30, 1991.

SUMMARY (General Fund Only)

1991 APPROPRIATIONS BY FUND	
TRANSFERS FROM OTHER FUNDS	5,430,000
APPROPRIATION REDUCTIONS	(18,230,000)
DEFICIENCY APPROPRIATION	125,412,000

Sec. 2. HUMAN SERVICES

Subdivision 1. Social Services (8,175,000)

The commissioner shall transfer \$5,000,000 in fiscal year 1991 from the consolidated chemical dependency treatment fund to the general fund. Notwithstanding Minnesota Statutes, sections 254B.02, subdivision 4, and 254B.09, all money remaining in the

consolidated chemical dependency treatment fund after all services provided in fiscal year 1991 are reimbursed shall cancel. This cancellation shall apply to state money remaining in county allocations, the reserve account, tribal allocations, the tribal reserve account, and the nonreservation Indian reserve account.

Laws 1990, chapter 568, article 2, section 59, is effective February 1, 1991, notwithstanding Laws 1990, chapter 568, article 2, section 104, subdivision 3. In conjunction with this provision, the commissioner shall transfer \$3,000,000 in fiscal year 1991 from the consolidated chemical dependency treatment fund to the general fund.

For the biennium ending June 30, 1991, and notwithstanding Minnesota Statutes, section 254B.03, subdivision 4, the commissioner may refuse to pay for services to persons not eligible under Minnesota Statutes, section 254B.04, subdivision 1, and the state is not financially liable for payment of services to ineligible persons.

The department of human services is authorized to receive new federal funds as of October 1, 1990, for child care. The new funds are authorized under Section 5081 of the federal Omnibus Budget Reconciliation Act of 1990, which amends the Social Security Act adding section 402(1), providing child care to low income families.

Subd. 3. Mental Health (500,000)

Subd. 4. Family Support Programs (1,919,000)

For the biennium ending June 30, 1991, and notwithstanding any other law to the contrary, counties may not enter into agreements for new general assistance or Minnesota supplemental aid negotiated rate beds except under the following two circumstances, both

of which are limited to existing funding caps: limited adult foster care development needed to ensure census reduction targets for developmentally disabled persons at regional treatment centers; and development to ensure compliance with the federal Omnibus Budget Reconciliation Act of 1990 alternative disposition plan requirements for inappropriately placed developmentally disabled persons.

For the biennium ending June 30, 1991, and notwithstanding Minnesota Statutes, section 256D.051 and Minnesota Rules, parts 9500.1200 to 9500.1318, the commissioner shall identify groups of nonexempt work readiness registrants receiving food stamps who must participate in the work readiness employment and training program as a condition of eligibility for work readiness assistance. The number of persons required to participate shall be sufficient to meet federal performance requirements for the Food Stamp Employment and Training Program. All other nonexempt registrants shall be deferred from participation in the Work Readiness Employment and Training Program. The notice and disqualification provisions of Minnesota Statutes, section 256D.101, remain in effect. The commissioner shall modify the groups identified in order to increase the number of registrants who must participate if necessary to meet federal participation requirements or if sufficient funds are available to expand program operations. Counties must provide ongoing employment and training services to all registrants in the county who are members of the groups identified by the commissioner.

For the biennium ending June 30, 1991, and notwithstanding Minnesota Statutes, sections 256D.01 to 256D.21 and Minnesota Rules, parts 9500.1200 to 9500.1318, an applicant's eligibility for work readiness assistance shall not

begin until the first day of the calendar month following the date of application for assistance. The initial date of eligibility for emergency assistance under Minnesota Statutes, section 256D.051, subdivision 1, is not affected. Notwithstanding Minnesota Statutes, section 256D.051, subdivision 1b, counties shall not provide special payments prorated to cover an initial certification period.

Notwithstanding Minnesota Statutes, chapter 256D, or any other law or administrative rule to the contrary, commencing March 1, 1991, and ending June 30, 1991, any person who would be defined for purposes of the federal Food Stamp Program as being enrolled at least half-time in an institution of higher education is ineligible to receive payments or services from the Work Readiness Program.

\$100,000 of this reduction is from the appropriation in Laws 1989, chapter 282, article 1, section 2, subdivision 6, to reimburse local agencies for the costs of providing transportation for work readiness literacy training. The commissioner shall reimburse counties for these purposes up to the amount of this appropriation, and state financial liability shall not extend beyond the appropriation amount.

Subd. 5. Health Care (5,143,000)

If the existing 1991 appropriation for the 180-day portion of the alternative care grant program is insufficient to fund payments to counties for services provided through June 30, 1991, the commissioner may transfer up to \$3,500,000 from the department's non-grant accounts to fund these payments.

Subd. 6. State Residential Facilities (813,000)

Subd. 7. Total Forecast Adjustment 125,412,000

Sec. 3. VETERANS NURSING HOMES BOARD (950,000)

Sec. 4. DEPARTMENT OF JOBS AND TRAINING (230,000)

Notwithstanding Minnesota Statutes, section 268.022, subdivision 2, the commissioner of finance shall transfer in fiscal year 1991 from the dislocated worker fund to the general fund \$4,780,000 of the money collected through the special assessment established in Minnesota Statutes, section 268.022, subdivision 1.

Sec. 5. CORRECTIONS (500,000)

This reduction is in the general fund appropriation in Laws 1989, chapter 282, article 1, section 6, subdivision 2, as amended by Laws 1990, chapter 568, article 1, section 5, subdivision 2.

Sec. 6. HEALTH

All balances in the asbestos abatement fund shall be transferred to the general fund on June 30, 1991. The balance on June 30, 1991, is estimated to be \$791,000. \$141,000 of this amount was recognized in the November 1990 forecast and \$650,000 is recognized in this act.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment, unless otherwise specified.

ARTICLE 5

ENVIRONMENT AND NATURAL RESOURCES

Section 1. APPROPRIATION REDUCTIONS: SUMMARY

The sums set forth in parentheses in the column designated "1991 APPROPRIATIONS" are reduced from the general fund appropriations for the fiscal year ending June 30, 1991, in Laws 1989, chapters 269, 335, and 337; Laws 1989, First Special Session chapter 1; Laws 1990, chapters 594 and 607; or another named law to the specified agencies.

SUMMARY (General Fund Only)

1991 APPROPRIATIONS

TRANSFERS FROM OTHER FUNDS	1,000,000
APPROPRIATION REDUCTIONS	(2,209,000)
CANCELLATIONS	466,000

Section 1. POLLUTION CONTROL AGENCY

(a) Clean Water Partnership Program	(50,000)
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This reduction is from the money appropriated from the general fund in Laws 1989, chapter 335, article 1, section 23, subdivision 2, for fiscal year 1991.

(b) Medical Waste Program	(50,000)
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This reduction is from the money appropriated from the general fund in Laws 1989, chapter 337, section 13, subdivision 1, for fiscal year 1991.

(c) Household Hazardous Waste Program	(170,000)
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This reduction is from the money appropriated from the general fund in Laws 1989, First Special Session chapter 1, article 24, section 1, subdivision 3a, for fiscal year 1991.

(d) Solid Waste Composition Study	(200,000)
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This reduction is from the money appropriated from the general fund in Laws 1989, First Special Session chapter 1, article 24, section 1, subdivision 3(b), for fiscal year 1991.

(e) On-Site Treatment (Septic Tank) Grants	(150,000)
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This reduction is from the money appropriated from the general fund in Laws 1990, chapter 594, article 1, section 22, item (c), for fiscal year 1991.

Sec. 2. OFFICE OF WASTE MANAGEMENT

(a) Litter Prevention, Control, and Abatement Grants (50,000)

This reduction is from the money appropriated from the general fund in Laws 1989, First Special Session chapter 1, article 24, section 1, subdivision 2, item (d), for fiscal year 1991.

(b) Problem Materials Collection and Disposal (100,000)

This reduction is from the money appropriated from the general fund in Laws 1989, First Special Session chapter 1, article 24, section 1, subdivision 2, item (f), for fiscal year 1991.

Sec. 3. NATURAL RESOURCES

General Reduction (970,000)

This reduction is from the money appropriated from the general fund in Laws 1989, chapter 335, article 1, section 21, for fiscal year 1991.

Sec. 4. LEGISLATIVE COMMISSION ON MINNESOTA RESOURCES

As the cash flow in the Minnesota resources fund permits, the commissioner of finance shall transfer \$1,000,000 to the general fund by June 30, 1991.

Sec. 5. ZOOLOGICAL BOARD

\$400,000 of the appropriation made in Laws 1988, chapter 686, article 1, section 12, item (b), to renovate the water and filtration systems that serve the beluga whale facility shall be unallotted and canceled by the commissioner of finance. Any remaining balances in that appropriation may be used by the zoo as a state contribution to the financing for the World of Birds amphitheater project.

Sec. 6. AGRICULTURE

(a) Family Farm Security

(169,000)

This reduction is from the money appropriated from the general fund in Laws 1989, chapter 269, section 7, subdivision 4, for family farm security interest payment adjustments.

(b) \$66,000 of the appropriation in Laws 1987, chapter 404, section 22, subdivision 7, as amended by Laws 1989, chapter 335, article 1, section 21, subdivision 7, available for expenditure by the commissioner of agriculture until June 30, 1991, for elk management is canceled.

Sec. 7. GRASSHOPPER CONTINGENT ACCOUNT

(300,000)

This reduction is from the money appropriated from the general fund in Laws 1990, chapter 607, section 6, paragraph (a), for fiscal year 1991. \$120,000 has been transferred to the commissioner of agriculture and \$180,000 is still in the contingent account.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment.

ARTICLE 6

INFRASTRUCTURE AND REGULATION

Section 1. [APPROPRIATION REDUCTIONS; SUMMARY.]

The sums set forth in parentheses in the column designated "1991 APPROPRIATIONS" are reduced from appropriations from the general fund, or another named fund, for the fiscal year ending June 30, 1991, in Laws 1989, chapter 269, or another named law to the specified agencies.

SUMMARY (General Fund Only)

1991 APPROPRIATIONS

TRANSFERS FROM OTHER FUNDS	26,885,000
APPROPRIATION REDUCTIONS	(52,808,000)

Sec. 2. TRANSPORTATION

The appropriations in Laws 1989, chapter 269, section 2, as amended by Laws 1990, chapter 565, section 2, for fiscal year 1991 are reduced by the listed amounts:

Subdivision 1. Highway Development

Trunk Highway Fund	(33,568,000)
County State Aid Highway Fund	(13,276,000)
Municipal State Aid Street Fund	(3,864,000)

Subd. 2. Program Delivery

Trunk Highway Fund	(1,500,000)
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If county aids and municipal state aids have been distributed based on anticipated revenues, the appropriations need not be reduced in fiscal year 1991, but the listed amounts must be reduced from the next distribution of funds.

Sec. 3. MOTOR VEHICLE EXCISE TAX

Notwithstanding Minnesota Statutes, section 297B.09, tax proceeds under Minnesota Statutes, chapter 297B, and the investment earnings on those proceeds credited to the highway user tax distribution fund, and the trunk highway fund, for the period after June 30, 1990, and before July 1, 1991, must be returned to the general fund on June 30, 1991. The amount returned is estimated to be \$52,208,000.

Sec. 4. TRANSIT ASSISTANCE FUND

Notwithstanding Minnesota Statutes, section 297B.09, tax proceeds under Minnesota Statutes, chapter 297B, relating to the transit assistance fund

and the earnings credited to the transit assistance fund for the period before July 1, 1991, that are unliquidated and unencumbered in the fiscal year ending June 30, 1991, must be returned to the general fund. The amount returned is estimated to be \$1,613,000.

Sec. 5. REGIONAL TRANSIT BOARD

(600,000)

This reduction is from the appropriation in Laws 1989, chapter 269, section 3, as amended by Laws 1990, chapter 565, section 5.

Sec. 6. GREATER MINNESOTA CORPORATION

The Greater Minnesota Corporation shall transfer \$9,000,000 of its unobligated balance in the special revenue fund to the general fund by June 30, 1991.

Sec. 7. INFRASTRUCTURE DEVELOPMENT FUND

The unencumbered balance in the infrastructure development fund on June 30, 1991, must be transferred and credited to the general fund. The amount transferred is estimated to be \$16,272,000.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment.

ARTICLE 7

STATE GOVERNMENT AFFAIRS

Section 1. [APPROPRIATION REDUCTION; SUMMARY.]

The sums set forth in parentheses in the column designated "1991 APPROPRIATIONS" are reduced from the general fund appropriations for the fiscal year ending June 30, 1991, to the specified agencies.

SUMMARY (General Fund Only)

1991 APPROPRIATIONS

TRANSFERS FROM OTHER FUNDS	3,100,000
PRIOR YEAR ADJUSTMENTS	3,081,000
APPROPRIATION REDUCTIONS	(4,353,000)
CANCELLATIONS	6,431,000

Sec. 2. APPROPRIATION REDUCTIONS

The general fund appropriations in Laws 1989, chapter 335, as amended by Laws 1990, chapter 594, are reduced by the listed amounts:

(a) Legislature (2,000,000)

This reduction shall be allocated to the appropriations to the Senate, House of Representatives, and the Legislative Commissions by the legislative coordinating commission.

(b) Administration (700,000)

This reduction is from the 1991 appropriation in Laws 1989, chapter 335, article 1, section 15, for building code administration.

The commissioner of administration shall transfer \$1,600,000 of contributed capital from the computer services internal service fund to the general fund by June 30, 1991.

The commissioner of administration is directed to review existing general fund project accounts for repairs and betterments. The commissioner shall cancel unobligated funding no longer required for specific projects and transfer \$600,000 to the general fund by June 30, 1991.

(c) Employee Relations

The commissioner of employee relations is directed to accelerate scheduled loan repayments to the general fund from the workers' compensation special fund by \$400,000 for fiscal year 1991.

(d) Trade and Economic Development

(595,000)

The unobligated balance in the capital access account in the special revenue fund authorized under Minnesota Statutes, section 116J.876, subdivision 4, shall be transferred to the general fund by June 30, 1991. This balance is estimated at \$500,000.

The remaining unobligated balance in Laws 1984, chapter 502, article 5, section 19, for plant construction and expansion grants, shall cancel to the general fund. This unobligated balance is estimated to be \$1,889,000.

The remaining unobligated balance in Laws 1987, chapter 404, section 26, subdivision 6, Community Development, in the general fund and economic development fund shall cancel to the general fund. It is estimated these unobligated balances total \$750,000.

The remaining unobligated balances in Laws 1989, chapter 335, article 1, section 25, subdivisions 4, Tourism, and 6, Community Development, shall cancel to the general fund. It is estimated that this balance is \$498,000, of which \$488,000 will be shown as a prior year adjustment and \$10,000 will be shown as a current year cancellation.

(e) Housing Finance

(600,000)

This amount shall be transferred from the housing development fund to the general fund.

(f) Military Affairs

(1) Enlistment Incentives Program	(345,000)
(2) Military Land Fund	(100,000)
(3) Military Forces Emergency Fund	(13,000)

Sec. 3. HIRING AND PROCUREMENT FREEZE

It is estimated that the hiring and procurement freeze imposed by emergency executive order number 91-2 will result in increased cancellations to the general fund of \$5,151,000.

Sec. 4. [VOLUNTARY UNPAID LEAVE OF ABSENCE.]

Appointing authorities in the executive branch of state government shall encourage each employee to take an unpaid leave of absence for up to 160 hours during the period ending June 30, 1991. Each appointing authority approving such a leave shall allow the employee to continue accruing vacation and sick leave, be eligible for paid holidays and insurance benefits, accrue seniority, and accrue service credit in state retirement plans permitting service credits for authorized leaves of absence as if the employee had actually been employed during the time of the leave. If the leave of absence is for one full pay period or longer, any holiday pay shall be included in the first payroll warrant after return from the leave of absence. The appointing authority shall attempt to grant requests for unpaid leaves of absence consistent with the need to continue efficient operation of the agency. However, each appointing authority shall retain discretion to grant or refuse to grant requests for leaves of absence and to schedule and cancel leaves, subject to applicable provisions of collective bargaining agreements and compensation plans. Approval of leave under this section shall be given by the appointing authority in writing, with a copy to the commissioner of finance, who shall reduce the agency's allotments by the amount of the resulting savings. It is estimated that this option for employees will result in general fund savings of \$1,270,000 by June 30, 1991.

Sec. 5. Minnesota Statutes 1990, section 16B.70, subdivision 1, is amended to read:

Subdivision 1. [COMPUTATION.] To defray the costs of administering sections 16B.59 to 16B.73, a surcharge is imposed on all permits issued by municipalities in connection with the construction of or addition or alteration to buildings and equipment or appurtenances after June 30, 1971, as follows:

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mill (.0005) of the fee or 50 cents, whichever amount is greater. For all other permits, the surcharge is as follows: (1) if the valuation of the structure, addition, or alteration is \$1,000,000 or less, the surcharge is equivalent to one-half mill (.0005) of the valuation of the structure, addition, or alteration; (2) if the valuation is greater than \$1,000,000, the surcharge is \$500 plus two-fifths mill (.0004) of the value between \$1,000,000 and \$2,000,000; (3) if the valuation is greater than \$2,000,000, the surcharge is \$900 plus three-tenths mill (.0003) of the value between \$2,000,000 and \$3,000,000; (4) if the valuation is greater than \$3,000,000, the surcharge is \$1,200 plus one-fifth mill (.0002) of the value between \$3,000,000 and \$4,000,000; (5) if the valuation is greater than \$4,000,000, the surcharge is \$1,400 plus one-tenth mill (.0001) of the value between \$4,000,000 and \$5,000,000; and (6) if the valuation exceeds \$5,000,000, the surcharge is \$1,500 plus one-twentieth mill (.00005) of the value that exceeds \$5,000,000.

~~By September 1 of each odd-numbered year, the commissioner shall rebate to municipalities any money received under this section and section 16B.62 in the previous biennium in excess of the cost to the building code division in that biennium of carrying out its duties under sections 16B.59 to 16B.73. The rebate to each municipality must be in proportion to the amount of the surcharges collected by that municipality and remitted to the state. The amount necessary to meet the commissioner's rebate obligations under this subdivision is appropriated to the commissioner from the general fund.~~

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment, unless otherwise specified.

ARTICLE 8

LOCAL AIDS

Section 1. Minnesota Statutes 1990, section 477A.011, is amended by adding a subdivision to read:

Subd. 2a. [SPECIAL TAXING DISTRICT.] "Special taxing district" means a political subdivision with the authority to levy property taxes, other than a city, county, town, or school district.

Sec. 2. Minnesota Statutes 1990, section 477A.011, subdivision 27, is amended to read:

Subd. 27. [REVENUE BASE.] "Revenue base" means the amount levied for taxes payable in 1990 less the special levies under section 275.50, subdivision 5, clause (a) 1991, including the levy on the

fiscal disparity distribution under section 473F.08, subdivision 3, paragraph (a), and before reduction for the homestead and agricultural credit aid under section 273.1398, subdivision 2, equalization aid under section 477A.013, subdivision 5, and disparity reduction aid under section 273.1398, subdivision 3; plus the local government aid under sections 477A.011; 477A.012, subdivisions 1 ~~and~~ 3, and 5, determined without regard to subdivision 2; and 477A.013, subdivisions 1, 3 ~~and~~ 6, and 7; and the estimated taconite aids used to determine levy limits for taxes payable in ~~1990~~ 1991 under section 275.51, subdivision 3i.

Sec. 3. Minnesota Statutes 1990, section 477A.011, subdivision 28, is amended to read:

Subd. 28. [REDUCTION PERCENTAGE.] "Reduction percentage" is means the equal percentage reduction in each county and city revenue base that is was necessary to reduce 1990 aid payments by \$28,000,000 under sections 477A.012, subdivision 5, and 477A.013, subdivision 7, and, in addition, the equal percentage reduction in each county, city, town, and special taxing district revenue base that is necessary to reduce 1991 aid payments under sections 477A.012, subdivisions 1, 3, and 5; 477A.013, subdivisions 1, 3, 5, 6, and 7; and 273.1398, subdivisions 2 and 3, by a combined amount of \$50,000,000.

Sec. 4. Minnesota Statutes 1990, section 477A.012, subdivision 1, is amended to read:

Subdivision 1. [AID AMOUNT.] In calendar year 1990, each county government shall receive a distribution equal to the aid amount certified for 1987 pursuant to this subdivision. Except as provided in subdivision 6, in calendar year 1991 and subsequent years, each county government shall receive a distribution equal to the aid amount it received in 1990 under this subdivision less the reduction made under subdivision 5.

Sec. 5. Minnesota Statutes 1990, section 477A.012, is amended by adding a subdivision to read:

Subd. 6. [1991 COUNTY AID ADJUSTMENT.] A county's 1991 payment of local government aid and homestead and agricultural credit aid is reduced by the product of its revenue base and the reduction percentage. The aid reduction is first applied to a county's local government aid in its scheduled 1991 aid payment. If the aid reduction is greater than the local government aid amount in its scheduled 1991 aid payment, the remaining amount is then applied to the county's homestead and agricultural credit aid, and then, if necessary, to its disparity reduction aid. The 1991 local government aid, homestead and agricultural credit aid, and disparity reduction aid payment to a county after this reduction cannot be less than \$0.

Sec. 6. Minnesota Statutes 1990, section 477A.013, subdivision 1, is amended to read:

Subdivision 1. [TOWNS.] In calendar year 1989, each town that had levied for taxes payable in 1988 at least one mill on the dollar of the assessed value of the town shall receive a distribution equal to 106 percent of the distribution received under Minnesota Statutes 1987 Supplement, section 477A.013, subdivision 1, in 1988. In calendar year 1990, each town that had levied for taxes payable in the prior year a local tax rate of at least .008 shall receive a distribution equal to 106 percent of the amount received in 1989 under this subdivision. Except as provided in subdivision 8, in calendar year 1991 and subsequent years, each town that had levied for taxes payable in the prior year a local tax rate of at least .008 shall receive a distribution equal to the amount it received in 1990 under this subdivision less the amount deducted in 1989 under subdivision 6.

Sec. 7. Minnesota Statutes 1990, section 477A.013, subdivision 3, is amended to read:

Subd. 3. [CITY AID DISTRIBUTION.] In 1989, a city whose initial aid is greater than \$0 will receive the following aid increases in addition to an amount equal to the local government aid it received in 1988 under Minnesota Statutes 1987 Supplement, section 477A.013:

(1) for a city whose expenditure/unlimited aid ratio is at least 1.5, two percent of city revenue;

(2) for a city whose expenditure/unlimited aid ratio is at least 1.4 but less than 1.5, 2.5 percent of city revenue;

(3) for a city whose expenditure/unlimited aid ratio is at least 1.3 but less than 1.4, three percent of city revenue;

(4) for a city whose expenditure/unlimited aid ratio is at least 1.2 but less than 1.3, four percent of city revenue;

(5) for a city whose expenditure/unlimited aid ratio is at least 1.1 but less than 1.2, five percent of city revenue;

(6) for a city whose expenditure/unlimited aid ratio is at least 1.05 but less than 1.1, six percent of city revenue;

(7) for a city whose expenditure/unlimited aid ratio is at least 1.0 but less than 1.05, seven percent of city revenue;

(8) for a city whose expenditure/unlimited aid ratio is at least .95 but less than 1.0, 7.5 percent of city revenue;

(9) for a city whose expenditure/unlimited aid ratio is at least .75 but less than .95, 8.5 percent of city revenue; and

(10) for a city whose expenditure/unlimited aid ratio is less than .75, nine percent of city revenue.

In 1990, a city whose initial aid is greater than \$0 will receive an amount equal to the aid it received under this section in the year prior to that for which aids are being calculated plus an aid increase equal to 50 percent of the rates listed in clauses (1) to (10) multiplied by city revenue.

In 1991 and subsequent years, a city will receive an amount equal to the local government aid it received under this section in the previous year except as provided in subdivision 8.

A city's aid increase under this subdivision is limited to the lesser of (1) 20 percent of its levy for taxes payable in the year prior to that for which aids are being calculated, or (2) its initial aid amount, or (3) 15 percent of the total local government aid amount received under this section in the previous year, provided that no city will receive an increase that is less than two percent of its 1989 local government aid for aids payable in 1990.

A city whose initial aid is \$0 will receive in 1990 an amount equal to 102 percent of the local government aid it received in 1989 under Minnesota Statutes 1988, section 477A.013. A city whose initial aid is \$0 will receive in 1991 an amount equal to the aid it received in the previous year under this section. For purposes of this subdivision, the term "local government aid" does not include equalization aid amounts under subdivision 5.

Sec. 8. Minnesota Statutes 1990, section 477A.013, is amended by adding a subdivision to read:

Subd. 8. [1991 CITY, OR TOWN AID ADJUSTMENT.] A city or town's 1991 payment of local government aid, equalization aid, homestead and agricultural credit aid, and disparity reduction aid is reduced by the product of its revenue base, and the reduction percentage, as determined in section 477A.011, subdivision 28. The aid reduction is first applied to a city or town's local government aid amount in its scheduled 1991 aid payment. If the aid reduction is greater than the local government aid amount in its scheduled 1991 aid payment, the remaining amount is then applied to the city or town's equalization aid, and then, if necessary, to its homestead and agricultural credit aid, and then, if necessary, to its disparity reduction aid. The 1991 local government aid, equalization aid, homestead and agricultural credit aid, and disparity reduction aid payment to a city or town after this reduction cannot be less than \$0.

Sec. 9. [477A.0135] [SPECIAL TAXING DISTRICTS; 1991 AID REDUCTION.]

A special taxing district's 1991 payment of homestead and agricultural credit aid, and disparity reduction aid is reduced by the product of its revenue base and the reduction percentage, as determined in section 477A.011, subdivision 28. The aid reduction is first applied to a special taxing district's homestead and agricultural credit aid amount in its scheduled 1991 aid payment. If the aid reduction is greater than the homestead and agricultural credit aid amount in its scheduled 1991 aid payment, the remaining amount is then applied to the special taxing district's disparity reduction aid. The 1991 homestead and agricultural credit aid and disparity reduction aid payment to a special taxing district after this reduction cannot be less than \$0.

Sec. 10. Minnesota Statutes 1990, section 477A.014, subdivision 1, is amended to read:

Subdivision 1. [CALCULATIONS AND PAYMENTS.] The commissioner of revenue shall make all necessary calculations and make payments pursuant to sections 477A.012, 477A.013, and 477A.03 directly to the affected taxing authorities annually. In addition, the commissioner shall notify the authorities of their aid amounts, as well as the computational factors used in making the calculations for their authority, and those statewide total figures that are pertinent, before August 15 of the year preceding the aid distribution year, except that for aid payable in 1990 the commissioner of revenue must notify the authorities of their aid amounts as well as the computational factors used in the calculation before October 23, 1989. The commissioner shall reduce the July 20, 1991, payment of local government aid, equalization aid, homestead and agricultural credit aid, and disparity reduction aid to counties, cities, towns, and special taxing districts by a combined amount of \$50,000,000.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day following final enactment, unless otherwise specified."

Delete the title and insert:

"A bill for an act relating to financing of government in this state; reducing appropriations for the biennium ending June 30, 1991, with certain conditions; providing for transfer of certain money in the state treasury; appropriating money for a deficiency in income maintenance appropriations; transferring certain balances in the Minnesota resources fund to the general fund; canceling certain balances to the general fund; eliminating the motor vehicle excise

tax transfer from the general fund for highway purposes; transferring balances in the transit assistance fund to the general fund; transferring funds from the Greater Minnesota Corporation fund balance to the general fund; transferring receipts from the infrastructure development fund to the general fund; providing for an employee-leave-without-pay program; reducing calendar year 1991 state aid payments to local units of government; amending Minnesota Statutes 1990, sections 16B.70, subdivision 1; 477A.011, subdivisions 27, 28, and by adding a subdivision; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, subdivisions 1, 3, and by adding a subdivision; and 477A.014, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A."

And without further recommendation.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 47 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Long moved that the rule therein be suspended and an urgency be declared so that H. F. No. 47 be given its third reading and be placed upon its final passage. The motion prevailed.

Long moved that the Rules of the House be so far suspended that H. F. No. 47 be given its third reading and be placed upon its final passage. The motion prevailed.

Frerichs and Schreiber moved to amend H. F. No. 47, as amended by the Committee on Ways and Means, as follows:

Page 15, line 26, after "county's" insert "July 20,"

Page 15, line 30, after "scheduled" insert "July 20,"

Page 15, line 32, after "scheduled" insert "July 20,"

Page 15, line 35, after "The" insert "July 20,"

Page 18, line 2, after "town's" insert "July 20,"

Page 18, line 7, after "scheduled" insert "July 20,"

Page 18, line 9, after “scheduled” insert “July 20,”

Page 18, line 13, after “The” insert “July 20,”

Page 18, line 19, after “district’s” insert “July 20,”

Page 18, line 25, before “1991” insert “July 20,”

Page 18, line 27, before “1991” insert “July 20,”

Page 18, line 28, after “The” insert “July 20,”

Correct internal references

The motion prevailed and the amendment was adopted.

Simoneau, Greenfield, Osthoff, Sparby, Battaglia, Begich, Rice, Sarna and Long offered an amendment to H. F. No. 47, as amended by the Committee on Ways and Means, as amended.

Dempsey requested a division of the Simoneau et al amendment to H. F. No. 47, as amended by the Committee on Ways and Means, as amended.

The first portion of the Simoneau et al amendment to H. F. No. 47, as amended by the Committee on Ways and Means, as amended, reads as follows:

Page 6, line 38, delete “\$4,780,000” and insert “\$1,700,000”

The motion prevailed and the first portion of the Simoneau et al amendment was adopted.

The second portion of the Simoneau et al amendment to H. F. No. 47, as amended by the Committee on Ways and Means, as amended, reads as follows:

Page 11, after line 17, insert:

“(b) Governor and Lieutenant Governor (68,000)

This reduction is to the governor’s office budget.”

Reletter the following paragraphs

Adjust the totals accordingly

A roll call was requested and properly seconded.

The question was taken on the second portion of the Simoneau et al amendment and the roll was called.

There were 78 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Farrell	Krueger	Orfield	Solberg
Battaglia	Garcia	Lasley	Osthoff	Sparby
Bauerly	Greenfield	Lieder	Ostrom	Steensma
Beard	Gutknecht	Long	Pelowski	Thompson
Begich	Hanson	Lourey	Peterson	Trimble
Bertram	Hasskamp	Mariani	Pugh	Tunheim
Bodahl	Hausman	McEachern	Reding	Vellenga
Brown	Janezich	McGuire	Rest	Wagenius
Carlson	Jefferson	Murphy	Rice	Wejman
Carruthers	Johnson, A.	Nelson, K.	Rodosovich	Welker
Clark	Johnson, R.	Nelson, S.	Rukavina	Welle
Cooper	Kahn	O'Connor	Sarna	Wenzel
Dauner	Kalis	Ogren	Scheid	Winter
Dawkins	Kelso	Olson, E.	Segal	Spk. Vanasek
Dille	Kinkel	Olson, K.	Simoneau	
Dorn	Krinkie	Orenstein	Skoglund	

Those who voted in the negative were:

Abrams	Frerichs	Johnson, V.	Olsen, S.	Smith
Anderson, R.	Girard	Knickerbocker	Omann	Stanius
Anderson, R. H.	Goodno	Koppendrayer	Onnen	Sviggum
Bettermann	Gruenes	Limmer	Ozment	Swenson
Bishop	Hartle	Lynch	Pauly	Tompkins
Blatz	Haukoos	Macklin	Pellow	Uphus
Boo	Henry	Marsh	Runbeck	Valento
Dempsey	Hufnagle	McPherson	Schafer	Waltman
Erhardt	Hugoson	Morrison	Schreiber	Weaver
Frederick	Jacobs	Newinski	Seaberg	

The motion prevailed and the second portion of the Simoneau et al amendment was adopted.

Frerichs moved to amend H. F. No. 47, as amended by the Committee on Ways and Means, as amended, as follows:

Page 1, line 33, delete "151,148,400" and insert "151,102,400"

Page 2, line 18, after "handicapped" insert "aid"

Page 2, line 19, after "mastery" insert "aid"

Page 2, line 26, after "prevention" insert "aid"

Page 9, delete lines 39 to 45 and insert:

“If the county and municipal state aids have been apportioned by the commissioner of transportation according to law and rule based upon anticipated fiscal year 1991 motor vehicle excise tax transfer receipts, the commissioner must reduce the apportionment by the total amount of the 1991 fiscal year motor vehicle excise tax transfer receipts, and those proceeds shall be returned to the general fund upon final enactment.”

Page 10, line 3, after the comma, insert “or Minnesota Rules, part 8820.1200,”

Page 11, line 5, delete “(4,353,000)” and insert “(4,307,000)”

Page 11, line 42, delete “(595,000)” and insert “(549,000)”

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE

On the motion of Long and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abrams	Frerichs	Koppendrayer	Olson, K.	Smith
Anderson, I.	Garcia	Krinkie	Omann	Solberg
Anderson, R.	Girard	Krueger	Onnen	Sparby
Anderson, R. H.	Goodno	Lasley	Orenstein	Stanius
Battaglia	Greenfield	Leppik	Orfield	Steensma
Bauerly	Gruenes	Lieder	Osthoff	Sviggum
Beard	Gutknecht	Limmer	Ostrom	Swenson
Begich	Hanson	Long	Ozment	Thompson
Bertram	Hartle	Lourey	Pauly	Tompkins
Bettermann	Hasskamp	Lynch	Pellow	Trimble
Bishop	Haukoos	Macklin	Pelowski	Tunheim
Blatz	Hausman	Mariani	Peterson	Uphus
Bodahl	Henry	Marsh	Pugh	Valento
Boo	Hufnagle	McEachern	Reding	Vellenga
Brown	Hugoson	McGuire	Rest	Wagenius
Carlson	Jacobs	McPherson	Rice	Waltman
Carruthers	Janezich	Milbert	Rodosovich	Weaver
Clark	Jaros	Morrison	Rukavina	Wejcmann
Cooper	Jefferson	Munger	Runbeck	Welker
Dauner	Johnson, A.	Murphy	Sarna	Welle
Dawkins	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dempsey	Johnson, V.	Nelson, S.	Scheid	Winter
Dille	Kahn	Newinski	Schreiber	Spk. Vanasek
Dorn	Kalis	O'Connor	Seaberg	
Erhardt	Kelso	Ogren	Segal	
Farrell	Kinkel	Olsen, S.	Simoneau	
Frederick	Knickerbocker	Olson, E.	Skoglund	

Long moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 47, A bill for an act relating to financing of government in this state; reducing appropriations for the biennium ending June 30, 1991, with certain conditions; providing for transfer of certain money in the state treasury; appropriating money for a deficiency in income maintenance appropriations; transferring certain balances in the Minnesota resources fund to the general fund; canceling certain balances to the general fund; eliminating the motor vehicle excise tax transfer from the general fund for highway purposes; transferring balances in the transit assistance fund to the general fund; transferring funds from the Greater Minnesota Corporation fund balance to the general fund; transferring receipts from the infrastructure development fund to the general fund; providing for an employee-leave-without-pay program; reducing calendar year 1991 state aid payments to local units of government; amending Minnesota Statutes 1990, sections 16B.70, subdivision 1; 477A.011, subdivisions 27, 28, and by adding a subdivision; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, subdivisions 1, 3, and by adding a subdivision; and 477A.014, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Krueger moved that those not voting be excused from voting. The motion prevailed.

There were 69 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abrams	Goodno	Limmer	Reding	Vellenga
Anderson, R. H.	Gruenes	Lynch	Rest	Waltman
Battaglia	Gutknecht	Macklin	Runbeck	Weaver
Bertram	Hanson	Marsh	Sarna	Welker
Bettermann	Hartle	McGuire	Schafer	Wenzel
Bishop	Haukoos	McPherson	Scheid	
Blatz	Henry	Morrison	Schreiber	
Bodahl	Hufnagle	Nelson, K.	Seaberg	
Boo	Hugoson	Newinski	Simoneau	
Carruthers	Johnson, V.	Olsen, S.	Smith	
Dempsey	Kahn	Omann	Stanius	
Dille	Kelso	Onnen	Sviggum	
Erhardt	Knickerbocker	Osthoff	Swenson	
Frederick	Koppendraye	Ozment	Tompkins	
Frerichs	Krinkie	Pauly	Uphus	
Girard	Leppik	Pellow	Valento	

Those who voted in the negative were:

Anderson, I.	Greenfield	Lieder	Orenstein	Steensma
Anderson, R.	Hasskamp	Long	Orfield	Thompson
Bauerly	Hausman	Lourey	Ostrom	Trimble
Beard	Jacobs	Mariani	Pelowski	Tunheim
Begich	Janezich	McEachern	Peterson	Wagenius
Carlson	Jaros	Milbert	Pugh	Wejman
Clark	Jefferson	Munger	Rice	Welle
Cooper	Johnson, A.	Murphy	Rodosovich	Winter
Dauner	Johnson, R.	Nelson, S.	Rukavina	Spk. Vanasek
Dawkins	Kalis	O'Connor	Segal	
Dorn	Kinkel	Ogren	Skoglund	
Farrell	Krueger	Olson, E.	Solberg	
Garcia	Lasley	Olson, K.	Sparby	

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Orfield, Pugh, Carruthers, Vellenga and Dempsey introduced:

H. F. No. 81, A bill for an act relating to property; permitting name or identity change of corporate mortgagee or assignee of mortgagee in the recital in a mortgage satisfaction or release to be recorded without further evidence of name or identity change; clarifying application of language regulating distributions to a testamentary trustee; amending Minnesota Statutes 1990, section 524.3-913; proposing coding for new law in Minnesota Statutes, chapter 507.

The bill was read for the first time and referred to the Committee on Housing.

Welle, Sviggum, Bodahl, Krueger and Begich introduced:

H. F. No. 82, A bill for an act relating to public contracts; modifying the criteria for businesses and firms required to file affirmative action plans; amending Minnesota Statutes 1990, section 363.073, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kalis; Lieder; Johnson, V.; Sparby and Battaglia introduced:

H. F. No. 83, A bill for an act relating to natural resources;

limiting certain fees charged to towns in connection with town road projects; amending Minnesota Statutes 1990, section 103G.301, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

O'Connor introduced:

H. F. No. 84, A bill for an act relating to state government; administrative rulemaking; requiring the department of health to adopt rules to allow all licensed podiatrists to have the opportunity to become health maintenance organization participating entities.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Olson, E., and Johnson, R., introduced:

H. F. No. 85, A bill for an act relating to health; authorizing nursing homes with 100 or fewer beds that are located within 75 miles of each other to share an administrator; amending Minnesota Statutes 1990, section 144A.04, subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield, Kahn, Macklin and Dempsey introduced:

H. F. No. 86, A bill for an act relating to children; requiring peace officers executing health and welfare holds to notify parents or custodians of available social services; appropriating money; amending Minnesota Statutes 1990, section 260.165, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Solberg and Anderson, I., introduced:

H. F. No. 87, A bill for an act relating to highways; allowing county board of and appropriate town boards in Itasca county to establish and record certain public roads less than four rods in width until December 31, 1995.

The bill was read for the first time and referred to the Committee on Transportation.

Blatz and Carruthers introduced:

H. F. No. 88, A bill for an act relating to taxation; extending homestead treatment to certain property; amending Minnesota Statutes 1990, section 273.124, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Welle introduced:

H. F. No. 89, A bill for an act relating to civil liability for theft; disallowing the collection of statutorily authorized punitive damages if the stolen property is recovered; amending Minnesota Statutes 1990, section 332.51, subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

Welle, Steensma, Peterson, Thompson and Sviggum introduced:

H. F. No. 90, A bill for an act relating to health; requiring geographic representation on the board of medical examiners; amending Minnesota Statutes 1990, section 147.01, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Dawkins, Limmer, Vellenga, Wagenius and O'Connor introduced:

H. F. No. 91, A bill for an act relating to marriage; providing alternate forms of marriage solemnization; amending Minnesota Statutes 1990, section 517.18.

The bill was read for the first time and referred to the Committee on Judiciary.

Lasley and Koppendrayer introduced:

H. F. No. 92, A bill for an act relating to the city of Mora; extending the deadline for negotiating certain contracts; amending Laws 1989, chapter 33, section 1.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Onnen introduced:

H. F. No. 93, A bill for an act relating to insurance; increasing access to the comprehensive health insurance plan; amending Minnesota Statutes 1990, sections 62E.02, subdivisions 2, 8, and 13; 62E.11, subdivision 2; 62E.14; and 363.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Onnen introduced:

H. F. No. 94, A bill for an act relating to health; requiring a study of methods of controlling and reducing health care and insurance costs; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Onnen introduced:

H. F. No. 95, A bill for an act relating to insurance; restricting underwriting practices for group health insurance; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Onnen introduced:

H. F. No. 96, A bill for an act relating to alcoholic beverages; declaring as a felony certain furnishing of alcoholic beverages to persons under age 21; amending Minnesota Statutes 1990, section 340A.701, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Thompson, Koppendrayner, Carlson, Krueger and Lieder introduced:

H. F. No. 97, A resolution memorializing the President and Congress of the United States to express Minnesota's support for our servicemen and servicewomen and urging that they be given adequate supply and medical support.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Seaberg, Pugh, Rest, Vellenga and Swenson introduced:

H. F. No. 98, A bill for an act relating to civil commitment; prohibiting *ex parte* judicial release orders during the emergency hold period; amending Minnesota Statutes 1990, section 253B.05, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Pelowski, Kalis, Waltman and Johnson, V., introduced:

H. F. No. 99, A bill for an act relating to transportation; designating trunk highway No. 61 and the Lake City rest area as disabled American veterans highway and rest area; amending Minnesota Statutes 1990, section 161.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Cooper, Welle, Kalis, Ostrom and Anderson, R., introduced:

H. F. No. 100, A bill for an act relating to health; imposing a surcharge on health coverage; establishing the emergency medical services personnel account; establishing an incentive plan for ambulance service personnel; setting plan requirements; amending Minnesota Statutes 1990, section 60A.15, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 353E.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Blatz and Carruthers introduced:

H. F. No. 101, A bill for an act relating to insurance; authorizing the joint underwriting association to provide liability coverage to school districts for asbestos related claims; amending Minnesota Statutes 1990, section 621.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Carruthers, Pugh, Blatz, Vellenga and Swenson introduced:

H. F. No. 102, A bill for an act relating to data practices; clarifying application of amendments affecting personnel data.

The bill was read for the first time and referred to the Committee on Judiciary.

Kinkel; Solberg; Thompson; Anderson, R., and Hasskamp introduced:

H. F. No. 103, A bill for an act relating to intoxicating liquor; consolidating provisions of law relating to seasonal on-sale licenses; increasing the maximum length of seasonal licenses from six months to 225 days; amending Minnesota Statutes 1990, section 340A.404, subdivision 6; repealing Minnesota Statutes 1990, section 340A.404, subdivision 6a.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Milbert, Sarna, O'Connor, Bishop and Scheid introduced:

H. F. No. 104, A bill for an act relating to consumer protection; regulating automatic garage door opening systems; amending Minnesota Statutes 1990, sections 325F.82, subdivision 2, and by adding a subdivision; and 325F.83, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Commerce.

Olson, K., and Cooper introduced:

H. F. No. 105, A bill for an act relating to nursing; establishing a loan forgiveness program for nurses who agree to practice in a nursing home; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Dauner, Kalis, Lieder, Uphus and Schafer introduced:

H. F. No. 106, A bill for an act relating to towns; providing for money from town road account to be distributed to towns by March 1, annually; amending Minnesota Statutes 1990, section 162.081, subdivisions 3 and 4.

The bill was read for the first time and referred to the Committee on Transportation.

Janezich; Anderson, I.; Johnson, V.; Sparby and Valento introduced:

H. F. No. 107, A bill for an act relating to towns; clarifying certain provisions for the terms of town supervisor; providing for the compensation of certain town officers and employees; amending Minnesota Statutes 1990, sections 367.03, subdivision 1; and 367.05, subdivision 1.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Janezich; Anderson, I.; Johnson, V.; Lieder and Valento introduced:

H. F. No. 108, A bill for an act relating to local government; requiring that towns receive notice of projects and copies of permits; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Vellenga, Morrison, Ogren, Orenstein and Milbert introduced:

H. F. No. 109, A bill for an act relating to children; providing for autopsies in sudden infant death cases; authorizing access by medical examiners and coroners to child abuse and neglect reports; amending Minnesota Statutes 1990, sections 383B.225, by adding a subdivision; 390.11, subdivision 10; 390.32, by adding a subdivision; and 626.556, subdivision 11.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, I.; Kinkel; Nelson, K.; Krueger and Farrell introduced:

H. F. No. 110, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research

initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Rice, Carruthers, Murphy, Lieder and Olson, K., introduced:

H. F. No. 111, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Janezich, Garcia, Uphus, Begich and Hasskamp introduced:

H. F. No. 112, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Simoneau and Vanasek introduced:

H. F. No. 113, A bill for an act relating to appropriations; appropriating money to the department of finance for certain data search and copying expense; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on Appropriations.

Johnson, V., and Pelowski introduced:

H. F. No. 114, A bill for an act relating to Winona county; permitting the disposal of consecutive index recordings of real estate.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

CONSENT CALENDAR

H. F. No. 13, A bill for an act relating to taxation; allowing an extension to file income tax returns and property tax refund claims for national guard and reserve members who are called to active duty; amending Minnesota Statutes 1990, section 289A.39, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Battaglia	Bertram	Bodahl	Carruthers
Anderson, I.	Bauerly	Bettermann	Boo	Clark
Anderson, R.	Beard	Bishop	Brown	Cooper
Anderson, R. H.	Begich	Blatz	Carlson	Dauner

Dawkins	Janezich	Marsh	Pauly	Steensma
Dempsey	Jaros	McEachern	Pellow	Sviggum
Dille	Jefferson	McGuire	Pelowski	Swenson
Dorn	Johnson, A.	McPherson	Peterson	Thompson
Erhardt	Johnson, R.	Milbert	Pugh	Tompkins
Farrell	Johnson, V.	Morrison	Reding	Trimble
Frederick	Kahn	Munger	Rest	Tunheim
Frerichs	Kalis	Murphy	Rice	Upbus
Garcia	Kelso	Nelson, K.	Rodosovich	Valento
Girard	Kinkel	Nelson, S.	Rukavina	Vellenga
Goodno	Knickerbocker	Newinski	Runbeck	Wagenius
Greenfield	Koppendrayer	O'Connor	Sarna	Waltman
Gruenes	Krinkie	Ogren	Schafer	Weaver
<i>Gutknecht</i>	Krueger	Olsen, S.	Scheid	Wejzman
Hanson	Lasley	Olson, E.	Schreiber	Welker
Hartle	Leppik	Olson, K.	Seaberg	Welle
Hasskamp	Lieder	Omann	Segal	Wenzel
Haukoos	Limmer	Onnen	Simoneau	Winter
Hausman	Long	Orenstein	Skoglund	Spk. Vanasek
Henry	Lourey	Orfield	Smith	
Hufnagle	Lynch	Osthoff	Solberg	
Hugoson	Macklin	Ostrom	Sparby	
Jacobs	Mariani	Ozment	Stanius	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendation of the Committee was reported to the House:

H. F. No. 14 was recommended for progress.

On the motion of Long the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Kalis moved that the names of Anderson, R. H.; Rodosovich and Hartle be added as authors on H. F. No. 22. The motion prevailed.

Tunheim moved that the name of Omann be added as an author on H. F. No. 34. The motion prevailed.

Lieder moved that the name of Anderson, R., be added as an author on H. F. No. 35. The motion prevailed.

Frierichs moved that the name of Welker be added as an author on H. F. No. 47. The motion prevailed.

Trimble moved that the name of O'Connor be added as an author on H. F. No. 49. The motion prevailed.

Scheid moved that the name of Solberg be added as an author on H. F. No. 69. The motion prevailed.

Dauner moved that the name of Sparby be added as an author on H. F. No. 80. The motion prevailed.

Osthoff moved that H. F. No. 35 be recalled from the Committee on Agriculture and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming. The motion prevailed.

Orfield moved that H. F. No. 81 be recalled from the Committee on Housing and be re-referred to the Committee on Judiciary. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, January 28, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, January 28, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA
SEVENTY-SEVENTH SESSION—1991

EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 28, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Bishop David W. Olson, Minneapolis Area Synod, Evangelical Lutheran Church in America, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Anderson, I.	Frerichs	Koppendrayer	Olson, K.	Solberg
Anderson, R.	Garcia	Krinkie	Omann	Sparby
Anderson, R. H.	Girard	Krueger	Onnen	Stanius
Battaglia	Goodno	Lasley	Orenstein	Steenma
Bauerly	Greenfield	Leppik	Orfield	Svigum
Beard	Gruenes	Lieder	Osthoff	Swenson
Begich	Gutknecht	Limmer	Ostrom	Thompson
Bertram	Hanson	Long	Ozment	Tompkins
Bettermann	Hartle	Lourey	Pauly	Trimble
Bishop	Haukoos	Lynch	Pellow	Tunheim
Blatz	Hausman	Macklin	Pelowski	Uphus
Bodahl	Henry	Mariani	Peterson	Valento
Boo	Hufnagle	Marsh	Pugh	Vellenga
Brown	Hugoson	McEachern	Rest	Wagenius
Carlson	Jacobs	McGuire	Rice	Waltman
Carruthers	Janezich	McPherson	Rodasovich	Weaver
Clark	Jaros	Milbert	Rukavina	Wejzman
Cooper	Jefferson	Morrison	Runbeck	Welker
Dauner	Johnson, A.	Munger	Sarna	Welle
Dawkins	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dempsey	Johnson, V.	Nelson, S.	Scheid	Winter
Dille	Kahn	Newinski	Schreiber	Spk. Vanasek
Dorn	Kalis	O'Connor	Seaberg	
Erhardt	Kelso	Ogren	Segal	
Farrell	Kinkel	Olsen, S.	Skoglund	
Frederick	Knickerbacker	Olson, E.	Smith	

A quorum was present.

Abrams, Hasskamp, Murphy, Reding and Simoneau were excused.

Jennings was excused until 3:10 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Hanson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 31, A bill for an act relating to public safety; creating the Minnesota advisory council on fire protection systems; requiring licensing and certifying of the fire protection industry; providing for rules and an exemption; creating fire protection systems account; providing for fees; imposing a penalty; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 299M.

Reported the same back with the following amendments:

Page 3, line 13, before the period insert "or licensed as an architect or engineer pursuant to chapter 326"

Page 4, line 11, delete "and" and insert "for"

Page 4, line 16, after "licensing," insert "certification, registration,"

Page 4, line 35, delete "CONTRACT WITH LABOR AND INDUSTRY" and insert "AUTHORITY TO CONTRACT"

Page 4, line 36, delete "the" and insert "local units of government"

Page 5, line 1, delete "commissioner of labor and industry"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Ogren from the Committee on Taxes to which was referred:

H. F. No. 57, A bill for an act relating to taxation; property; making technical corrections to, and clarifications to, the calculation of certain special levies, the calculation of the levy limit base,

the calculation of the amount of market value reductions in certain property tax discrimination actions, fees for issuing certain deeds for tax-forfeited lands, certain special levy referendum provisions, and to the effective dates of certain aid reductions; amending Minnesota Statutes 1990, sections 275.50, subdivision 5; 275.51, subdivision 3f; 278.05, subdivision 4; and 282.33, subdivision 1; Laws 1990, chapter 604, article 3, sections 49, subdivision 3; 50, subdivision 3; 51, subdivision 3; 59, subdivision 2; and 61, subdivision 2; and article 4, section 22.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 275.50, subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in 1990 payable in 1991 and subsequent years, “special levies” means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) for taxes levied in 1990, payable in 1991 and subsequent years, pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law, and the costs of purchase or delivery of social services. The aggregate amounts levied under this clause for the costs of purchase or delivery of social services and income maintenance programs, other than those identified in section 273.1398, subdivision 1, paragraph (i), are subject to a maximum increase over the amount levied for the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties. For purposes of this clause, “income maintenance programs” include income maintenance programs in section 273.1398, subdivision 1, paragraph (i), to the extent the county provides benefits under those programs over the statutory mandated standards. Effective with taxes levied in 1990, the portion of this special levy for human service programs identified in section 273.1398, subdivision 1, paragraph (i), is eliminated;

(b) pay the costs of principal and interest on bonded indebtedness except on bonded indebtedness issued under section 471.981, subdivisions 4 to 4c, or to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(c) pay the costs of principal and interest on certificates of

indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency; and to pay the cost for certificates of indebtedness issued pursuant to sections 298.28 and 298.282;

(d) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(e) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(f) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(g) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(h) pay amounts required by law to be paid to pay the interest on and to reduce the unfunded accrued liability of public pension funds in accordance with the actuarial standards and guidelines specified in sections 356.215 and 356.216 reduced by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated receipts expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds;

(i) to compensate the state for the cost of a reassessment ordered by the commissioner of revenue pursuant to section 270.16;

(j) pay the debt service on tax increment financing revenue bonds to the extent that revenue to pay the bonds or to maintain reserves for the bonds is insufficient as a result of the provisions of Laws 1988, chapter 719, article 5;

(k) pay the cost of hospital care under section 261.21;

(l) pay the unreimbursed costs incurred in the previous year to satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any tort action, or to pay the costs of settlements out of court against the governmental subdivision in a tort action when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, provided that an appeal for the unreimbursed costs under this clause was approved by the commissioner of revenue under section 275.51, subdivision 3;

(m) pay the expenses reasonably and necessarily incurred in preparing for or repairing the effects of natural disaster including the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from natural causes such as earthquake, fire, flood, wind storm, wave action, oil spill, water contamination, air contamination, or drought in accordance with standards formulated by the emergency services division of the state department of public safety, provided that an appeal for the expenses incurred under this clause were approved by the commissioner of revenue under section 275.51, subdivision 3;

(n) pay a portion of the losses in tax receipts to a city due to tax abatements or court actions in the year preceding the current levy year, provided that an appeal for the tax losses was approved by the commissioner of revenue under section 275.51, subdivision 3. This special levy is limited to the amount of the losses times the ratio of the nonspecial levies to total levies for taxes payable in the year the abatements were granted. County governments are not authorized to claim this special levy;

(o) pay the operating cost of regional library services authorized under section 134.34, subject to a maximum increase over the previous year of the greater of (1) 103 percent multiplied by one plus the percentage increase determined for the governmental subdivision under section 275.51, subdivision 3h, clause (b), or (2) six percent. If a governmental subdivision elected to include some or all of its levy for libraries within its adjusted levy limit base in the prior year, but elects to claim the levy as a special levy in the current levy year, the allowable increase is determined by applying the greater percentage determined under clause (1) or (2) to the total amount levied for libraries in the prior levy year. After levy year 1989, the increase must not be determined using a base amount other than the amount that could have been levied as a special levy in the prior year. This limit may be redistributed according to the provisions of section 134.342. In no event shall the special levy be less than the minimum levy required under sections 134.33 and 134.34, subdivisions 1 and 2;

(p) pay the amount of the county building fund levy permitted under section 373.40, subdivision 6;

(q) pay the county's share of the costs levied in 1989, 1990, and 1991 for the Minnesota cooperative soil survey under Minnesota Statutes 1988, section 40.07, subdivision 15;

(r) for taxes levied in 1989, payable in 1990 only, pay the cost incurred for the minimum share required by counties levying for the first time under section 134.34 as required under section 134.341. For taxes levied in 1990, and thereafter, counties levying under this provision must levy under clause (o), and their allowable increase must be determined with reference to the amount levied in 1989 under this paragraph;

(s) for taxes levied in 1989, payable in 1990 only, provide an amount equal to 50 percent of the estimated amount of the reduction in aids to a county under sections 273.1398, subdivision 2, paragraph (d), and 477A.012, subdivision 3, for aids payable in 1990;

(t) for taxes levied in 1990 only by a county in the eighth judicial district, provide an amount equal to the amount of the levy, if any, that is required under Laws 1989, chapter 335, article 3, section 54, subdivision 8, as amended by Laws 1990, chapter 604, article 9, section 14;

(u) for taxes levied in 1989, payable in 1990 only, pay the costs not reimbursed by the state or federal government:

(i) for the costs of purchase or delivery of social services. The aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties.

(ii) for payments made to or on behalf of recipients of aid under any public assistance program authorized by law. The aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent and must be used only for the public assistance programs.

(iii) If the amount levied under ~~this paragraph (u)~~ clause (ii) in 1989 for public assistance programs is less than the actual expenditures needed for these programs for 1990, the difference between the actual expenditures and the amount levied may be levied in 1990 as a special levy. If the amount levied under clause (ii) in 1989 for public assistance programs is greater than the actual expenditures needed for these programs for 1990, the difference between the

amount levied and the actual expenditures shall be deducted from the 1990 levy limit, payable in 1991;

(v) pay an amount of up to 25 percent of the money sought for distribution and approved under section 115A.557, subdivision 3, paragraph (b), clause (3);

(w) pay the unreimbursed costs of per diem jail or correctional facilities services paid by the county in the previous 12-month period ending on July 1 of the current year provided that the county is operating under a department of corrections directive that limits the capacity of a county jail as authorized in section 641.01 or 641.262, or a correctional facility as defined in section 241.021, subdivision 1, paragraph (5);

(x) for taxes levied in 1990 and 1991, payable in 1991 and 1992 only, pay the operating or maintenance costs of a county jail as authorized in section 641.01 or 641.262, or of a correctional facility as defined in section 241.021, subdivision 1, paragraph (5), to the extent that the county can demonstrate to the commissioner of revenue that the amount has been included in the county budget as a direct result of a rule, minimum requirement, minimum standard, or directive of the department of corrections. If the county utilizes this special levy, any amount levied by the county in the previous levy year for the purposes specified under this clause and included in the county's previous year's levy limitation computed under section 275.51, shall be deducted from the levy limit base under section 275.51, subdivision 3f, when determining the county's current year levy limitation. The county shall provide the necessary information to the commissioner of revenue for making this determination;

(y) for taxes levied in 1990, payable in 1991 only, pay an amount equal to the unreimbursed county costs paid in 1989 and 1990 for the purpose of grasshopper control; and, for taxes levied in 1991 payable in 1992 only, pay an amount equal to the unreimbursed county costs paid in 1991 for the purpose of grasshopper control;

(z) for a county, provide an amount needed to fund comprehensive local water implementation activities under sections 103B.3361 to 103B.3369 as provided in this clause.

A county may levy an amount not to exceed the water implementation local tax rate times the adjusted net tax capacity of the county for the preceding year. The water implementation local tax rate shall be set by August 1 each year by the commissioner of revenue for taxes payable in the following year. As used in this paragraph, the "adjusted net tax capacity of the county" means the net tax capacity of the county as equalized by the commissioner of revenue based upon the results of an assessment/sales ratio study. That rate shall be the rate, rounded up to the nearest one-thousandth of a percent, that, when applied to the adjusted net tax capacity for all counties,

raises the amount specified in this clause. The water implementation local tax rate for taxes levied in 1990 shall be the rate that raises \$1,500,000 and the rate for taxes levied in 1991 shall be the rate that raises \$1,500,000. A county must levy a tax at the rate established under this clause to qualify for a grant from the board of water and soil resources under section 103B.3369, subdivision 5;

(aa) pay the unreimbursed county costs for court-ordered family-based services and court-ordered out-of-home placement for children to the extent that the county can demonstrate to the commissioner of revenue that the estimated amount included in the county's budget for the following levy year is for the purposes specified under this clause. For purposes of this special levy, costs for "family-based services" and "out-of-home placement" means costs resulting from court-ordered targeted family services designed to avoid out-of-home placement and from court-ordered out-of-home placement under the provisions of sections 260.172 and 260.191, which are unreimbursed by the state or federal government, insurance proceeds, or parental or child obligations. Any amount levied under this clause must only be used by the county for the purposes specified in this clause.

If the county uses this special levy and the county levied an amount in the previous levy year, for the purposes specified under this clause, under another special levy or under the levy limitation in section 275.51, the following adjustments must be made:

(i) The amount levied in the previous levy year for the purposes specified under this clause under the levy limitation in section 275.51 must be deducted from the levy limit base under section 275.51, subdivision 3f, when determining the current year levy limitation.

(ii) The amount levied in the previous levy year, for the purposes specified under clause (a) or (u) must be deducted from the previous year's amount used to calculate the maximum amount allowable under clause (a) in the current levy year; and

(bb) pay the amounts allowed as special levies under Laws 1989, First Special Session chapter 1, article 5, section 50, and subdivisions 5a and 5b.

Sec. 2. Minnesota Statutes 1990, section 275.51, subdivision 3f, is amended to read:

Subd. 3f. [LEVY LIMIT BASE.] (a) The property tax levy limit base for governmental subdivisions for taxes levied in 1988 shall be equal to the total actual levy for taxes payable in 1988 with additions and subtractions as specified in paragraphs (b) and (c).

(b) The amounts to be added to the actual 1988 levy are (1) the

amount of local government aid the governmental subdivision was certified to receive in 1988 under sections 477A.011 to 477A.014, (2) its 1988 taconite aids under sections 298.28 and 298.282, and (3) its 1988 wetlands and native prairie reimbursements under Minnesota Statutes 1986, sections 273.115, subdivision 3, and 273.116, subdivision 3.

(c) The amounts to be subtracted from the actual 1988 levy are (1) any special levies claimed for taxes payable in 1988 pursuant to Laws 1987, chapter 268, article 5, section 12, subdivision 4, clauses (1), (2), (3), and (4); and (2) for a governmental subdivision participating in a regional library system receiving grants from the department of education under section 134.34, the amount levied for taxes payable in 1988 for the operating costs of a public library service.

(d) For taxes levied in 1989 and subsequent years, a governmental subdivision's levy limit base is equal to its adjusted levy limit base for the preceding year, provided that for taxes levied in 1989, the amount of the administrative reimbursement aid received in 1988 shall be added to the base.

(e) For taxes levied by a county in 1989, the levy limit base determined under paragraph (d) shall be reduced by an amount equal to 90 percent of the cost of public defender services for felonies and gross misdemeanors and the costs of law clerks in the county that are assumed by the state during calendar year 1990, less 103 percent of one-half the amount of fees collected by the courts in the county during calendar year 1988. For taxes levied in 1990, the levy limit base determined under paragraph (d) shall first be increased by the product of (1) the amount deducted under this paragraph for taxes levied in 1989 and (2) the adjustments under subdivision 3h, paragraphs (a) and (b) for taxes levied in 1989, and then shall be reduced by an amount equal to the cost of public defender services for felonies and gross misdemeanors and the cost of law clerks in the county that are assumed by the state during calendar year 1991, less the amount of fees collected by the courts in the county during calendar year 1989, computed at the rate of \$30 for civil and probate filings and \$20 for marriage dissolutions.

(f) For taxes levied in 1989 by a county that is located in the eighth judicial district, the levy limit base determined under paragraphs (d) and (e) shall be further reduced by an amount equal to 90 percent of the cost of operation of the trial courts in the county during calendar year 1990 that are assumed by the state and for which an appropriation is provided, less 103 percent of the sum of (1) the remaining one-half of the amount of fees and (2) 100 percent of the amount of fines collected by the courts in the county during calendar year 1988. For taxes levied in 1990 by a county that is located in the eighth judicial district, the levy limit base determined under paragraphs (d) and (e) is reduced by the product of (1) 103 percent of

one-half of the fees collected by the courts in the county during calendar year 1988, and (2) the adjustments under subdivision 3h, paragraphs (a) and (b) for taxes levied in 1989.

(g) By October 15, 1989, the board of public defense shall determine and certify to the commissioner of revenue the pro rata share for each county of the state-financed public defense services described in paragraph (e) during the six-month period beginning July 1, 1990. By October 15, 1989, the supreme court shall determine and certify to the department of revenue for each county the pro rata share for each county of the cost of providing law clerks during the three-month period beginning October 1, 1990, plus, for each county located in the eighth judicial district, the cost of operation of the trial courts during calendar year 1990.

By July 15, 1990, the board of public defense shall determine and certify to the department of revenue the pro rata share for each county of the state-financed public defense services described in paragraph (e) during calendar year 1991. By July 15, 1990, the supreme court shall determine and certify to the department of revenue for each county the pro rata share for each county of the cost of providing law clerks during calendar year 1991 plus, for each county located in the eighth judicial district, the cost of operation of the trial courts during the first six months of 1991.

(h) For taxes levied in a county in 1991, the levy limit base shall be reduced by an amount equal to the cost in the county of court reporters, judicial officers, and district court referees and the expenses of law clerks and court reporters as authorized in sections 484.545, subdivision 3, and 486.05, subdivisions 1 and 1a, as certified by the supreme court pursuant to section 477A.012, subdivision 4.

(i) If a governmental subdivision received an adjustment to its levy limit base for taxes levied in 1988 under section 275.51, subdivision 3j, its levy limit base for taxes levied in 1989 must be reduced by the lesser of (1) the adjustment under section 275.51, subdivision 3j, or (2) the difference between its (i) levy limit for taxes levied in 1988 and its (ii) total actual levy for taxes levied in 1988 minus any special levies claimed for taxes levied in 1988 under section 275.50, subdivision 5.

Sec. 3. Minnesota Statutes 1990, section 278.05, subdivision 4, is amended to read:

Subd. 4. [SALES RATIO STUDIES AS EVIDENCE.] The sales ratio studies published by the department of revenue, or any part of the studies, or any copy of the studies or records accumulated to prepare the studies which is prepared by the commissioner of revenue for use in determining education aids shall be admissible in evidence as a public record without the laying of a foundation if the

sales prices used in the study are adjusted for the terms of the sale to reflect market value and are adjusted to reflect the difference in the date of sale compared to the assessment date. The department of revenue sales ratio study shall be prima facie evidence of the level of assessment. Additional evidence relevant to the sales ratio study is also admissible. No sales ratio study received into evidence shall be conclusive or binding on the court and evidence of its reliability or unreliability may be introduced by any party including, but not limited to, evidence of inadequate adjustment of sale prices for terms of financing, inadequate adjustment of sales prices to reflect the difference in the date of sale compared to the assessment date, and inadequate sample size.

No reduction in value on the grounds of discrimination shall be granted on the basis of a sales ratio study unless

(a) the sales prices are adjusted for the terms of the sale to reflect market value,

(b) the sales prices are adjusted to reflect the difference in the date of sale compared to the assessment date,

(c) there is an adequate sample size, and

(d) the median ratio of the same classification of property in the same county, city, or town as the subject property is lower than 90 percent, except that in the case of a county containing a city of the first class, the median ratio for the county shall be the ratio determined excluding sales from the first class city within the county.

If a reduction in the court-determined market value on the grounds of discrimination is granted based on the above criteria, the reduction shall equal the difference between ~~(1) the ratio for the petitioner's property less five percentage points 95 percent and (2) the median ratio determined by the court. In order to receive relief on the basis of discrimination, the petitioner must establish the ratio of the assessor's estimated market value to the actual fair market value for the property.~~

Sec. 4. Laws 1990, chapter 604, article 3, section 49, subdivision 3, is amended to read:

Subd. 3. [REVERSE REFERENDUM.] If the Bayport city council intends to exercise the authority provided by this section in ~~subsequent years~~ levy year 1990, it shall pass a resolution stating the fact before ~~January~~ September 1, 1991 ~~1990~~. The resolution must be published for two successive weeks in the official newspaper of the city or, if there is no official newspaper, in a newspaper of general circulation in the city, together with a notice fixing a date for a

public hearing on the matter. The hearing must be held at least two weeks but not more than four weeks after the first publication of the resolution. Following the public hearing, the city may determine to take no further action or adopt a resolution confirming its intention to exercise the authority. That resolution must also be published in the official newspaper of the city or, if there is no official newspaper, in a newspaper of general circulation in the city. If within 30 days after publication of the resolution a petition signed by voters equal in number to five percent of the votes cast in the city in the last general election requesting a vote on the proposed resolution is filed with the county auditor, the resolution is not effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election before December 1, ~~1991~~ 1990.

Sec. 5. Laws 1990, chapter 604, article 3, section 50, subdivision 3, is amended to read:

Subd. 3. [REVERSE REFERENDUM.] If the Goodhue county board intends to exercise the authority provided by this section in ~~subsequent years~~ levy years 1990 and 1991, it shall pass a resolution stating the fact before ~~January~~ September 1, 1991 ~~1990~~. The resolution must be published for two successive weeks in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing must be held at least two weeks but not more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or adopt a resolution confirming its intention to exercise the authority. That resolution must also be published in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days after publication of the resolution a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a vote on the proposed resolution is filed with the county auditor, the resolution is not effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election before December 1, ~~1991~~ 1990.

Sec. 6. Laws 1990, chapter 604, article 3, section 51, subdivision 3, is amended to read:

Subd. 3. [REVERSE REFERENDUM.] If the Windom city council intends to exercise the authority provided by this section in ~~subse-~~

quent years levy year 1991, it shall pass a resolution stating the fact before ~~January~~ September 1, 1991. The resolution must be published for two successive weeks in the official newspaper of the city or, if there is no official newspaper, in a newspaper of general circulation in the city, together with a notice fixing a date for a public hearing on the matter. The hearing must be held at least two weeks but not more than four weeks after the first publication of the resolution. Following the public hearing, the city may determine to take no further action or adopt a resolution confirming its intention to exercise the authority. That resolution must also be published in the official newspaper of the city or, if there is no official newspaper, in a newspaper of general circulation in the city. If within 30 days after publication of the resolution a petition signed by voters equal in number to five percent of the votes cast in the city in the last general election requesting a vote on the proposed resolution is filed with the county auditor, the resolution is not effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election before December 1, 1991.

Sec. 7. Laws 1990, chapter 604, article 3, section 59, subdivision 2, is amended to read:

Subd. 2. [REVERSE REFERENDUM.] If the Rosemount city council proposes to pay the obligation under subdivision 1, it shall pass a resolution stating that fact. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the city or, if there is no official newspaper, in a newspaper of general circulation in the city, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the city may determine to take no further action or adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper or, if there is no official newspaper, in a newspaper of general circulation in the city. If within 30 days thereafter a petition signed by voters equal in number to ten percent of the votes cast in the city in the last general election requesting a referendum on the proposed resolution is filed with the county auditor, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum. The referendum must be held at a special or general election prior to ~~January~~ December 1, ~~1992~~ 1990.

Sec. 8. Laws 1990, chapter 604, article 3, section 61, subdivision 2, is amended to read:

Subd. 2. [REVERSE REFERENDUM.] If the city intends to exercise the authority provided by subdivision 1 in levy year 1990 and subsequent years, it shall pass a resolution stating the fact before January September 1, 1991 1990. The resolution must be published for two successive weeks in the official newspaper of the city or, if there is no official newspaper, in a newspaper of general circulation in the city, together with a notice fixing a date for a public hearing on the matter. The hearing must be held at least two weeks but not more than four weeks after the first publication of the resolution. Following the public hearing, the city may determine to take no further action or adopt a resolution confirming its intention to exercise the authority. That resolution must also be published in the official newspaper of the city or, if there is no official newspaper, in a newspaper of general circulation in the city. If within 30 days after publication of the resolution a petition signed by voters equal in number to five percent of the votes cast in the city in the last general election requesting a vote on the proposed resolution is filed with the county auditor, the resolution is not effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election before December 1, 1991 1990.

Sec. 9. Laws 1990, chapter 604, article 4, section 22, is amended to read:

Sec. 22. [EFFECTIVE DATES.]

Sections 1, 3, 8, 9, 11, 14, ~~18~~, and 20 are effective for aids payable in calendar year 1990 and thereafter. Section 18 is effective for homestead and agricultural credit aid payments for taxes payable in 1990. Sections 2, 4, 5, 7, 10, 12, 13, 15, and 17 are effective for aids payable in calendar year 1991 and thereafter. Sections 19 and 21 are effective for aids payable in calendar year 1992 and thereafter. That part of section 6 striking a reference to cities of the first class is effective for aids equalization aid paid under section 477A.013, subdivision 5, in calendar year 1991 and thereafter. The rest of section 6 is effective for aids paid in calendar year 1990 and thereafter. Section 16 is effective July 1, 1990, and applies to payments due on or after that date.

Sec. 10. [EFFECTIVE DATE.]

Sections 1, 2, and 4 are effective for taxes levied in 1990, payable in 1991. Section 3 is effective for petitions based on taxes levied in 1989, payable in 1990, and thereafter, which have not been determined by the court or settled between the parties by the date of final enactment of this act. Section 5 is effective for taxes levied in 1990 and 1991, payable in 1991 and 1992. Section 6 is effective for taxes

levied in 1991, payable in 1992. Sections 7 and 8 are effective for taxes levied in 1990, payable in 1991, and thereafter. The amendments in section 9 changing the effective date of section 18 are effective for homestead and agricultural credit aid payments for taxes payable in 1990. The amendment in section 9 changing the effective date of section 6 to refer to equalization aid is effective for aids payable in calendar year 1991, and thereafter."

Delete the title and insert:

"A bill for an act relating to taxation; property; making technical corrections to, and clarifications to, the calculation of certain special levies, the calculation of the levy limit base, the calculation of the amount of market value reductions in certain property tax discrimination actions, certain special levy referendum provisions, and to the effective dates of certain aid reductions; amending Minnesota Statutes 1990, sections 275.50, subdivision 5; 275.51, subdivision 3f; and 278.05, subdivision 4; Laws 1990, chapter 604, article 3, sections 49, subdivision 3; 50, subdivision 3; 51, subdivision 3; 59, subdivision 2; and 61, subdivision 2; and article 4, section 22."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 57 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Winter; Steensma; Ogren; Olson, E., and Onnen introduced:

H. F. No. 115, A bill for an act relating to natural resources; increasing the watershed administrative fund limit; establishing a natural resource protection fund; amending Minnesota Statutes 1990, section 103D.905, subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pugh, Jacobs, Osthoff, Gruenes and Janezich introduced:

H. F. No. 116, A bill for an act relating to liquor; authorizing the possession or use of alcoholic beverages at a private school under certain conditions; amending Minnesota Statutes 1990, section 624.701, subdivision 1a.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Trimble, Dille, Swenson, McGuire and Wagenius introduced:

H. F. No. 117, A bill for an act relating to wild animals; altering the classification of certain ferrets; amending Minnesota Statutes 1990, section 346.41, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Trimble; Olson, K.; Begich; Anderson, R., and Johnson, A., introduced:

H. F. No. 118, A bill for an act relating to occupational safety and health; honoring workers killed while working on public projects; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 182.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Schafer, McEachern, Cooper and Ostrom introduced:

H. F. No. 119, A bill for an act relating to education; allowing permanent fund transfers for a period in a certain combined school district.

The bill was read for the first time and referred to the Committee on Education.

Jaros, Munger, Mariani, Dauner and Nelson, S., introduced:

H. F. No. 120, A bill for an act relating to crime; requiring health professionals to report wounding of victims by dangerous weapons; amending Minnesota Statutes 1990, section 626.52, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Jaros, Rukavina, Mariani, Uphus and Hasskamp introduced:

H. F. No. 121, A bill for an act relating to education; encouraging a Minnesota volunteer corps to the USSR and East Central Europe; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Jefferson, Jaros, Wejzman, Winter and Osthoff introduced:

H. F. No. 122, A bill for an act relating to corrections; allowing chiropractors to practice in institutions under the control of the commissioner of corrections; amending Minnesota Statutes 1990, section 241.021, subdivision 4.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Jefferson, O'Connor, Clark, Morrison and Schreiber introduced:

H. F. No. 123, A bill for an act relating to animals; requiring landlords to allow elderly tenants to keep certain pets; proposing coding for new law in Minnesota Statutes, chapter 504.

The bill was read for the first time and referred to the Committee on Housing.

Scheid, Osthoff, Ozment, McEachern and Bishop introduced:

H. F. No. 124, A bill for an act relating to education; providing for the arbitration of disputes concerning the proposed termination, discharge, or demotion of teachers following the probationary period; amending Minnesota Statutes 1990, sections 125.12, by adding a subdivision; 125.17, by adding a subdivision; and 179A.20, subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

Onnen, Scheid, Simoneau, Hugoson and Bertram introduced:

H. F. No. 125, A bill for an act relating to the state building code; authorizing the use of stairway chair lifts in churches; amending Minnesota Statutes 1990, section 16B.61, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Johnson, R.; Hasskamp; Wenzel and Kinkel introduced:

H. F. No. 126, A bill for an act relating to highways; designating the Paul Bunyan Expressway from Little Falls through Cass Lake to Bemidji; amending Minnesota Statutes 1990, section 161.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Reding; O'Connor; Simoneau; Johnson, R., and Knickerbocker introduced:

H. F. No. 127, A bill for an act relating to retirement; authorizing investment related postretirement adjustments for eligible members of police and firefighters relief associations; amending Minnesota Statutes 1990, sections 69.031, subdivision 5; 69.77, subdivision 2b; 356.216; and 423A.01, subdivision 2; Laws 1989, chapter 319, article 19, sections 6 and 7, subdivisions 1, and 4, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding; Munger; Johnson, V.; Kahn and Waltman introduced:

H. F. No. 128, A bill for an act relating to water; mandating requirements on certain development; amending Minnesota Statutes 1990, section 103B.3363, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rukavina; Farrell; Johnson, A.; Scheid and Pugh introduced:

H. F. No. 129, A bill for an act relating to employment; increasing the minimum wage; amending Minnesota Statutes 1990, section 177.24, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Jaros; Boo; Johnson, V.; Sparby and Reding introduced:

H. F. No. 130, A bill for an act relating to public employment; expanding coverage of the state employees insurance plan; amending Minnesota Statutes 1990, section 43A.27, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Dille and Cooper introduced:

H. F. No. 131, A bill for an act relating to Meeker county; authorizing the county board to provide for an addition to the county hospital.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Dawkins, Murphy, Gutknecht, Bodahl and Rodosovich introduced:

H. F. No. 132, A bill for an act relating to energy; improving energy efficiency by prohibiting incandescent lighting in certain exit signs; amending Minnesota Statutes 1990, sections 16B.61, subdivision 3; and 299F.011, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Energy.

Dawkins introduced:

H. F. No. 133, A bill for an act relating to landlord and tenant; establishing residential landlord liability for certain undisclosed or uncorrected conditions; removing landlord defense for failure to provide required information; making unlawful leases voidable by tenants; providing for liens on property that are the subject of condemnation action; providing for limitations on rent increases and late charges; providing an exception to prohibition against certain evictions; amending Minnesota Statutes 1990, sections 504.22, subdivision 5, and by adding a subdivision; 504.245; 566.03, by adding a subdivision; and 566.29, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 504.

The bill was read for the first time and referred to the Committee on Housing.

Swenson; Nelson, K.; Weaver; Stanius and McEachern introduced:

H. F. No. 134, A bill for an act relating to education; authorizing an additional community education levy to provide parent education opportunities; amending Minnesota Statutes 1990, section 121.88, by adding a subdivision; and 124.2713, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Education.

Sparby; Johnson, R.; Bauerly; Dille and Waltman introduced:

H. F. No. 135, A bill for an act relating to natural resources; appropriating funds for beaver abatement and control.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Bauerly; Battaglia; Johnson, R.; Dille and Waltman introduced:

H. F. No. 136, A bill for an act relating to forestry; requiring notice to towns of prospective removal of timber.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Scheid, Osthoff and Solberg introduced:

H. F. No. 137, A bill for an act relating to elections; clarifying the method of withdrawal of candidates for constitutional office; authorizing political parties to select a new candidate following withdrawal or death of nominee; providing deadlines for filling vacancies in nominations; allowing substituted gubernatorial candidates to select running mates; amending Minnesota Statutes 1990, sections 204B.12; 204B.13; and 204B.41.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Sviggum introduced:

H. F. No. 138, A bill for an act relating to taxation; repealing the political contribution credit; amending Minnesota Statutes 1990, section 290.01, subdivision 6; repealing Minnesota Statutes 1990, sections 10A.322, subdivision 4; 10A.43, subdivision 5; and 290.06, subdivision 23.

The bill was read for the first time and referred to the Committee on Taxes.

Begich, Rukavina, Sarna, Uphus and Anderson, I., introduced:

H. F. No. 139, A bill for an act relating to employment; increasing the minimum wage; amending Minnesota Statutes 1990, section 177.24, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Osthoff introduced:

H. F. No. 140, A bill for an act relating to insurance; clarifying policy requirement provisions relating to Medicare supplement insurance plans; amending Minnesota Statutes 1990, section 62A.31, subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

HOUSE ADVISORIES

The following House Advisory was introduced:

Sparby, Winter, Carlson, Hugoson and Pauly introduced:

H. A. No. 1, A proposal to study automation in the House.

The advisory was referred to the Committee on Economic Development.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. No. 14, the first engrossment, which it recommended to pass with the following amendments:

Offered by Ogren, Dempsey, Beard, Begich, Vanasek, Boo, Rice, Jacobs and Tunheim:

Delete page 1, line 7, to page 2, line 26, and insert:

“Whereas, the President of the United States, with the authorization of Congress, has ordered military action against Iraq in an effort to force Iraqi Armed Forces from occupied Kuwait; and

Whereas, more than 500,000 men and women of the United States Armed Forces are now involved in armed conflict; and

Whereas, 158,000 members of the Reserves and National Guard have been called to active duty since August 22, 1990, and may become involved in armed conflict; and

Whereas, the citizens of Minnesota have great pride in the men and women of the United States Armed Forces and support them in their efforts; and

Whereas, the citizens of Minnesota deeply appreciate the great personal sacrifices being made by our military personnel in the Persian Gulf and by their families and loved ones back home; Now, Therefore,

Be It Resolved by the Legislature of the State of Minnesota that it joins Congress in unequivocally supporting the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism, and exemplary bravery.

Be It Further Resolved that the Legislature joins the United States Congress in commending and supporting the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities.

Be It Further Resolved that the Legislature urges federal, state, and local government agencies, religious institutions, employers, schools, charitable organizations, and all our citizens to do all that is humanly possible to assist the families and loved ones of our Armed Forces members with all necessary and available support.

Be It Further Resolved that the Legislature requests the Governor of the State of Minnesota to declare a day of prayer for peace and to ask all religious institutions to participate.”

Delete the title and insert:

“A resolution expressing support for the President and our armed forces in the conflict with Iraq; urging support for military families in the United States, and calling on the governor to declare a day of prayer for peace.”

Which amendment was amended by the Clark amendment, as follows:

Page 2, after line 3 of the Ogren et al amendment, insert:

“*Be It Further Resolved* that it calls upon all the parties to the conflict to minimize civilian casualties and to honor international law including the Geneva Convention on prisoners of war.”

Offered by Uphus; Ozment; Johnson, V.; Schafer; Smith; Limmer; Bettermann; Waltman; Goodno; Welker; Onnen; Krinkie; Sviggum; Morrison; Seaberg; Fellow and Gruenes:

Page 2, after line 12 of the Ogren et al amendment, as amended, insert:

“*Be It Further Resolved* that the Legislature deplors the burning or disrespectful use of our National Flag and reaffirms its support for the Constitution and the Bill of Rights.”

On the motion of Long the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.06, the following roll calls were taken in the Committee of the Whole:

Ogren, Dempsey, Beard, Begich, Vanasek, Boo, Rice, Jacobs and Tunheim moved to amend H. F. No. 14, the first engrossment, as follows:

Delete page 1, line 7, to page 2, line 26, and insert:

“*Whereas*, the President of the United States, with the authorization of Congress, has ordered military action against Iraq in an effort to force Iraqi Armed Forces from occupied Kuwait; and

Whereas, more than 500,000 men and women of the United States Armed Forces are now involved in armed conflict; and

Whereas, 158,000 members of the Reserves and National Guard have been called to active duty since August 22, 1990, and may become involved in armed conflict; and

Whereas, the citizens of Minnesota have great pride in the men and women of the United States Armed Forces and support them in their efforts; and

Whereas, the citizens of Minnesota deeply appreciate the great personal sacrifices being made by our military personnel in the Persian Gulf and by their families and loved ones back home; *Now, Therefore,*

Be It Resolved by the Legislature of the State of Minnesota that it joins Congress in unequivocally supporting the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism, and exemplary bravery.

Be It Further Resolved that the Legislature joins the United States Congress in commending and supporting the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities.

Be It Further Resolved that the Legislature urges federal, state, and local government agencies, religious institutions, employers, schools, charitable organizations, and all our citizens to do all that is humanly possible to assist the families and loved ones of our Armed Forces members with all necessary and available support.

Be It Further Resolved that the Legislature requests the Governor of the State of Minnesota to declare a day of prayer for peace and to ask all religious institutions to participate.”

Delete the title and insert:

“A resolution expressing support for the President and our armed forces in the conflict with Iraq; urging support for military families in the United States, and calling on the governor to declare a day of prayer for peace.”

Hausman, Clark, Vellenga, Dawkins, Mariani, Jefferson and Wejcman offered an amendment to the Ogren et al amendment to H. F. No. 14, the first engrossment.

Bishop requested a division of the Hausman et al amendment to the Ogren et al amendment, to H. F. No. 14, the first engrossment.

The first portion of the Hausman et al amendment to the Ogren et al amendment, to H. F. No. 14, the first engrossment, reads as follows:

Page 1, delete lines 24 to page 2, line 3 and insert:

“Be It Further Resolved that it calls upon all the parties to the conflict to minimize civilian casualties and to honor international law including the Geneva Convention on prisoners of war.

Be It Further Resolved that the Legislature recognizes the public’s right to dissent from our national leadership’s pursuit of military means to resolve the Persian Gulf crisis.”

The question was taken on the first portion of the Hausman et al amendment to the Ogren et al amendment and the roll was called. There were 21 yeas and 105 nays as follows:

Those who voted in the affirmative were:

Bauerly	Janezich	Mariani	Rice	Wejzman
Clark	Jaros	McGuire	Rukavina	
Dawkins	Jefferson	Munger	Skoglund	
Greenfield	Johnson, A.	Orenstein	Trimble	
Hausman	Kahn	Orfield	Vellenga	

Those who voted in the negative were:

Anderson, I.	Farrell	Koppendrayer	Olsen, S.	Segal
Anderson, R.	Frederick	Krinkie	Olson, E.	Smith
Anderson, R. H.	Frerichs	Krueger	Olson, K.	Solberg
Battaglia	Garcia	Lasley	Omann	Sparby
Beard	Girard	Leppik	Onnen	Stanius
Begich	Goodno	Lieder	Osthoff	Steensma
Bertram	Gruenes	Limmer	Ostrom	Sviggum
Bettermann	Gutknecht	Long	Ozment	Swenson
Bishop	Hanson	Lourey	Pauly	Thompson
Blatz	Hartle	Lynch	Pellow	Tompkins
Bodahl	Haukoos	Macklin	Pelowski	Tunheim
Boo	Henry	Marsh	Peterson	Uphus
Brown	Hufnagle	McEachern	Pugh	Valento
Carlson	Hugoson	McPherson	Rest	Wagenius
Carruthers	Jacobs	Milbert	Rodovich	Waltman
Cooper	Johnson, R.	Morrison	Runbeck	Weaver
Dauner	Johnson, V.	Nelson, K.	Sarna	Welker
Dempsey	Kalis	Nelson, S.	Schafer	Welle
Dille	Kelso	Newinski	Scheid	Wenzel
Dorn	Kinkel	O’Connor	Schreiber	Winter
Erhardt	Knickerbocker	Ogren	Seaberg	Spk. Vanasek

The motion did not prevail and the first portion of the Hausman et al amendment to the Ogren et al amendment was not adopted.

The second portion of the Hausman et al amendment to the Ogren et al amendment, to H. F. No. 14, the first engrossment, reads as follows:

Page 2, after line 9, insert:

“Be It Further Resolved that the Legislature urges Congress and the President to protect our Constitutional freedom of the press by not interfering with the press’ ability to inform our citizens of the progress of the war except as absolutely necessary to protect the national security.”

The question was taken on the second portion of the Hausman et al amendment to the Ogren et al amendment and the roll was called. There were 31 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Jacobs	Mariani	Ostrom	Vellenga
Brown	Janezich	McGuire	Rice	Wegenius
Clark	Jaros	Munger	Rukavina	Wejeman
Dawkins	Jefferson	Ogren	Scheid	
Greenfield	Kahn	Olson, K.	Segal	
Hanson	Long	Orenstein	Skoglund	
Hausman	Lourey	Orfield	Trimble	

Those who voted in the negative were:

Anderson, R.	Erhardt	Kelso	Newinski	Smith
Anderson, R. H.	Farrell	Kinkel	O'Connor	Solberg
Battaglia	Frederick	Knickerbocker	Olson, S.	Sparby
Bauerly	Frerichs	Koppendrayer	Olson, E.	Stanius
Beard	Garcia	Krinkie	Omann	Steensma
Begich	Girard	Krueger	Onnen	Sviggrum
Bertram	Goodno	Lasley	Ozment	Swenson
Bettermann	Gruenes	Leppik	Pauly	Thompson
Bishop	Gutknecht	Lieder	Pellow	Tompkins
Blatz	Hartle	Limmer	Pelowski	Tunheim
Bodahl	Haukoos	Lynch	Peterson	Uphus
Boo	Henry	Macklin	Pugh	Valento
Carlson	Hufnagle	Marsh	Rest	Waltman
Carruthers	Hugoson	McEachern	Rodosovich	Weaver
Cooper	Jennings	McPherson	Rumbeck	Welker
Dauner	Johnson, A.	Milbert	Sarna	Welle
Dempsey	Johnson, R.	Morrison	Schafer	Wenzel
Dille	Johnson, V.	Nelson, K.	Schreiber	Winter
Dorn	Kalis	Nelson, S.	Seaberg	Spk. Vanasek

The motion did not prevail and the second portion of the Hausman et al amendment to the Ogren et al amendment was not adopted.

Dawkins moved to amend the Ogren et al amendment to H. F. No. 14, the first engrossment, as follows:

Page 1, line 24, delete “joins the”

Page 2, delete lines 1 to 3 and insert “supports the President of the United States as Commander in Chief of the Armed Forces for so long as hostilities exist, and that some members of the Minnesota

Legislature urge the President to immediately pursue a cease-fire and negotiated settlement without further loss of life.”

The question was taken on the amendment to the amendment and the roll was called. There were 6 yeas and 116 nays as follows:

Those who voted in the affirmative were:

Clark	Greenfield	Jaros
Dawkins	Hausman	Mariani

Those who voted in the negative were:

Anderson, I.	Frerichs	Koppendrayer	Olson, K.	Sparby
Anderson, R.	Garcia	Krinkie	Omamm	Stanius
Anderson, R. H.	Girard	Krueger	Onnen	Steensma
Battaglia	Goodno	Lasley	Orenstein	Sviggum
Bauerly	Gruenes	Leppik	Orfield	Swenson
Beard	Gutknecht	Lieder	Osthoff	Thompson
Begich	Hanson	Limmer	Ozment	Tompkins
Bertram	Hartle	Long	Pauly	Tunheim
Bettermann	Haukoos	Lourey	Pellow	Uphus
Bishop	Henry	Lynch	Pelowski	Valento
Blatz	Hufnagle	Macklin	Peterson	Vellenga
Bodahl	Hugoson	Marsh	Pugh	Wagenius
Boo	Jacobs	McEachern	Rest	Waltman
Brown	Janezich	McPherson	Rodosovich	Weaver
Carlson	Jefferson	Milbert	Rukavina	Wejman
Carruthers	Jennings	Morrison	Runbeck	Welker
Cooper	Johnson, A.	Munger	Sarna	Welle
Dauner	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dempsey	Johnson, V.	Nelson, S.	Scheid	Winter
Dille	Kahn	Newinski	Schreiber	Spk. Vanasek
Dorn	Kalis	O'Connor	Seaberg	
Erhardt	Kelso	Ogren	Segal	
Farrell	Kinkel	Olsen, S.	Skoglund	
Frederick	Knickerbocker	Olson, E.	Smith	

The motion did not prevail and the amendment to the amendment was not adopted.

Orenstein moved to amend the Ogren et al amendment to H. F. No. 14, the first engrossment, as follows:

Page 2, line 1, after “Congress” insert “, now that hostilities have commenced,”

The question was taken on the amendment to the amendment and the roll was called. There were 21 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Bodahl	Greenfield	Olson, K.	Rukavina	Wejman
Brown	Hausman	Orenstein	Scheid	
Carruthers	Jaros	Orfield	Skoglund	
Clark	Kahn	Ostrom	Trimble	
Dawkins	McGuire	Pugh	Wagenius	

Those who voted in the negative were:

Anderson, I.	Frederick	Kinkel	Newinski	Sparby
Anderson, R.	Frerichs	Knickerbocker	O'Connor	Stanius
Anderson, R. H.	Garcia	Koppendraye	Ogren	Steenasma
Battaglia	Girard	Krinkie	Olsen, S.	Sviggum
Bauerly	Goodno	Krueger	Olson, E.	Swenson
Beard	Gruenes	Lasley	Onnen	Thompson
Begich	Gutknecht	Leppik	Ozment	Tompkins
Bertram	Hanson	Lieder	Pauly	Tunheim
Bettermann	Hartle	Limmer	Pellow	Uphus
Bishop	Haukoos	Lourey	Pelowski	Valento
Blatz	Henry	Lynch	Peterson	Vellenga
Boo	Hufnagle	Macklin	Rest	Waltman
Carlson	Hugoson	Mariani	Rodosovich	Weaver
Cooper	Jacobs	Marsh	Runbeck	Welker
Dauncr	Janezich	McEachern	Sarna	Welle
Dempsey	Jennings	McPherson	Schafer	Wenzel
Dille	Johnson, R.	Milbert	Schreiber	Winter
Dorn	Johnson, V.	Morrison	Seaberg	Spk. Vanasek
Erhardt	Kalis	Nelson, K.	Smith	
Farrell	Kelso	Nelson, S.	Solberg	

The motion did not prevail and the amendment to the amendment was not adopted.

Clark moved to amend the Ogren et al amendment to H. F. No. 14, the first engrossment, as follows:

Page 2, after line 3 of the Ogren et al amendment, insert:

“Be It Further Resolved that it calls upon all the parties to the conflict to minimize civilian casualties and to honor international law including the Geneva Convention on prisoners of war.”

POINT OF ORDER

Olsen, S., raised a point of order pursuant to section 413 of “Mason’s Manual of Legislative Procedure” relating to amendments striking out and inserting words. The Speaker ruled the point of order not well taken and the Clark amendment in order.

The question recurred on the Clark amendment to the Ogren et al amendment to H. F. No. 14, the first engrossment, and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Bertram	Carlson	Dille	Goodno
Anderson, R.	Bettermann	Carruthers	Dorn	Greenfield
Anderson, R. H.	Bishop	Clark	Farrell	Gruenes
Battaglia	Blatz	Cooper	Frederick	Gutknecht
Bauerly	Bodahl	Dauner	Frerichs	Hanson
Beard	Boo	Dawkins	Garcia	Hartle
Begich	Brown	Dempsey	Girard	Haukoos

Hausman	Krinkie	Nelson, K.	Peterson	Sviggum
Henry	Krueger	Nelson, S.	Pugh	Swenson
Hufnagle	Lasley	Newinski	Rest	Thompson
Hugoson	Leppik	O'Connor	Rice	Tompkins
Jacobs	Lieder	Ogren	Rodosovich	Trimble
Janezich	Limmer	Olsen, S.	Rukavina	Tunheim
Jaros	Long	Olson, E.	Runbeck	Uphus
Jefferson	Lourey	Olson, K.	Sarna	Valento
Jennings	Lynch	Omann	Schafer	Vellenga
Johnson, A.	Macklin	Onnen	Scheid	Wagenius
Johnson, R.	Mariani	Orenstein	Schreiber	Waltman
Johnson, V.	Marsh	Orfield	Seaberg	Weaver
Kahn	McEachern	Osthoff	Segal	Wejcman
Kalis	McGuire	Ostrom	Skoglund	Welker
Kelso	McPherson	Ozment	Smith	Welle
Kinkel	Milbert	Pauly	Sparby	Wenzel
Knickerbocker	Morrison	Pellow	Stanius	Winter
Koppendrayer	Munger	Pelowski	Steenasma	Spk. Vanasek

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

The question recurred on the Ogren et al amendment, as amended, to H. F. No. 14, the first engrossment. The motion prevailed and the amendment, as amended, was adopted.

Uphus; Ozment; Johnson, V.; Schafer; Smith; Limmer; Bettermann; Waltman; Goodno; Welker; Onnen; Krinkie; Sviggum; Morrison; Seaberg; Pellow and Gruenes moved to amend H. F. No. 14, the first engrossment, as amended, as follows:

Page 2, after line 12 of the Ogren et al amendment, as amended, insert:

“Be It Further Resolved that the Legislature deplores the burning or disrespectful use of our National Flag and reaffirms its support for the Constitution and the Bill of Rights.”

The question was taken on the Uphus et al amendment and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Carlson	Girard	Jaros	Lasley
Anderson, R.	Carruthers	Goodno	Jefferson	Leppik
Anderson, R. H.	Clark	Greenfield	Jennings	Lieder
Battaglia	Cooper	Gruenes	Johnson, A.	Limmer
Bauerly	Dauner	Gutknecht	Johnson, R.	Long
Beard	Dawkins	Hanson	Johnson, V.	Lourey
Begich	Dempsey	Hartle	Kahn	Lynch
Bertram	Dille	Haukoos	Kalis	Macklin
Bettermann	Dorn	Hausman	Kelso	Mariani
Bishop	Erhardt	Henry	Kinkel	Marsh
Blatz	Farrell	Hufnagle	Knickerbocker	McEachern
Bodahl	Frederick	Hugoson	Koppendrayer	McGuire
Boo	Frerichs	Jacobs	Krinkie	McPherson
Brown	Garcia	Janezich	Krueger	Milbert

Morrison	Orenstein	Rodosovich	Sparby	Wagenius
Munger	Orfield	Rukavina	Stanis	Waltman
Nelson, K.	Osthoff	Runbeck	Steensma	Weaver
Nelson, S.	Ostrom	Sarna	Sviggum	Wejman
Newinski	Ozment	Schafer	Swenson	Welker
O'Connor	Pauly	Scheid	Thompson	Welle
Ogren	Pellow	Schreiber	Tompkins	Wenzel
Olson, S.	Pelowski	Seaberg	Trimble	Winter
Olson, E.	Peterson	Segal	Tunheim	Spk. Vanasek
Olson, K.	Pugh	Skoglund	Uphus	
Omamm	Rest	Smith	Valento	
Onnen	Rice	Solberg	Vellenga	

The motion prevailed and the amendment was adopted.

MOTIONS AND RESOLUTIONS

Lasley moved that the name of Jennings be added as an author on H. F. No. 19. The motion prevailed.

Ogren moved that the name of Rest be shown as chief author and his name be shown as second author on H. F. No. 57. The motion prevailed.

Cooper moved that the name of Skoglund be added as an author on H. F. No. 70. The motion prevailed.

Tunheim moved that the name of Wenzel be added as an author on H. F. No. 73. The motion prevailed.

Rodosovich moved that the name of Haukoos be added as an author on H. F. No. 76. The motion prevailed.

Dauner moved that the names of Sviggum and Cooper be added as authors on H. F. No. 80. The motion prevailed.

Greenfield moved that the name of Clark be added as an author on H. F. No. 86. The motion prevailed.

Onnen moved that the name of Winter be added as an author on H. F. No. 93. The motion prevailed.

Onnen moved that the name of Winter be added as an author on H. F. No. 94. The motion prevailed.

Onnen moved that the name of Winter be added as an author on H. F. No. 95. The motion prevailed.

Onnen moved that the name of McEachern be added as an author on H. F. No. 96. The motion prevailed.

Olson, K., moved that the name of Winter be added as an author on H. F. No. 105. The motion prevailed.

Uphus moved that his name be stricken as an author on H. F. No. 112. The motion prevailed.

Pelowski moved that H. F. No. 77 be recalled from the Committee on Education and be re-referred to the Committee on Taxes. The motion prevailed.

Osthoff moved that H. F. No. 138 be recalled from the Committee on Taxes and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, January 31, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, January 31, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

NINTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 31, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Delton Krueger, Pastor related to Hillcrest United Methodist Church, Bloomington, Minnesota.

The roll was called and the following members were present:

Anderson, I.	Frerichs	Knickerbocker	Olsen, S.	Smith
Anderson, R.	Garcia	Koppendrayner	Olson, E.	Solberg
Anderson, R. H.	Girard	Krinkie	Olson, K.	Sparby
Battaglia	Goodno	Krueger	Omann	Stanius
Bauerly	Greenfield	Lasley	Onnen	Steensma
Beard	Gruenes	Leppik	Orenstein	Swiggum
Begich	Gutknecht	Lieder	Orfield	Swenson
Bertram	Hanson	Limmer	Osthoff	Thompson
Bettermann	Hartle	Long	Ostrom	Tompkins
Bishop	Hasskamp	Lourey	Ozment	Trimble
Blatz	Haukoos	Lynch	Pauly	Tunheim
Bodahl	Hausman	Macklin	Pellow	Uphus
Boo	Henry	Mariani	Pelowski	Valento
Brown	Hufnagle	Marsh	Peterson	Vellenga
Carlson	Hugoson	McEachern	Pugh	Wagenius
Carruthers	Jacobs	McGuire	Reding	Waltman
Clark	Janezich	McPherson	Rest	Weaver
Cooper	Jaros	Milbert	Rice	Wejcman
Dauner	Jefferson	Morrison	Rodosovich	Welker
Dawkins	Jennings	Munger	Rukavina	Welle
Dempsey	Johnson, A.	Murphy	Runbeck	Wenzel
Dille	Johnson, V.	Nelson, K.	Sarna	Winter
Dorn	Kahn	Nelson, S.	Schafer	Spk. Vanasek
Erhardt	Kalis	Newinski	Scheid	
Farrell	Kelso	O'Connor	Schreiber	
Frederick	Kinkel	Ogren	Skoglund	

A quorum was present.

Abrams; Johnson, R.; Seaberg; Segal and Simoneau were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. McGuire moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 54, A bill for an act relating to juries; requiring persons who are 75 years or older and impaired to be excused from jury service upon request; proposing coding for new law in Minnesota Statutes, chapter 593.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 54 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Welle, Ogren, Vanasek, Jacobs and Blatz introduced:

H. F. No. 141, A bill for an act relating to taxation; exempting certain planting services from the sales tax; providing that certain sales of shrubbery, trees, plants, and sod are treated as contracts for the improvement of real property; amending Minnesota Statutes 1990, section 297A.01, subdivisions 3 and 4.

The bill was read for the first time and referred to the Committee on Taxes.

Gutknecht, Boo, Bishop and Gruenes introduced:

H. F. No. 142, A bill for an act relating to education; extending the rural physician loan forgiveness program to those beyond the first year of residency.

The bill was read for the first time and referred to the Committee on Education.

Greenfield; Simoneau; Anderson, R.; Clark and Skoglund introduced:

H. F. No. 143, A bill for an act relating to appropriations; removing certain directions, limits, and provisos on the use of money for certain projects; amending Laws 1990, chapter 610, article 1, section 9, subdivision 1.

The bill was read for the first time and referred to the Committee on Appropriations.

Greenfield, Segal, Kahn, Vellenga and Anderson, R., introduced:

H. F. No. 144, A bill for an act relating to probate; adopting the uniform anatomical gift act (1987); correcting cross-references; amending Minnesota Statutes 1990, sections 65B.44, subdivision 4; 171.07, subdivision 5; 390.36; and 525.921, subdivisions 1, 4, 5, 8, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 525; repealing Minnesota Statutes 1990, sections 525.921, subdivision 2; and 525.922 to 525.94.

The bill was read for the first time and referred to the Committee on Judiciary.

Wagenius, Bauerly, Vellenga, Ozment and Solberg introduced:

H. F. No. 145, A bill for an act relating to education; moving up the requirement for compulsory education to age 18 from the year 2000 to next school year; amending Minnesota Statutes 1990, sections 120.101, subdivisions 5 and 9; 123.35, subdivision 8; and 260.015, subdivision 19.

The bill was read for the first time and referred to the Committee on Education.

O'Connor, Sarna, Farrell, Morrison and McEachern introduced:

H. F. No. 146, A bill for an act relating to commerce; regulating real estate closings; prohibiting real estate brokers or salespersons from requiring the use of particular closing agents; requiring certain disclosures in listing agreements; amending Minnesota Statutes 1990, section 82.19, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce.

Morrison, Greenfield, Seaberg, Simoncau and Leppik introduced:

H. F. No. 147, A bill for an act relating to civil procedure; providing that no filing fee be charged for issuance of domestic abuse orders for protection; amending Minnesota Statutes 1990, section 518B.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Dawkins, Bishop and Ogren introduced:

H. F. No. 148, A bill for an act relating to probate; increasing the limit on an estate subject to collection of personal property by affidavit; amending Minnesota Statutes 1990, section 524.3-1201.

The bill was read for the first time and referred to the Committee on Judiciary.

Omann introduced:

H. F. No. 149, A bill for an act relating to capital improvements; authorizing state bonds for maximum effort school loans for certain school districts; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Omann introduced:

H. F. No. 150, A bill for an act relating to retirement; teachers retirement association; authorizing the purchase of credit for certain United States Merchant Marine service; requiring an employer purchase payment from the Winnebago school district.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Valento introduced:

H. F. No. 151, A bill for an act relating to the city of Maplewood; providing an exception from the police civil service system for the chief of police.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Olson, E., introduced:

H. F. No. 152, A bill for an act relating to taxation; allowing Mahnomen county and the city of Mahnomen to make special levies for the Mahnomen county hospital; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

The bill was read for the first time and referred to the Committee on Taxes.

Morrison and Sarna introduced:

H. F. No. 153, A bill for an act relating to commerce; regulating real estate appraisers; authorizing the commissioner of commerce to issue temporary licenses.

The bill was read for the first time and referred to the Committee on Commerce.

Scheid, Bishop, Milbert, Solberg and Farrell introduced:

H. F. No. 154, A bill for an act relating to the Uniform Commercial Code; enacting conforming amendments proposed by the Uniform Laws Conference; proposing changes to articles relating to leases and bulk sales; amending Minnesota Statutes 1990, sections 336.1-105; 336.2-403; 336.2A-103; 336.2A-209; 336.2A-303; 336.2A-304; 336.2A-307; 336.2A-309; 336.2A-407; 336.2A-501; 336.2A-503; 336.2A-508; 336.2A-516; 336.2A-517; 336.2A-518; 336.2A-519; 336.2A-523; 336.2A-525; 336.2A-527; 336.2A-528; 336.2A-529; proposing coding for new law in Minnesota Statutes, chapter 336; repealing Minnesota Statutes 1990, sections 336.6-101 to 336.6-111; and 336.9-111.

The bill was read for the first time and referred to the Committee on Commerce.

Bishop, Brown, Wagenius, Kalis and Gutknecht introduced:

H. F. No. 155, A bill for an act relating to traffic regulations; authorizing immediate towing of certain unlawfully parked vehicles; amending Minnesota Statutes 1990, section 169.041, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Jacobs, McEachern, Rukavina, Runbeck and Ozment introduced:

H. F. No. 156, A bill for an act relating to labor; regulating employment of children; establishing a child labor curfew; providing penalties; amending Minnesota Statutes 1990, sections 181A.04, by adding a subdivision; and 181A.12.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Lieder; Olson, E.; Dauner and Morrison introduced:

H. F. No. 157, A bill for an act relating to the city of Crookston; permitting the establishment of special service districts in the city of Crookston.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Begich, Rukavina, Sarna, Beard and Ogren introduced:

H. F. No. 158, A bill for an act relating to dislocated workers; revoking the sunset provision on the dislocated worker fund; repealing Laws 1990, chapter 568, article 6, section 4.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Steensma, Lourey, Waltman, Dauner and Cooper introduced:

H. F. No. 159, A bill for an act relating to transportation; authorizing department of transportation to assist towns in financing engineering and approach work for bridge projects under certain conditions; amending Minnesota Statutes 1990, section 161.39, subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation.

Munger, Wagenius, Kahn, Ozment and Bishop introduced:

H. F. No. 160, A bill for an act relating to the environment; recognizing the hydrological cycle of water purification through the atmosphere; establishing a list of toxic air pollutants; requiring the pollution control agency to monitor toxic emissions and to require reductions of toxic air emissions; requiring mercury emission reduc-

tions; requiring reports to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Solberg introduced:

H. F. No. 161, A bill for an act relating to the city of Nashwauk; authorizing an increase in benefits payable to surviving spouses by the police relief association; amending Laws 1943, chapter 196, section 4, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Carlson, Pugh, Henry, Hanson and Newinski introduced:

H. F. No. 162, A bill for an act relating to regulation of dangerous dogs; providing for designation of a warning symbol to inform children of the presence of a dangerous dog; amending Minnesota Statutes 1990, section 347.51, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Solberg; Anderson, I.; Kinkel and Johnson, R., introduced:

H. F. No. 163, A bill for an act relating to education; increasing secondary sparsity revenue; amending Minnesota Statutes 1990, section 124A.22, subdivision 6.

The bill was read for the first time and referred to the Committee on Education.

Solberg; Anderson, I.; Kinkel and Johnson, R., introduced:

H. F. No. 164, A bill for an act relating to education; changing the computation of AFDC pupil units; amending Minnesota Statutes 1990, section 124.17, subdivision 1b.

The bill was read for the first time and referred to the Committee on Education.

Bishop, Vellenga, Solberg, Kahn and Limmer introduced:

H. F. No. 165, A bill for an act relating to judicial procedures; changing provisions relating to public defense; amending Minnesota Statutes 1990, sections 383B.32, subdivision 2; 383B.63, subdivision 6; 611.215; 611.23; 611.24; 611.26; 611.263; repealing Minnesota Statutes 1990, sections 383B.63, subdivision 1; 611.215, subdivision 4; 611.261; and Laws 1989, chapter 335, article 3, section 38.

The bill was read for the first time and referred to the Committee on Judiciary.

Begich, Jacobs, Ogren, Trimble and O'Connor introduced:

H. F. No. 166, A bill for an act relating to employment; increasing the minimum wage; amending Minnesota Statutes 1990, section 177.24, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Segal and Greenfield introduced:

H. F. No. 167, A bill for an act relating to state government; providing for selection of the chair of the advisory council on mental health; appropriating money; amending Minnesota Statutes 1990, section 245.697, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Gutknecht, Bishop, Ogren, Long and Schreiber introduced:

H. F. No. 168, A bill for an act relating to the city of Rochester; permitting the imposition of certain taxes within the city; permitting the issuance of general obligation bonds for fire station, city hall, and public library facilities.

The bill was read for the first time and referred to the Committee on Taxes.

Rodosovich; Anderson, R. H.; Hartle; Olson, K., and Kalis introduced:

H. F. No. 169, A resolution memorializing the Board of Regents of the University of Minnesota to postpone its decision on whether to close the Waseca campus.

The bill was read for the first time and referred to the Committee on Education.

Begich; Munger; Rukavina; Anderson, I., and Winter introduced:

H. F. No. 170, A bill for an act relating to environment; limiting the application of pesticides; proposing coding for new law in Minnesota Statutes, chapter 18B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau, O'Connor, Knickerbocker and Lourey introduced:

H. F. No. 171, A bill for an act relating to animals; changing disposition of certain seized animals; amending Minnesota Statutes 1990, section 35.71, subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Johnson, A.; Milbert; Clark; Runbeck and Blatz introduced:

H. F. No. 172, A bill for an act relating to manufactured home parks; providing for notice and right to purchase for conversion or the closing of a park under certain circumstances; amending Minnesota Statutes 1990, section 327C.095, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 327C.

The bill was read for the first time and referred to the Committee on Housing.

Rukavina, Garcia and Jaros introduced:

H. F. No. 173, A bill for an act relating to the University of Minnesota; changing the structure of certain bargaining units; amending Minnesota Statutes 1990, section 179A.11, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

HOUSE ADVISORIES

The following House Advisory was introduced:

Clark, Beard, Begich, Hausman and Welle introduced:

H. A. No. 2, A proposal to evaluate Veterans Administration Medical Centers.

The advisory was referred to the Committee on Health and Human Services.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 47, A bill for an act relating to financing of government in this state; reducing appropriations for the biennium ending June 30, 1991, with certain conditions; providing for transfer of certain money in the state treasury; appropriating money for a deficiency in income maintenance appropriations; transferring certain balances in the Minnesota resources fund to the general fund; canceling certain balances to the general fund; eliminating the motor vehicle excise tax transfer from the general fund for highway purposes; transferring balances in the transit assistance fund to the general fund; transferring funds from the Greater Minnesota Corporation fund balance to the general fund; transferring receipts from the infrastructure development fund to the general fund; providing for an employee-leave-without-pay program; reducing calendar year 1991 state aid payments to local units of government; amending Minnesota Statutes 1990, sections 16B.70, subdivision 1; 477A.011, subdivisions 27, 28, and by adding a subdivision; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, subdivisions 1, 3, and by adding a subdivision; and 477A.014, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

PATRICK E. FLAHAVEN, Secretary of the Senate

CALENDAR

H. F. No. 14, A resolution expressing support for the President and

our armed forces in the conflict with Iraq; urging support for military families in the United States, and calling on the governor to declare a day of prayer for peace.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Frerichs	Koppendrayer	Olsen, S.	Skoglund
Anderson, R.	Garcia	Krinkie	Olson, E.	Smith
Anderson, R. H.	Girard	Krueger	Olson, K.	Solberg
Battaglia	Goodno	Lasley	Omann	Sparby
Bauerly	Gruenes	Leppik	Onnen	Stanius
Beard	Gutknecht	Lieder	Orenstein	Steensma
Begich	Hanson	Limmer	Osthoff	Sviggum
Bertram	Hartle	Long	Ostrom	Swenson
Bettermann	Hasskamp	Lourey	Ozment	Thompson
Bishop	Haukoos	Lynch	Pauly	Tompkins
Blatz	Henry	Macklin	Pellow	Tunheim
Bodahl	Hufnagle	Marsh	Pelowski	Uphus
Boo	Hugoson	McEachern	Peterson	Valento
Carlson	Jacobs	McGuire	Pugh	Wagenius
Carruthers	Janezich	McPherson	Reding	Waltman
Cooper	Jefferson	Milbert	Rest	Weaver
Dauner	Jennings	Morrison	Rice	Welker
Dempsey	Johnson, A.	Murphy	Rodosovich	Welle
Dille	Johnson, V.	Nelson, K.	Runbeck	Wenzel
Dorn	Kalis	Nelson, S.	Sarna	Winter
Erhardt	Kelso	Newinski	Schafer	Spk. Vanasek
Farrell	Kinkel	O'Connor	Scheid	
Frederick	Knickerbocker	Ogren	Schreiber	

Those who voted in the negative were:

Clark	Greenfield	Jaros
Dawkins	Hausman	Kahn

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendation of the Committee was reported to the House:

H. F. No. 57 was recommended to pass.

On the motion of Long the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Hausman moved that her name be stricken as an author on H. F. No. 14. The motion prevailed.

Schafer moved that the name of Frederick be added as an author on H. F. No. 119. The motion prevailed.

Sviggum moved that the name of Runbeck be added as an author on H. F. No. 138. The motion prevailed.

Osthoff moved that the name of Farrell be added as an author on H. F. No. 140. The motion prevailed.

Bauerly moved that the following statement be printed in the permanent Journal of the House:

“It was my intention to vote in the negative on Monday, January 28, 1991, when the vote was taken on the first portion of the Hausman et al amendment to the Ogren et al amendment to H. F. No. 14.” The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

Judiciary/Criminal Justice Division: Add the name of Limmer and remove the name of Welker.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, February 4, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, February 4, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

TENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 4, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Denise E. Carlson, St. Paul Bahai Community, St. Paul, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frederick	Knickerbocker	Olsen, S.	Skoglund
Anderson, I.	Frerichs	Koppendrayner	Olson, E.	Smith
Anderson, R.	Garcia	Krinkie	Olson, K.	Solberg
Anderson, R. H.	Girard	Krueger	Omann	Sparby
Battaglia	Goodno	Lasley	Onnen	Stanius
Bauerly	Greenfield	Leppik	Orenstein	Steensma
Beard	Gruenes	Lieder	Orfield	Sviggum
Begich	Gutknecht	Limmer	Ostrom	Swenson
Bertram	Hanson	Long	Ozment	Thompson
Bettermann	Hartle	Lourey	Pauly	Tompkins
Bishop	Hasskamp	Lynch	Pellow	Trimble
Blatz	Haukoos	Macklin	Pellowski	Tunheim
Bodahl	Hausman	Mariani	Peterson	Uphus
Boo	Henry	Marsh	Pugh	Valento
Brown	Hufnagle	McEachern	Reding	Vellenga
Carlson	Hugoson	McGuire	Rest	Wagenius
Carruthers	Jacobs	McPherson	Rice	Waltman
Clark	Janezich	Milbert	Rodsoovich	Weaver
Cooper	Jaros	Morrison	Rukavina	Wejcmam
Dauner	Johnson, A.	Munger	Runbeck	Welker
Dawkins	Johnson, R.	Murphy	Sarna	Welle
Dempsey	Johnson, V.	Nelson, K.	Schafer	Wenzel
Dille	Kahn	Nelson, S.	Schreiber	Winter
Dorn	Kalis	Newinski	Seaberg	Spk. Vanasek
Erhardt	Kelso	O'Connor	Segal	
Farrell	Kinkel	Ogren	Simoneau	

A quorum was present.

Jefferson, Jennings, Osthoff and Scheid were excused.

The Chief Clerk proceeded to read the Journal of the preceding

day. Onnen moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

January 30, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Representative Vanasek:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 47, relating to financing of government in this state; reducing appropriations for the biennium ending June 30, 1991, with certain conditions; providing for transfer of certain money in the state treasury; appropriating money for a deficiency in income maintenance appropriations; transferring certain balances in the Minnesota resources fund to the general fund; canceling certain balances to the general fund; eliminating the motor vehicle excise tax transfer from the general fund for highway purposes; transferring balances in the transit assistance fund to the general fund; transferring funds from the Greater Minnesota Corporation fund balance to the general fund; transferring receipts from the infrastructure development fund to the general fund; providing for an employee-leave-without-pay program; reducing calendar year 1991 state aid payments to local units of government.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>1991</i>	<i>Date Filed</i> <i>1991</i>
	47	2	10:50 a.m. January 30	January 30

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Ozment, Vellenga, McGuire, Smith and Bishop introduced:

H. F. No. 174, A bill for an act relating to crime; expanding the crime of disorderly conduct to cover certain offensive, obscene, or abusive conduct; amending Minnesota Statutes 1990, section 609.72, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Johnson, A.; Hausman; Ozment and Weaver introduced:

H. F. No. 175, A bill for an act relating to education; providing counseling and guidance services for elementary school students; proposing coding for new law in Minnesota Statutes, chapter 123.

The bill was read for the first time and referred to the Committee on Education.

Bettermann, Bertram, Krueger, Macklin and Frederick introduced:

H. F. No. 176, A resolution memorializing the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Olsen, S.; McPherson; Tompkins; Uphus and Schafer introduced:

H. F. No. 177, A resolution memorializing the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Kelso, Welle and Solberg introduced:

H. F. No. 178, A bill for an act relating to occupations and professions; increasing minimum insurance coverage required for abstractors; abolishing requirement of seals by impression; repealing an obsolete provision; amending Minnesota Statutes 1990, sections 386.66 and 386.67; repealing Minnesota Statutes 1990, section 386.65, subdivision 3.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Kelso introduced:

H. F. No. 179, A bill for an act relating to animals; prohibiting greyhound races using live lures and training of greyhound dogs for racing using live lures; proposing coding for new law in Minnesota Statutes, chapter 343.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Solberg, Vellenga, Bishop and Milbert introduced:

H. F. No. 180, A bill for an act relating to witnesses; providing an exception to the medical privilege in certain criminal cases; amending Minnesota Statutes 1990, section 595.02, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Sparby; Jennings; Johnson, V., and Munger introduced:

H. F. No. 181, A bill for an act relating to the environment; adding reimbursement requirements from the petroleum tank release cleanup account; amending Minnesota Statutes 1990, section 115C.09, subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jennings introduced:

H. F. No. 182, A bill for an act relating to human services; eliminating the Medicare certification percentage participation requirements for nursing facilities; amending Minnesota Statutes 1990, section 256B.48, subdivision 6.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Jennings introduced:

H. F. No. 183, A bill for an act relating to human services; establishing a penalty for delayed medical assistance payments; establishing presumptive eligibility for medical assistance applications; establishing a minimum wage adjustment for nursing home employees; clarifying rebasing methodology; identifying annual inflation factor determination for nursing homes; creating a deferred cost adjustment to nursing home operating costs; establishing limits for nursing home plant and maintenance expenses; authorizing additional funds for increased costs under the omnibus budget reconciliation act; clarifying exceptions to the Medicare distinct part requirements for nursing facilities; amending Minnesota Statutes 1990, sections 256B.03, by adding a subdivision; 256B.056, by adding a subdivision; 256B.431, subdivisions 2i, 2l, 3c, 8, and by adding subdivisions; and 256B.48, subdivision 6.

The bill was read for the first time and referred to the Committee on Health and Human Services.

McEachern; Johnson, A.; Kelso and Bauerly introduced:

H. F. No. 184, A bill for an act relating to education; revising certain open enrollment deadlines; amending Minnesota Statutes 1990, section 120.062, subdivisions 4, 6, and 8a.

The bill was read for the first time and referred to the Committee on Education.

Greenfield, Welle, Cooper, Sviggum and Anderson, R., introduced:

H. F. No. 185, A bill for an act relating to human services; case management of persons with mental retardation or related conditions; authorizing alternative methods for delivery of services; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Orenstein introduced:

H. F. No. 186, A bill for an act relating to taxation; providing an exemption for sales of sacramental wine; amending Minnesota Statutes 1990, section 297A.25, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Kahn, Orfield, Hanson, Goodno and McGuire introduced:

H. F. No. 187, A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103E.701, by adding a subdivision; 103G.005, subdivision 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 103G and 273; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Johnson, R.; Lourey; Pauly; Stanius and Osthoff introduced:

H. F. No. 188, A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wet-

lands within the state; providing penalties; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103E.701, by adding a subdivision; 103G.005, subdivision 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 103G and 273; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Winter, Jefferson, Lourey, Dawkins and Weaver introduced:

H. F. No. 189, A bill for an act relating to public employees; regulating affirmative action in state and metropolitan government; amending Minnesota Statutes 1990, sections 43A.191, subdivision 2; and 473.143, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Swenson, Knickerbocker and O'Connor introduced:

H. F. No. 190, A bill for an act relating to retirement; public employees retirement association; authorizing purchase of prior service credit and military service by a certain employee of the Saint Paul water utility.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Swenson, Rest, Weaver, Long and Vellenga introduced:

H. F. No. 191, A bill for an act relating to crimes; providing for forfeiture of conveyance devices used to commit certain drunk driving offenses; amending Minnesota Statutes 1990, sections 609.531, subdivision 1; and 609.5312, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Jaros, Boo and Munger introduced:

H. F. No. 192, A bill for an act relating to the Duluth transit authority; providing for the transportation of students; repealing Laws 1988, chapter 573, section 2.

The bill was read for the first time and referred to the Committee on Transportation.

Greenfield introduced:

H. F. No. 193, A bill for an act relating to human services; delaying the effective date of the moratorium on new negotiated rate facility agreements.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Beard, Scheid, Boo, Sarna and Hanson introduced:

H. F. No. 194, A bill for an act relating to elections; requiring absentee ballots to be prepared and delivered at least 40 days before an election; amending Minnesota Statutes 1990, section 204B.35, subdivision 4.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Beard, Osthoff, McPherson, Sarna and Hanson introduced:

H. F. No. 195, A resolution memorializing the Congress of the United States to continue funding of the POW/MIA special investigation that is being conducted by the United States Senate Foreign Relations Committee.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Beard, Osthoff, McPherson, Boo and Scheid introduced:

H. F. No. 196, A resolution memorializing the Congress of the United States to enact the POW/MIA truth bill, that relates to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea, and Vietnam.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Dawkins, Carruthers and Vellenga introduced:

H. F. No. 197, A bill for an act relating to health; eliminating restrictions on disclosing birth record of a child born to an unmar-

ried woman; amending Minnesota Statutes 1990, section 144.225, subdivision 1; repealing Minnesota Statutes 1990, section 144.225, subdivisions 2 and 4; and Minnesota Rules, part 4600.1300.

The bill was read for the first time and referred to the Committee on Health and Human Services.

O'Connor, Bodahl, Battaglia, Milbert and Beard introduced:

H. F. No. 198, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bauerly, McEachern, Mariani, Garcia and Weaver introduced:

H. F. No. 199, A bill for an act relating to education; authorizing the use of health and safety revenue to improve handicapped accessibility to school district facilities; amending Minnesota Statutes 1990, section 124.83, subdivisions 1, 2, and 6.

The bill was read for the first time and referred to the Committee on Education.

Peterson, Welle, Brown and Kalis introduced:

H. F. No. 200, A bill for an act relating to courts; allowing counties with chambered judges to retain the judicial position; recognizing adequate access to the courts as a factor in determining whether a judicial position should remain or be abolished or transferred; amending Minnesota Statutes 1990, section 2.722, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Gutknecht, Carruthers, Pugh, Frerichs and Bishop introduced:

H. F. No. 201, A bill for an act relating to data practices; clarifying media access to identifying information on juveniles who are parties to traffic accidents; amending Minnesota Statutes 1990, sections 169.09, subdivision 13; and 260.161, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Rukavina, Begich, Jaros and Anderson, I., introduced:

H. F. No. 202, A bill for an act relating to public employees; defining the term "employee" for the purpose of the public employees labor relations act; amending Minnesota Statutes 1990, section 179A.03, subdivision 14.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Sparby, Munger, Vanasek, Blatz and Reding introduced:

H. F. No. 203, A bill for an act relating to highways; designating state highways within wild, scenic, and recreational river corridors as possessing natural, scenic, historical, and aesthetic characteristics; protecting and maintaining these characteristics; allowing commissioner of transportation to provide state-aid funding; providing for liability; amending Minnesota Statutes 1990, section 86A.05, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

McPherson, Jennings, Sviggum, Henry and Boo introduced:

H. F. No. 204, A bill for an act proposing an amendment to the Minnesota Constitution; changing article IV, section 4, article V, section 1, and adding article XIII, section 12; providing limits for legislative and executive service and pensions.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Skoglund, Winter, Thompson, Steensma and Dille introduced:

H. F. No. 205, A bill for an act relating to insurance; life;

prohibiting discrimination against American military personnel; amending Minnesota Statutes 72A.20, subdivision 8.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Frederick, Hugoson, Girard, Wenzel and Steensma introduced:

H. F. No. 206, A resolution memorializing the Board of Regents of the University of Minnesota to postpone its decision on whether to close the Waseca campus.

The bill was read for the first time and referred to the Committee on Agriculture.

Jefferson and Reding introduced:

H. F. No. 207, A bill for an act relating to occupations and professions; enacting provisions applicable to boards regulating occupations and professions; providing standard methods of operation, licensing or other permission to practice, and disciplinary procedures; providing penalties; amending Minnesota Statutes 1990, sections 144A.19, subdivision 1; 146.13; 147.01, subdivision 1; 148.02; 148B.19, subdivision 1; 148B.30, subdivision 4; 148B.40, subdivision 2; 214.001; 214.01; 214.02; 214.03; 214.04; 214.06; 214.07, subdivision 1; 214.08; 214.09; 214.10, subdivisions 1, 2, 3, and by adding subdivisions; 214.11; 214.12; and 214.13; proposing coding for new law in Minnesota Statutes, chapter 214; repealing Minnesota Statutes 1990, sections 146.14; 146.15; 146.18; 146.19; 146.20; 214.07, subdivision 2; 214.10, subdivisions 2a, 4, 5, 6, 7, and 8; and 214.15.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Simoneau, Vanasek, Welle, Gruenes and Krueger introduced:

H. F. No. 208, A bill for an act relating to insurance; regulating the availability of health insurance to small employers; imposing certain restrictions on the underwriting and rating of small employer groups; establishing a reinsurance pool for small employer business; requiring a review of the social and financial impacts of proposed mandated benefits; transferring regulatory authority over health maintenance organizations from the department of health to the department of commerce; appropriating money; amending Minnesota Statutes 1990, sections 60B.03, subdivision 2; and 62D.02, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 62K.

The bill was read for the first time and referred to the Committee on Health and Human Services.

CONSENT CALENDAR

H. F. No. 54, A bill for an act relating to juries; requiring persons who are 75 years or older and impaired to be excused from jury service upon request; proposing coding for new law in Minnesota Statutes, chapter 593.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Knickerbocker	Olsen, S.	Skoglund
Anderson, I.	Frerichs	Koppendraye	Olson, E.	Smith
Anderson, R.	Garcia	Krinkie	Olson, K.	Solberg
Anderson, R. H.	Girard	Krueger	Omam	Sparby
Battaglia	Goodno	Lasley	Onnen	Stanius
Bauerly	Greenfield	Leppik	Orenstein	Steenasma
Beard	Gruenes	Lieder	Orfield	Sviggum
Begich	Gutknecht	Limmer	Ostrom	Swenson
Bertram	Hanson	Long	Ozment	Tompkins
Bettermann	Hartle	Lourey	Pauly	Trimble
Bishop	Hasskamp	Lynch	Pellow	Tunheim
Blatz	Haukoos	Macklin	Pelowski	Uphus
Bodahl	Hausman	Mariani	Peterson	Valento
Boo	Henry	Marsh	Pugh	Vellenga
Brown	Hufnagle	McEachern	Reding	Wagenius
Carlson	Hugoson	McGuire	Rest	Waltman
Carruthers	Jacobs	McPherson	Rice	Weaver
Clark	Janezich	Milbert	Rodosovich	Wejzman
Cooper	Jaros	Morrison	Rukavina	Welker
Dauner	Johnson, A.	Munger	Runbeck	Welle
Dawkins	Johnson, R.	Murphy	Sarna	Wenzel
Dempsey	Johnson, V.	Nelson, K.	Schafer	Winter
Dille	Kahn	Nelson, S.	Schreiber	Spk. Vanusek
Dorn	Kalis	Newinski	Seaberg	
Erhardt	Kelso	O'Connor	Segal	
Farrell	Kinkel	Ogren	Simoneau	

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 57, A bill for an act relating to taxation; property; making technical corrections to, and clarifications to, the calculation of certain special levies, the calculation of the levy limit base, the calculation of the amount of market value reductions in certain

property tax discrimination actions, certain special levy referendum provisions, and to the effective dates of certain aid reductions; amending Minnesota Statutes 1990, sections 275.50, subdivision 5; 275.51, subdivision 3f; and 278.05, subdivision 4; Laws 1990, chapter 604, article 3, sections 49, subdivision 3; 50, subdivision 3; 51, subdivision 3; 59, subdivision 2; and 61, subdivision 2; and article 4, section 22.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Knickerbocker	Olsen, S.	Skoglund
Anderson, I.	Frerichs	Koppendrayer	Olson, E.	Smith
Anderson, R.	Garcia	Krinkie	Olson, K.	Solberg
Anderson, R. H.	Girard	Krueger	Omann	Sparby
Battaglia	Goodno	Lasley	Onnen	Stanius
Bauerly	Greenfield	Leppik	Orenstein	Steensma
Beard	Gruenes	Lieder	Orfield	Sviggrum
Begich	Gutknecht	Limmer	Ostrom	Swenson
Bertram	Hanson	Long	Ozment	Thompson
Bettermann	Hartle	Lourey	Pauly	Tompkins
Bishop	Hasskamp	Lynch	Pellow	Trimble
Blatz	Haukoos	Macklin	Pelowski	Tunheim
Bodahl	Hausman	Mariani	Peterson	Uphus
Boo	Henry	Marsh	Pugh	Valento
Brown	Hufnagle	McEachern	Reding	Vellenga
Carlson	Hugoson	McGuire	Rest	Wagenius
Carruthers	Jacobs	McPherson	Rice	Waltman
Clark	Janezich	Milbert	Rodosovich	Weaver
Cooper	Jaros	Morrison	Rukavina	Wejcmán
Dauner	Johnson, A.	Munger	Runbeck	Welker
Dawkins	Johnson, R.	Murphy	Sarna	Welle
Dempsey	Johnson, V.	Nelson, K.	Schafer	Wenzel
Dille	Kahn	Nelson, S.	Schreiber	Winter
Dorn	Kalis	Newinski	Seaberg	Spk. Vanasek
Erhardt	Kelso	O'Connor	Segal	
Farrell	Kinkel	Ogren	Simoneau	

The bill was passed and its title agreed to.

MOTIONS AND RESOLUTIONS

Trimble moved that his name be stricken as an author on H. F. No. 14. The motion prevailed.

Ogren moved that the name of Jacobs be added as an author on H. F. No. 14. The motion prevailed.

Jacobs moved that his name be stricken as an author on H. F. No. 63. The motion prevailed.

Kinkel moved that his name be stricken as an author on H. F. No. 110. The motion prevailed.

Anderson, I., moved that his name be stricken as an author on H. F. No. 110. The motion prevailed.

Sviggum moved that the names of Goodno and Weaver be added as authors on H. F. No. 138. The motion prevailed.

Gutknecht moved that the name of Bertram be added as an author on H. F. No. 142. The motion prevailed.

Dawkins moved that the name of Pugh be added as an author on H. F. No. 148. The motion prevailed.

Skoglund moved that H. F. No. 205 be recalled from the Committee on General Legislation, Veterans Affairs and Gaming and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Johnson, R., moved that H. F. No. 61 be returned to its author. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, February 7, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, February 7, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

ELEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 7, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Dr. John Eagen, Grace Church, Edina, Minnesota.

The Speaker administered the oath of office to the new House member, Phil Heir, from District 50B. His certificate of election and a signed and sworn statement of his oath are on file. He was elected in a special election held on Tuesday, February 5, 1991, due to the appointment of Joe Quinn to a seat on the 10th Judicial District Court.

The roll was called and the following members were present:

Abrams	Farrell	Kalis	O'Connor	Segal
Anderson, I.	Frederick	Kelso	Ogren	Simoneau
Anderson, R.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R. H.	Garcia	Knickerbocker	Olson, E.	Smith
Battaglia	Girard	Koppendrayner	Olson, K.	Solberg
Bauerly	Goodno	Krinkie	Omann	Sparby
Beard	Greenfield	Krueger	Onnen	Stanius
Begich	Gruenes	Lasley	Orenstein	Steensma
Bertram	Gutknecht	Leppik	Orfield	Sviggum
Bettermann	Hanson	Lieder	Ostrom	Swenson
Bishop	Hartle	Limmer	Ozment	Thompson
Blatz	Hasskamp	Lourey	Pauly	Trimble
Bodahl	Haukoos	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Reding	Wagenius
Carruthers	Hugoson	McEachern	Rice	Waltman
Clark	Jacobs	McPherson	Rodosovich	Weaver
Cooper	Janezich	Morrison	Rukavina	Wejcmann
Dauner	Jaros	Munger	Runbeck	Welker
Dawkins	Jefferson	Murphy	Sarna	Welle
Dille	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dorn	Johnson, R.	Nelson, S.	Schreiber	Winter
Erhardt	Johnson, V.	Newinski	Seaberg	Spk. Vanasek

A quorum was present.

Dempsey, Hausman, Jennings, Kahn, Long, McGuire, Milbert, Osthoff, Pugh, Rest, Scheid, Tompkins and Vellenga were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Reding moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

February 6, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Mr. Speaker:

I respectfully request the opportunity to address a joint session of the House and Senate of the 77th Session of the Minnesota Legislature on Wednesday, February 20, 1991, at noon, for the purpose of presenting my budget message to the Legislature.

Warmest regards,

ARNE H. CARLSON
Governor

Johnson, A., moved that the House accede to the request of the Governor for a Joint Convention to hear the budget message of the Governor at 12:00 noon, Wednesday, February 20, 1991; that the Chief Clerk be instructed to invite the Senate to meet in Joint Convention at 11:45 a.m. and advise the Governor regarding the Joint Convention; and that the Speaker appoint a committee of five members to act with a similar committee to be appointed by the Senate to escort the Governor to the Joint Convention. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following mem-

bers of the House to the committee to escort the Governor to the House Chamber for the Joint Convention on Wednesday, February 20, 1991:

Jennings, Farrell, Hanson, Ozment and Sviggum.

REPORTS OF STANDING COMMITTEES

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 82, A bill for an act relating to public contracts; modifying the criteria for businesses and firms required to file affirmative action plans; amending Minnesota Statutes 1990, section 363.073, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 13, delete "for each" and insert "on a single"

Page 1, line 14, delete "in each of 20 or more calendar weeks"

Page 2, after line 1, insert:

"Sec. 2. Minnesota Statutes 1990, section 473.144, is amended to read:

473.144 [CERTIFICATES OF COMPLIANCE FOR CONTRACTS.]

Neither the council nor an agency listed in section 473.143, subdivision 1, may accept any bid or proposal for a contract or execute a contract for goods or services in excess of \$50,000 with any business having more than 20 full-time employees in Minnesota ~~at any time~~ on a single working day during the previous 12 months, unless the business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights. Receipt of a certificate of compliance from the commissioner of human rights signifies that a business has an approved affirmative action plan. A certificate is valid for two years. Section 363.073 governs revocation of certificates. The rules adopted by the commissioner of human rights under section 363.074 apply to this section."

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections" and before the period insert "; and 473.144"

With the recommendation that when so amended the bill pass.

The report was adopted.

Ogren from the Committee on Taxes to which was referred:

H. F. No. 152, A bill for an act relating to taxation; allowing Mahnomen county and the city of Mahnomen to make special levies for the Mahnomen county hospital; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

Reported the same back with the following amendments:

Page 2, lines 11 and 17, after "county" insert "and village"

Page 2, line 33, delete "or" and insert "and"

Page 3, line 17, after "county" insert "and village"

Page 3, line 33, delete "or" and insert "and"

Amend the title as follows:

Page 1, line 4, after "county" insert "and village"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 82 and 152 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Jacobs; Anderson, I.; Boo and Beard introduced:

H. F. No. 209, A bill for an act relating to utilities; requiring the public utilities commission to establish procedures to enable telephone service subscribers to indicate that they do not want commercial telephone calls; prohibiting solicitors from calling telephone subscribers who have indicated that they do not wish to receive commercial calls; proposing coding for new law in Minnesota Statutes, chapters 237 and 325E.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Uphus, Welker, Bertram and Omann introduced:

H. F. No. 210, A bill for an act relating to state government; reducing salaries of legislators and constitutional officers; prohibiting salary increases for state employees.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Anderson, I.; Solberg; Kinkel and Johnson, R., introduced:

H. F. No. 211, A bill for an act relating to education; providing for the accounting of funds from high school league regulated activities; amending Minnesota Statutes 1990, section 123.38, subdivision 2b.

The bill was read for the first time and referred to the Committee on Education.

Rukavina, Dille, Beard, Dauner and Waltman introduced:

H. F. No. 212, A bill for an act relating to education; requesting public higher education systems to enforce certain teaching credit load minimums and priority criteria for granting tenure or its equivalent; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Committee on Education.

Cooper, Brown, Steensma, Dille and Wenzel introduced:

H. F. No. 213, A bill for an act relating to agriculture; appropriating money for promoting the use of ethanol.

The bill was read for the first time and referred to the Committee on Agriculture.

Cooper; Brown; Krueger; Nelson, S., and Dille introduced:

H. F. No. 214, A bill for an act relating to county and district agricultural societies; appropriating money.

The bill was read for the first time and referred to the Committee on Agriculture.

Weaver, Jacobs, Leppik, Lynch and Jefferson introduced:

H. F. No. 215, A bill for an act relating to utilities; requiring the public utilities commission to establish procedures to enable telephone service subscribers to indicate that they do not want commercial telephone calls; prohibiting solicitors from calling telephone subscribers who have indicated that they do not wish to receive commercial calls; proposing coding for new law in Minnesota Statutes, chapters 237 and 325E.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Gruenes introduced:

H. F. No. 216, A bill for an act relating to human services; providing for downsizing of certain community facilities; appropriating money; amending Minnesota Statutes 1990, sections 252.46, subdivision 4; 256B.092, subdivision 7; and 256B.501, subdivision 3b; proposing coding for new law in Minnesota Statutes, chapter 252.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carruthers, Sarna, Simoneau, Reding and Bettermann introduced:

H. F. No. 217, A bill for an act relating to occupations and professions; requiring the licensing of interior designers; defining the practice of interior design; providing for administration of

licensing requirements; changing the name of the board of architecture, engineering, land surveying, and landscape architecture; appropriating money; amending Minnesota Statutes 1990, sections 116J.70, subdivision 2a; 319A.02, subdivision 2; 326.02, subdivisions 1, 5, and by adding a subdivision; 326.03, subdivision 1; 326.031; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, and 2a; 326.11, subdivision 1; 326.12; 326.13; and 326.14.

The bill was read for the first time and referred to the Committee on Commerce.

Bauerly, Sarna, Hanson, Limmer and Schreiber introduced:

H. F. No. 218, A bill for an act relating to occupations and professions; requiring residential building contractors, remodelers, and specialty contractors to be licensed by the state; establishing a builders state advisory council; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the first time and referred to the Committee on Commerce.

Olson, E.; Bodahl; Anderson, I.; Uphus and Onnen introduced:

H. F. No. 219, A bill for an act relating to taxation; exempting road maintenance vehicles purchased by towns from payment of the motor vehicle excise tax; amending Minnesota Statutes 1990, section 297B.03.

The bill was read for the first time and referred to the Committee on Taxes.

Schreiber, Jaros and Abrams introduced:

H. F. No. 220, A bill for an act relating to taxation; sales and use; extending the exemption for capital equipment to repair and storage equipment; amending Minnesota Statutes 1990, section 297A.01, subdivision 16.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, I.; Jaros; Blatz; Valento and Abrams introduced:

H. F. No. 221, A bill for an act relating to taxation; sales and use;

reducing the rate on certain sales of replacement or storage equipment; amending Minnesota Statutes 1990, sections 297A.01, subdivision 16, and by adding a subdivision; and 297A.02, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Krueger, Sparby, Solberg and Hugoson introduced:

H. F. No. 222, A bill for an act relating to international trade; establishing regional international trade service centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Committee on Economic Development.

Bertram introduced:

H. F. No. 223, A bill for an act relating to retirement; providing for reduction of judges' retirement benefits by an amount equal to half of social security benefits only upon the receipt of social security benefits by judges; amending Minnesota Statutes 1990, section 490.129.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kinkel, Farrell, Krueger and Ogren introduced:

H. F. No. 224, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 5; permitting the payment of bonuses to veterans of the Iraq conflict.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Dorn introduced:

H. F. No. 225, A bill for an act relating to retirement; providing certain disability benefits to certain persons under the public employees retirement association police and fire plan.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dawkins introduced:

H. F. No. 226, A bill for an act relating to workers' compensation; medical expense benefits; including language translation services as medical expense benefits for workers' compensation; amending Minnesota Statutes 1990, section 176.135, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Cooper, Ostrom, Gruenes, Welle and Brown introduced:

H. F. No. 227, A bill for an act relating to health; modifying the physician loan forgiveness program; providing an increase in medical assistance reimbursement to physicians; requiring a study of obstetrical access; appropriating money; amending Minnesota Statutes 1990, section 136A.1355, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Hasskamp, Munger, McGuire, Kahn and Blatz introduced:

H. F. No. 228, A bill for an act relating to public waters; requiring filter strips along wooded areas; proposing coding for new law in Minnesota Statutes, chapter 103G.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Frederick introduced:

H. F. No. 229, A bill for an act relating to gambling; specifying that bets made in certain card games are not bets under laws relating to unlawful gambling; amending Minnesota Statutes 1990, section 609.75, subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Waltman; Nelson, K.; McEachern and Sviggum introduced:

H. F. No. 230, A bill for an act relating to education; permitting a referendum on combining school districts before formal cooperation begins; amending Minnesota Statutes 1990, section 122.243, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Waltman introduced:

H. F. No. 231, A bill for an act relating to Wabasha county; providing for transfer of certain reassessment costs; transferring certain department of revenue funds to the reassessment account in the special revenue fund.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Koppendrayer introduced:

H. F. No. 232, A bill for an act relating to taxation; exempting the city of Isle from certain tax increment financing provisions.

The bill was read for the first time and referred to the Committee on Taxes.

Greenfield, Segal, Bishop, Orenstein and Vellenga introduced:

H. F. No. 233, A bill for an act relating to mental health; authorizing competent persons to make advance declarations regarding mental health treatment; amending Minnesota Statutes 1990, section 253B.03.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Dawkins, Skoglund and Lynch introduced:

H. F. No. 234, A bill for an act relating to insurance; medical expense benefits; including language translation services as medical expense benefits for insurance; amending Minnesota Statutes 1990, section 65B.44, subdivision 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Cooper, Brown, Kinkel, Ogren and Gruenes introduced:

H. F. No. 235, A bill for an act relating to health; modifying the distribution of money from the emergency medical services fund; requiring a study of basic and advanced life support reimbursement;

requiring a study of ambulance subscription plans; amending Minnesota Statutes 1990, section 144.8093, subdivisions 2 and 4.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Solberg, Hasskamp, Swenson, Murphy and Welker introduced:

H. F. No. 236, A bill for an act relating to eminent domain; allowing entry onto land for examination purposes before beginning eminent domain proceedings; amending Minnesota Statutes 1990, section 117.041.

The bill was read for the first time and referred to the Committee on Judiciary.

Lasley, Kalis, Brown, Schafer and Welle introduced:

H. F. No. 237, A bill for an act relating to highways; requiring notice to town boards of town roads proposed to be used as temporary trunk highway detours or haul roads and providing for restoration of those roads; amending Minnesota Statutes 1990, sections 161.24, subdivision 3; and 161.25; proposing coding for new law in Minnesota Statutes, chapter 161.

The bill was read for the first time and referred to the Committee on Transportation.

Wejcman and Garcia introduced:

H. F. No. 238, A bill for an act relating to consumer protection; prohibiting the provision of a credit card number as a condition of check cashing or acceptance; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Commerce.

Carruthers, Orenstein, Marsh and Swenson introduced:

H. F. No. 239, A bill for an act relating to crime; clarifying the application of felony penalties to the act of intentionally disarming a peace officer; amending Minnesota Statutes 1990, section 609.50, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Hausman and Simoneau introduced:

H. F. No. 240, A bill for an act relating to retirement; providing for a study of coordination of certain public pension benefits.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Welle introduced:

H. F. No. 241, A bill for an act relating to education; approving a maximum effort school loan program capital loan.

The bill was read for the first time and referred to the Committee on Education.

Welle introduced:

H. F. No. 242, A bill for an act relating to counties; providing fiscal limitations on social service mandates; proposing coding for new law in Minnesota Statutes, chapter 256E.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Reding, Kinkel, Lasley, Uphus and Kalis introduced:

H. F. No. 243, A bill for an act relating to highways; allowing specific service signs to be erected along interstate highways; amending Minnesota Statutes 1990, sections 160.293, subdivisions 1, 2, and 3; 160.295, subdivision 2; 160.297; 173.12; and 173.20; repealing Minnesota Statutes 1990, section 160.292, subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation.

Murphy, Kalis, McEachern, Waltman and Seaberg introduced:

H. F. No. 244, A bill for an act relating to traffic regulations; regulating traffic safety concerning school buses and the safety of school children; providing penalties; amending Minnesota Statutes 1990, section 171.07, by adding a subdivision; 171.17; and 171.18; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, sections 169.44; and 169.64, subdivision 7.

The bill was read for the first time and referred to the Committee on Transportation.

Tunheim introduced:

H. F. No. 245, A bill for an act relating to education; providing for school consolidation in Kittson and Marshall counties in certain circumstances.

The bill was read for the first time and referred to the Committee on Education.

Tunheim introduced:

H. F. No. 246, A bill for an act relating to alcoholic beverages; allowing proof of age by means of a Canadian consumption card; amending Minnesota Statutes 1990, section 340A.503, subdivision 6.

The bill was read for the first time and referred to the Committee on Judiciary.

Vellenga, Kelso, Simoneau, Ostrom and Onnen introduced:

H. F. No. 247, A bill for an act relating to health; requiring licensed optometrists to be certified by the board of optometry to prescribe legend drugs; authorizing the prescription of legend drugs by licensed optometrists who are board certified; amending Minnesota Statutes 1990, sections 148.572; 148.574; and 151.01, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 148.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Lasley, Simoneau and Lynch introduced:

H. F. No. 248, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water or natural wetlands in Anoka county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, I.; Solberg and Kinkel introduced:

H. F. No. 249, A bill for an act relating to education; discontinuing the authority of school districts to transfer money from the general fund to the community service fund for certain TRA and FICA purposes; repealing Minnesota Statutes 1990, section 121.912, subdivision 1b.

The bill was read for the first time and referred to the Committee on Education.

Anderson, I.; Solberg; Kinkel and Johnson, R., introduced:

H. F. No. 250, A bill for an act relating to independent school district No. 318, Grand Rapids; limiting the amount of revenue to be recognized in a certain case.

The bill was read for the first time and referred to the Committee on Education.

Solberg; Hasskamp; Anderson, I., and Wenzel introduced:

H. F. No. 251, A bill for an act relating to the Minnesota board on aging; authorizing supplemental funds for congregate and home-delivered meals; appropriating money; amending Minnesota Statutes 1990, section 256.975, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Brown, Dille, Peterson, Cooper and Kalis introduced:

H. F. No. 252, A bill for an act relating to taxation; providing that sales of certain materials used for a reduced farm production program are exempt from the sales tax; amending Minnesota Statutes 1990, section 297A.25, subdivision 9.

The bill was read for the first time and referred to the Committee on Taxes.

Vellenga, Seaberg, Pugh, Marsh and McGuire introduced:

H. F. No. 253, A bill for an act relating to juvenile court; providing a rebuttable presumption in favor of referring certain juvenile offenders to adult court for criminal prosecution; amending Minnesota Statutes 1990, section 260.125, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Brown and Peterson introduced:

H. F. No. 254, A bill for an act relating to taxation; authorizing an increase in the special levy for income maintenance and social services in Swift county.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, I.; Peterson; Johnson, V., and Schafer introduced:

H. F. No. 255, A bill for an act relating to human services; regulating the qualification of certain facilities for reimbursement for services; amending Minnesota Statutes 1990, section 256B.431, subdivision 3e.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Reding, Skoglund, Runbeck, Wagenius and Weaver introduced:

H. F. No. 256, A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103E.701, by adding a subdivision; 103G.005, subdivision 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 103G and 273; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pugh, Blatz, Trimble, McPherson and Hausman introduced:

H. F. No. 257, A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103E.701, by adding a subdivision; 103G.005, subdivision 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, subdivision 2, and by adding a subdivision; proposing coding for new law in

Minnesota Statutes, chapters 103G and 273; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pugh, Greenfield, Seaberg, Macklin and Segal introduced:

H. F. No. 258, A bill for an act relating to Dakota county; authorizing development of a mental health service delivery system; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Johnson, A., and Simoneau introduced:

H. F. No. 259, A bill for an act relating to education; increasing the cooperation and combination revenue limit; amending Minnesota Statutes 1990, section 124.2725, subdivision 10.

The bill was read for the first time and referred to the Committee on Education.

Farrell, Pugh, Orfield, McGuire and Smith introduced:

H. F. No. 260, A bill for an act relating to civil procedure; providing for security for costs in certiorari matters; amending Minnesota Statutes 1990, section 606.03.

The bill was read for the first time and referred to the Committee on Judiciary.

Begich, Dempsey, Sparby, Rukavina and Anderson, I., introduced:

H. F. No. 261, A bill for an act proposing an amendment to the Minnesota Constitution, article I, adding a section to provide that the right to keep and bear arms shall not be abridged.

The bill was read for the first time and referred to the Committee on Judiciary.

Pelowski introduced:

H. F. No. 262, A bill for an act relating to economic development; specifying that money transferred or appropriated to the capital

access program account is appropriated to the commissioner of trade and economic development; amending Minnesota Statutes 1990, section 116J.8765, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Economic Development.

Begich, Marsh, Hasskamp, Valento and Solberg introduced:

H. F. No. 263, A bill for an act proposing an amendment to the Minnesota Constitution, article I, adding a section to provide that the right to keep and bear arms shall not be abridged.

The bill was read for the first time and referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS

Uphus moved that his name be stricken as an author on H. F. No. 139. The motion prevailed.

Johnson, A., moved that the name of Olsen, S., be added as an author on H. F. No. 175. The motion prevailed.

Sparby moved that the name of Bertram be added as an author on H. F. No. 181. The motion prevailed.

Peterson moved that the name of Welker be added as an author on H. F. No. 200. The motion prevailed.

Jefferson moved that H. F. No. 207 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Dawkins moved that H. F. No. 197 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Judiciary. The motion prevailed.

Rodosovich, Knickerbocker, Long, Dempsey and Vanasek introduced:

House Concurrent Resolution No. 1, A house concurrent resolution relating to congressional redistricting; establishing standards for redistricting plans.

The concurrent resolution was referred to the Committee on Redistricting.

ADJOURNMENT

Johnson, A., moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, February 11, 1991. The motion prevailed.

Johnson, A., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, February 11, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

TWELFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 11, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Pastor Dan Dimick, Faith Lutheran Church, Staples, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frerichs	Knickerbocker	Olson, K.	Smith
Anderson, I.	Garcia	Koppendrayer	Omman	Solberg
Anderson, R.	Girard	Krinkie	Onnen	Sparby
Anderson, R. H.	Goodno	Krueger	Orenstein	Stanius
Battaglia	Greenfield	Lasley	Orfield	Steensma
Bauerly	Gruenes	Leppik	Osthoff	Sviggum
Beard	Gutknecht	Lieder	Ostrom	Swenson
Begich	Hanson	Limmer	Ozment	Thompson
Bertram	Hartle	Long	Pauly	Tompkins
Bettermann	Hasskamp	Lourey	Pellow	Trimble
Bishop	Haukoos	Macklin	Pelowski	Tunheim
Blatz	Hausman	Mariani	Peterson	Uphus
Bodahl	Heir	Marsh	Pugh	Vallento
Boo	Henry	McEachern	Reding	Vellenga
Brown	Hufnagle	McGuire	Rest	Wagenius
Carlson	Jacobs	McPherson	Rice	Waltman
Carruthers	Janezich	Milbert	Rodosovich	Weaver
Clark	Jaros	Morrison	Rukavina	Wejcman
Cooper	Jefferson	Munger	Runbeck	Welker
Dauner	Jennings	Murphy	Sarna	Welle
Dawkins	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dempsey	Johnson, R.	Nelson, S.	Scheid	Winter
Dille	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Dorn	Kahn	O'Connor	Seaberg	
Erhardt	Kalis	Ogren	Segal	
Farrell	Kelso	Olsen, S.	Simoneau	
Frederick	Kinkel	Olson, E.	Skoglund	

A quorum was present.

Hugoson and Lynch were excused.

The Chief Clerk proceeded to read the Journal of the preceding

day. Schreiber moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

McEachern from the Committee on Education to which was referred:

H. F. No. 73, A bill for an act relating to education; eliminating the deduction for one year's interest payments from the proceeds of state bonds for maximum effort school loans; amending Minnesota Statutes 1990, section 124.46, subdivision 3.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1990, section 124.40, subdivision 1, is amended to read:

Subdivision 1. There is hereby appropriated to the fund, in addition to all sums which have been or may hereafter be appropriated thereto by any law, the net proceeds of sale of any state school loan bonds authorized to be issued under section 124.46, and all income received from the investment of said net proceeds, ~~after deducting from the aggregate proceeds of sale the amount which is required by section 124.46, subdivision 3 to be credited and~~ is hereby appropriated to the school loan bond account in the state bond fund."

Page 2, after line 21, insert:

"Sec. 3. Minnesota Statutes 1990, section 124.477, is amended to read:

124.477 [BOND ISSUE; MAXIMUM EFFORT SCHOOL LOANS; 1988.]

To provide money to be loaned to school districts as agencies and political subdivisions of the state to acquire and to better public land and buildings and other public improvements of a capital nature, in the manner provided by the maximum effort school aid law, the commissioner of finance shall issue and sell school loan bonds of the state of Minnesota in the maximum amount of \$22,000,000, in addition to the bonds already authorized for this purpose. The same amount is appropriated to the maximum effort school loan fund and must be spent under the direction of the commissioner of education to make debt service loans and capital loans to school districts as

provided in sections 124.36 to 124.47. The bonds must be issued and sold and provision for their payment must be made according to section 124.46. For bonds sold prior to January 1, 1991, enough money to pay interest on the bonds to and including July 1 in the second year after the date of issue must be credited from the bond proceeds to the school loan bond account in the state bond fund. Expenses incidental to the sale, printing, execution, and delivery of the bonds, including, but without limitation, actual and necessary travel and subsistence expenses of state officers and employees for those purposes, must be paid from the maximum effort school loan fund, and the money necessary for the expenses is appropriated from that fund.”

Page 2, line 23, delete “Section 1 is” and insert “Sections 1 to 3 are”

Renumber sections in sequence

Amend the title as follows:

Page 1, line 5, delete “section” and insert “sections 124.40, subdivision 1;” and before the period insert “; and 124.477”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 153, A bill for an act relating to commerce; regulating real estate appraisers; authorizing the commissioner of commerce to issue temporary licenses.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 153 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Hasskamp introduced:

H. F. No. 264, A resolution memorializing the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Blatz, Carruthers, Weaver and Macklin introduced:

H. F. No. 265, A bill for an act relating to torts; providing immunity against tort liability for any school district which is unable to obtain insurance for claims relating to asbestos or hazardous waste; amending Minnesota Statutes 1990, section 466.06.

The bill was read for the first time and referred to the Committee on Judiciary.

Peterson, Cooper, Vanasek, Kalis and Dille introduced:

H. F. No. 266, A bill for an act relating to motor fuels; changing the payment for ethanol production; providing that gasoline sold in Minnesota must be blended with ethanol; amending Minnesota Statutes 1990, sections 41A.09, subdivision 3; and 239.76, by adding a subdivision; repealing Minnesota Statutes 1990, section 41A.09, subdivision 6.

The bill was read for the first time and referred to the Committee on Energy.

Kalis, Schafer, Dauner, Cooper and Uphus introduced:

H. F. No. 267, A bill for an act relating to motor vehicles; exempting from commercial vehicle inspection requirements and hazardous material driver's license endorsement requirements, pickup trucks carrying certain quantities of petroleum products or liquid fertilizer; reducing the minimum size of fleets of commercial vehicles permitted to conduct self-inspections; providing for the issuance of commercial vehicle inspection decals to vehicles manu-

factured before January 1, 1976; limiting the authority of agents of the commissioner of transportation to inspect vehicles; delaying effective date of requirement that all commercial vehicles bear a commercial vehicle inspection decal; amending Minnesota Statutes 1990, sections 169.781, subdivisions 1, 3, and 5; and 171.02, by adding a subdivision; Laws 1990, chapter 563, section 11; proposing coding for new law in Minnesota Statutes, chapter 174.

The bill was read for the first time and referred to the Committee on Transportation.

Anderson, I., introduced:

H. F. No. 268, A bill for an act proposing an amendment to the Minnesota Constitution, changing article IV; article V, sections 3 and 5; article VIII, section 1; article IX, sections 1 and 2; and article XI, section 5; providing for a unicameral legislature of 101 to 135 representatives.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Carruthers, Orenstein, Ogren, Boo and Lourey introduced:

H. F. No. 269, A bill for an act relating to health; health maintenance organizations; providing coverage for chiropractic care; amending Minnesota Statutes 1990, sections 62D.02, subdivision 7; 62D.102; and 62D.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Janezich; Boo; Anderson, I., and Hanson introduced:

H. F. No. 270, A bill for an act relating to counties; providing for the contents and public availability of the county financial statement; amending Minnesota Statutes 1990, section 375.17.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Scheid, Lasley, Bauerly, Runbeck and Bettermann introduced:

H. F. No. 271, A bill for an act relating to education; equalizing a portion of the debt service levy; limiting the referendum levy; equalizing a portion of the referendum levy; changing the training and experience formula; equalizing training and experience reve-

nue; appropriating money; amending Minnesota Statutes 1990, sections 124A.03, by adding subdivisions; 124A.22, subdivision 4, by adding subdivisions; and 275.125, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 124 and 124A.

The bill was read for the first time and referred to the Committee on Education.

Ogren introduced:

H. F. No. 272, A bill for an act relating to retirement; public employees retirement association; authorizing a certain member to purchase prior service credit.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ogren introduced:

H. F. No. 273, A bill for an act relating to retirement; allowing a certain public employees retirement association annuitant to repay amounts received and resume active member status.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sparby, O'Connor, Sarna, Dempsey and Kinkel introduced:

H. F. No. 274, A bill for an act relating to commerce; motor vehicle sales and distribution; regulating franchises; proscribing certain acts; providing remedies; amending Minnesota Statutes 1990, sections 80E.03, subdivision 2; 80E.04, subdivision 1; 80E.05; 80E.06, subdivision 2; 80E.07, subdivision 1; 80E.12; 80E.13; and 80E.14, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Commerce.

Farrell, Sarna, Kinkel, Dempsey and Milbert introduced:

H. F. No. 275, A bill for an act relating to commerce; prohibiting the unlawful assignment of certain motor vehicle contracts; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Commerce.

Orfield, Bertram, Winter, Gruenes and Skoglund introduced:

H. F. No. 276, A bill for an act relating to insurance; accident and health; prohibiting the nondiagnostic use of X-rays; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Cooper, McEachern and Bauerly introduced:

H. F. No. 277, A bill for an act relating to education; providing for operating fund deficits in certain cases involving certain cooperating and combining districts; amending Minnesota Statutes 1990, section 124.2725, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Rukavina; Jaros; Lieder; Anderson, R. H., and Murphy introduced:

H. F. No. 278, A bill for an act relating to education; changing the dedication of the use of 25 percent of the income of the permanent university fund; amending Minnesota Statutes 1990, section 137.022, subdivision 3.

The bill was read for the first time and referred to the Committee on Education.

Olsen, S.; Anderson, I.; Ozment; Wagenius and Munger introduced:

H. F. No. 279, A bill for an act relating to the environment; authorizing the city of Hopkins to issue bonds to pay for environmental response costs at a landfill; authorizing the city to impose a solid waste collection surcharge; authorizing a landfill cleanup assessment against property; authorizing a service charge; appropriating money.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Olson, K.; Hugoson and McEachern introduced:

H. F. No. 280, A bill for an act relating to education; modifying the

definition of fund balance pupil units; amending Minnesota Statutes 1990, section 124A.26, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Hanson, Bodahl and Nelson, K., introduced:

H. F. No. 281, A bill for an act relating to taxation; property; reducing the class rate applied to certain homesteads; amending Minnesota Statutes 1990, section 273.13, subdivision 22.

The bill was read for the first time and referred to the Committee on Taxes.

Cooper and Kalis introduced:

H. F. No. 282, A bill for an act relating to public utilities; exempting from prior rate regulation gas utilities that have 650 or fewer customers in any one municipality and a total of 2,000 or fewer customers; amending Minnesota Statutes 1990, section 216B.16, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Girard, Jennings, Bertram, Schafer and Dille introduced:

H. F. No. 283, A bill for an act relating to workers' compensation; providing a new general system of law for the compensation of employment related injuries; providing rights, duties, and remedies; providing for administration and procedure; permitting adoption of administrative rules; proposing coding for new law as Minnesota Statutes, chapter 176C.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Uphus, Haukoos, Ozment, Waltman and Macklin introduced:

H. F. No. 284, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 4, limiting the term of consecutive service of persons to ten consecutive years in the legislature.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Carruthers, Wagenius, Blatz, Swenson and Orenstein introduced:

H. F. No. 285, A bill for an act relating to traffic regulations; providing misdemeanor penalties for persons who refuse to submit to a chemical test to determine if the person is under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1990, sections 169.121, subdivisions 1a, 3, and 3b; and 169.123, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Blatz, Hasskamp and Macklin introduced:

H. F. No. 286, A bill for an act relating to negligence; volunteers; providing volunteers immunity from civil liability for injuries arising from volunteer activities; proposing coding for new law in Minnesota Statutes, chapter 604.

The bill was read for the first time and referred to the Committee on Judiciary.

Morrison; Kelso; McEachern; Nelson, K., and Macklin introduced:

H. F. No. 287, A bill for an act relating to education; granting the attorney general's office access to certain private data; requiring certain licensing boards to consider revoking the license of a licensee convicted of certain felonies involving a minor; exempting licensing of the board of teaching and the state board of education from certain requirements with respect to the rehabilitation of criminal offenders; amending Minnesota Statutes 1990, sections 125.09, subdivision 4; 214.10, by adding a subdivision; 364.09; and 631.40.

The bill was read for the first time and referred to the Committee on Judiciary.

Olson, E.; Dempsey; Olson, K.; Welle and Pellow introduced:

H. F. No. 288, A bill for an act relating to motor carriers; changing definitions of regular route common carrier and irregular route common carrier; amending Minnesota Statutes 1990, section 221.011, subdivisions 9 and 11.

The bill was read for the first time and referred to the Committee on Transportation.

Skoglund introduced:

H. F. No. 289, A bill for an act relating to insurance; accident and health; establishing minimum loss ratios for certain noncomprehensive policies; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Ogren, Dempsey, Vanasek and Welle introduced:

H. F. No. 290, A bill for an act relating to state employees; allowing state employees to donate accrued sick leave for the benefit of another state employee; amending Minnesota Statutes 1990, section 43A.181.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna introduced:

H. F. No. 291, A bill for an act relating to local government; authorizing the city of Minneapolis and special school district No. 1 to impose residency requirements.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

CONSENT CALENDAR

H. F. No. 152, A bill for an act relating to taxation; allowing Mahnomen county and the city of Mahnomen to make special levies for the Mahnomen county and village hospital; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Anderson, R.	Battaglia	Beard	Bertram
Anderson, I.	Anderson, R. H.	Bauerly	Begich	Bettermann

Bishop	Hartle	Lieder	Osthoff	Sparby
Blatz	Hasskamp	Limmer	Ostrom	Stanius
Bodahl	Haukoos	Long	Ozment	Steenma
Boo	Hausman	Lourey	Pauly	Svigum
Brown	Heir	Macklin	Pellow	Swenson
Carlson	Henry	Mariani	Pelowski	Thompson
Carruthers	Jacobs	McEachern	Peterson	Tompkins
Cooper	Janezich	McGuire	Pugh	Trimble
Dauner	Jaros	McPherson	Reding	Tunheim
Dawkins	Jefferson	Milbert	Rest	Uphus
Dempsey	Jennings	Morrison	Rice	Valento
Dille	Johnson, A.	Munger	Rodosovich	Vellenga
Dorn	Johnson, R.	Murphy	Rukavina	Wagenius
Erhardt	Johnson, V.	Nelson, K.	Runbeck	Waltman
Farrell	Kahn	Nelson, S.	Sarna	Weaver
Frederick	Kalis	O'Connor	Schafer	Wejcman
Frerichs	Kelso	Ogren	Scheid	Welker
Garcia	Kinkel	Olsen, S.	Schreiber	Welle
Girard	Knickerbocker	Olson, E.	Seaberg	Wenzel
Goodno	Koppendrayner	Olson, K.	Segal	Winter
Greenfield	Krinkie	Omann	Simoneau	Spk. Vanasek
Gruenes	Krueger	Onnen	Skoglund	
Gutknecht	Lasley	Orenstein	Smith	
Hanson	Leppik	Orfield	Solberg	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendation of the Committee was reported to the House:

H. F. No. 82 was recommended to pass.

On the motion of Long the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Welle moved that the name of Bertram be added as an author on H. F. No. 74. The motion prevailed.

Orenstein moved that the name of Smith be added as an author on H. F. No. 186. The motion prevailed.

Uphus moved that the name of Haukoos be added as an author on H. F. No. 210. The motion prevailed.

Kinkel moved that the name of Wenzel be added as an author on H. F. No. 224. The motion prevailed.

Wejcman moved that the name of Clark be added as an author on H. F. No. 238. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

Agriculture: Add the name of Olson, K.

Education: Add the name of Heir.

Education/Higher Education Division: Add the names of Heir and McEachern.

Energy: Add the name of Heir.

Housing: Add the name of Heir.

Judiciary: Add the name of Thompson and remove the name of Murphy.

Regulated Industries: Add the names of Heir and Beard.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, February 14, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, February 14, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION — 1991

THIRTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 14, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Father Fred Mertz, College of St. Catherine, St. Paul, Minnesota.

The roll was called and the following members were present:

Abrams	Garcia	Kinkel	Olson, E.	Skoglund
Anderson, I.	Girard	Knickerbocker	Olson, K.	Smith
Anderson, R.	Goodno	Koppendrayer	Omann	Solberg
Anderson, R. H.	Greenfield	Krinkie	Onnen	Sparby
Battaglia	Gruenes	Krueger	Orenstein	Stanius
Bauerly	Gutknecht	Lasley	Orfield	Steensma
Beard	Hanson	Leppik	Ostrom	Sviggun
Bertram	Hartle	Lieder	Ozment	Swenson
Bettermann	Hasskamp	Limmer	Pauly	Thompson
Bishop	Haukoos	Long	Pellow	Tompkins
Blatz	Hausman	Lourey	Pelowski	Trimble
Bodahl	Heir	Lynch	Peterson	Tunheim
Boo	Henry	Macklin	Pugh	Uphus
Brown	Hufnagle	Mariani	Reding	Valento
Carlson	Hugoson	McEachern	Rest	Vellenga
Carruthers	Jacobs	McGuire	Rice	Wagenius
Clark	Janezich	McPherson	Rodosovich	Waltman
Cooper	Jaros	Morrison	Rukavina	Weaver
Dawkins	Jefferson	Munger	Runbeck	Wejeman
Dempsey	Jennings	Murphy	Sarna	Welker
Dille	Johnson, A.	Nelson, K.	Schafer	Welle
Dorn	Johnson, R.	Nelson, S.	Scheid	Wenzel
Erhardt	Johnson, V.	Newinski	Schreiber	Winter
Farrell	Kahn	O'Connor	Seaberg	Spk. Vanasek
Frederick	Kalis	Ogren	Segal	
Frerichs	Kelso	Olsen, S.	Simoneau	

A quorum was present.

Begich, Dauner, Marsh, Milbert and Osthoff were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Winter moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Sarna from the Committee on Commerce to which was referred:

H. F. No. 104, A bill for an act relating to consumer protection; regulating automatic garage door opening systems; amending Minnesota Statutes 1990, sections 325F.82, subdivision 2, and by adding a subdivision; and 325F.83, subdivisions 1 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 325F.82, subdivision 2, is amended to read:

Subd. 2. [AUTOMATIC GARAGE DOOR OPENING SYSTEM.] “Automatic garage door opening system” means a system of devices and equipment that, when connected to a garage door, automatically opens and closes a garage door.

Sec. 2. Minnesota Statutes 1990, section 325F.82, is amended by adding a subdivision to read:

Subd. 5. [AUTOMATIC REVERSING REQUIREMENT.] “Automatic reversing requirement” means the requirements specified in paragraphs 30.1 and 30.2 of Underwriters Laboratories, Inc., Standards for Safety-UL 325, third edition, as revised May 4, 1988, for a residential automatic garage door opening system or the requirements specified in paragraph 29.1 of Underwriters Laboratories, Inc., Standards for Safety-UL 325, third edition, as revised May 4, 1988, for a commercial vehicular door operator.

Sec. 3. Minnesota Statutes 1990, section 325F.83, subdivision 1, is amended to read:

Subdivision 1. [MANUFACTURING, SALES, PURCHASES, REPAIRS, OR INSTALLATIONS OF SYSTEMS.] ~~(a)~~ No person shall manufacture, sell, offer for sale, purchase, or install in this state an automatic garage door opening system for residential buildings that does not comply with subdivision 3.

~~(b)~~ Subd. 1a. [SERVICE OR REPAIR OF SYSTEMS.] No person shall service or repair an automatic garage door opening system for residential buildings that does not comply with subdivision 3, paragraph (a) the automatic reversing requirement after the repair or service. This paragraph does not prevent the servicing or repair of an automatic garage door opening system if the system will be in

compliance with subdivision 3, paragraph (a), the automatic reversing requirement after the repair or service.

The person servicing or repairing the automatic garage door opening system shall determine whether or not the system complies with the automatic reversing requirement by conducting an on-site test of the system.

Subd. 1b. [WARNING LABEL.] If the automatic garage door opening system does not pass the on-site test required by subdivision 1a, the person conducting the test shall complete and conspicuously attach to the automatic garage door opening system, a red label that states the following:

“DANGER

This garage door opener was tested and does not meet the requirements for a working safety reverse feature. This can be dangerous and may cause serious injury or death. You are advised to disconnect the opener from the door immediately and operate the door manually until the opener has been repaired or replaced with one that meets current safety standards relating to automatic reversal as provided for in Minnesota Statutes, section 325F.83, subdivision 1a.

..... <u>Model</u> <u>Name of Tester</u>
..... <u>Manufacturer</u> <u>Firm Name</u>
..... <u>Serial Number</u> <u>Firm Address/Phone Number</u>
 <u>Date”</u>

The firm of the agent or employee who attached the red label shall notify within ten working days in writing the occupant of the residence that the system did not comply with subdivision 1a.

Sec. 4. Minnesota Statutes 1990, section 325F.83, subdivision 3, is amended to read:

Subd. 3. [MINIMUM STANDARDS.] (a) No later than January 1, 1991, all automatic garage door opening systems subject to subdivision 1, 1a, or 2 must conform to the applicable requirements of

Underwriters Laboratories, Inc., Standards for Safety-UL 325, third edition, as revised May 4, 1988.

(b) No later than January 1, 1993, all automatic garage door opening systems subject to subdivision 1 or 2 must include an attached edge sensor, safety beam, or similar device that when activated causes a closing door to open and prevents an open door from closing. This device is to be designed and built so that a failure of the device prevents the door from closing.

Sec. 5. Minnesota Statutes 1990, section 325F.83, subdivision 4, is amended to read:

Subd. 4. [MANUFACTURER'S LABELING REQUIREMENTS.] On and after January 1, 1991, a manufacturer selling or offering for sale automatic garage door opening systems in this state shall clearly identify on the container and on the system, the month or week and year the system was manufactured, and its conformance with UL 325, as required under subdivision 3, paragraph (a). The display of the UL logo or listing mark and compliance with the date marking requirements of UL 325 on both the container and the system fulfills the manufacturer's labeling requirements specified under this subdivision.

Sec. 6. [STATUTE OF LIMITATIONS.]

Minnesota Statutes, section 325F.83, subdivision 8, applies to actions pending on or begun on or after the effective date of that subdivision.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment. Section 6 is effective August 1, 1990."

Delete the title and insert:

"A bill for an act relating to consumer protection; regulating automatic garage door opening systems; amending Minnesota Statutes 1990, sections 325F.82, subdivision 2, and by adding a subdivision; and 325F.83, subdivisions 1, 3, and 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 172, A bill for an act relating to manufactured home parks; providing for notice and right to purchase for conversion or the closing of a park under certain circumstances; amending Minnesota Statutes 1990, section 327C.095, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 327C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 327C.095, subdivision 1, is amended to read:

Subdivision 1. [CONVERSION OF USE; MINIMUM NOTICE.] At least nine months before the conversion of all or a portion of a manufactured home park to another use, or before closure of a manufactured home park or cessation of use of the land as a manufactured home park, the park owner must prepare a closure statement and provide a copy to the local planning agency and a copy to a resident of each manufactured home where the residential use is being converted. A resident may not be required to vacate until 60 days after the conclusion of the public hearing required under subdivision 4. If a lot is available in another section of the park that will continue to be operated as a park, the park owner must allow the resident to relocate the home to that lot unless the home, because of its size or local ordinance, is not compatible with that lot.

Sec. 2. Minnesota Statutes 1990, section 327C.095, is amended by adding a subdivision to read:

Subd. 6. [INTENT TO CONVERT USE OF PARK AT TIME OF PURCHASE.] Before the execution of an agreement to purchase a manufactured home park, the purchaser must notify the park owner, in writing, if the purchaser intends to close the manufactured home park or convert it to another use within one year of the execution of the agreement. The park owner shall provide a resident of each manufactured home with a written notice of the purchaser's intent to close the park or convert it to another use. The notice must be sent by first class mail to a resident of each manufactured home in the park. The notice period begins on the postmark date affixed to the notice and ends 45 days after it begins. The residents or a nonprofit organization which has the written permission of 51 percent of the residents to represent them in the acquisition of the park shall have 45 days to meet the cash price and to execute an agreement to purchase the park for the purposes of keeping the park as a manufactured housing community. The park owner must accept the offer if it meets the cash price and the same terms and conditions

set forth in the purchaser's offer except that the seller is not obligated to provide owner financing. For purposes of this section, cash price means the cash price offer or equivalent cash offer as defined in section 500.24, subdivision 6, paragraph (d).

Sec. 3. Minnesota Statutes 1990, section 327C.095, is amended by adding a subdivision to read:

Subd. 7. [INTENT TO CONVERT USE OF PARK AFTER PURCHASE.] If the purchaser of a manufactured home park decides to convert the park to another use within one year after the purchase of the park, the purchaser must offer the park for purchase by the residents of the park. The purchaser must provide the residents with a written notice of the intent to close the park and the residents, or a nonprofit organization which has the written permission of 51 percent of the residents to represent them in the acquisition of the park, shall have 45 days to execute an agreement for the purchase of the park at a price equal to the original purchase price paid by the purchaser plus any documented expenses relating to the acquisition and improvement of the park property, together with any increase in value due to appreciation of the park. The purchaser must execute the purchase agreement at the price specified in this subdivision. The notice must be sent by first class mail to a resident of each manufactured home in the park. The notice period begins on the postmark date affixed to the notice and ends 45 days after it begins. Subdivision 6 and this subdivision do not apply in the case of a taking by eminent domain.

Sec. 4. Minnesota Statutes 1990, section 327C.095, is amended by adding a subdivision to read:

Subd. 8. [EFFECT OF NONCOMPLIANCE.] If a manufactured home park is sold or converted to another use in violation of subdivision 6 or 7, the residents do not have any continuing right to purchase the park as a result of that sale or conversion. Any violation of subdivision 6 or 7 shall be subject to section 8.31, subdivision 1, except that relief shall be limited so that questions of marketability of title shall not be affected.

Sec. 5. [327C.096] [NOTICE OF SALE.]

When a park owner offers to sell a manufactured home park to the public through advertising in a newspaper, or by listing the park with a realtor licensed by the department of commerce, the owner must provide concurrent written notice to a resident of each manufactured home in the park that the park is being offered for sale. The notice provided by the park owner to a resident of each manufactured home does not grant any property rights in the park. This section does not apply in the case of a taking by eminent domain, a transfer by a corporation to an affiliate, a transfer by a partnership to one of its partners, or a sale or transfer to a person

who would be an heir of the owner if the owner were to die intestate. If at any time a manufactured home park owner receives an unsolicited bona fide offer to purchase the park that the owner intends to consider or make counter offer to, the owner is under no obligation to notify the residents and shall be free to execute an agreement to purchase the park."

Amend the title as follows:

Page 1, line 5, after the second comma insert "subdivision 1, and"

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 245, A bill for an act relating to education; providing for school consolidation in Kittson and Marshall counties in certain circumstances.

Reported the same back with the following amendments:

Page 2, after line 11, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 104, 172 and 245 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

O'Connor introduced:

H. F. No. 292, A bill for an act relating to local government; authorizing the city of St. Paul and independent school district No. 625 to impose residency requirements.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Rodosovich, Jaros and Sviggum introduced:

H. F. No. 293, A bill for an act relating to health; establishing a traumatic brain injury and spinal cord injury registry; requiring reporting of injuries; providing for use of information; amending Minnesota Statutes 1990, sections 171.29, subdivision 2; and 268A.03; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Rukavina and Janezich introduced:

H. F. No. 294, A bill for an act relating to liquor; authorizing municipalities to permit on-sale nonintoxicating malt liquor licenses to sell intoxicating malt liquor; amending Minnesota Statutes 1990, section 340A.403, subdivision 3.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Cooper, Greenfield, Welle and Lourey introduced:

H. F. No. 295, A bill for an act relating to occupations and professions; establishing the professional counseling licensing board; requiring professional counselors to be licensed; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 148A.01, subdivision 5; 148B.01, subdivision 6, and by adding a subdivision; 148B.02, subdivision 1; 148B.40, subdivision 3; 214.01, subdivision 2; 214.04, subdivision 3; and 609.341, subdivision 17; proposing coding for new law in Minnesota Statutes, chapter 148B.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Newinski, Bertram, Leppik, Beard and Gutknecht introduced:

H. F. No. 296, A resolution memorializing the Congress of the United States to enact H.R. 3603 which relates to the disclosure of information concerning POW/MIAs.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Dempsey, Bertram and Uphus introduced:

H. F. No. 297, A resolution memorializing the President and Congress of the United States to enact full veteran benefits for military personnel called to active service, including those called from reserve and National Guard units.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Nelson, K.; Mariani; Kinkel; Ozment and Hasskamp introduced:

H. F. No. 298, A bill for an act relating to education; establishing a state loan program for minority teachers; proposing coding for new law in Minnesota Statutes, chapter 136A.

The bill was read for the first time and referred to the Committee on Education.

Reding, Jefferson, Knickerbocker, O'Connor and Johnson, R., introduced:

H. F. No. 299, A bill for an act relating to retirement; local police and salaried firefighters relief associations; providing for the continuation of surviving spouse benefits in the event of remarriage; amending Minnesota Statutes 1990, sections 69.48; 353B.11, subdivision 6; 423.387, subdivision 1; 423.58, subdivision 1; 423.810, subdivision 1; and 424.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 423A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Bodahl, Hanson, Kelso, Long and Nelson, K., introduced:

H. F. No. 300, A bill for an act relating to taxation; reducing the property tax class rate applied to certain homesteads; amending Minnesota Statutes 1990, section 273.13, subdivision 22.

The bill was read for the first time and referred to the Committee on Taxes.

Jacobs, Osthoff, Janezich, Ozment and Kelso introduced:

H. F. No. 301, A bill for an act relating to utilities; providing that certain telephone companies, when changing the rate for a service subject to emerging competition or adding a new service, provide an incremental cost study demonstrating that the new rate is above the incremental cost; amending Minnesota Statutes 1990, section 237.60, subdivision 2.

The bill was read for the first time and referred to the Committee on Regulated Industries.

O'Connor and Sarna introduced:

H. F. No. 302, A bill for an act relating to consumer protection; sales; regulating the disclosure of certain personal identification and credit card information; providing a penalty; amending Minnesota Statutes 1990, section 332.50, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 325G.

The bill was read for the first time and referred to the Committee on Commerce.

Wagenius; Munger; Ozment; Anderson, R., and Long introduced:

H. F. No. 303, A bill for an act relating to waste management; making changes to state and local government responsibility and authority for waste management; placing emphasis on waste reduction and recycling; adjusting waste facility siting processes; amending Minnesota Statutes 1990, sections 3.887, subdivision 5; 16B.122, subdivision 2; 16B.61, subdivision 3a; 115A.02; 115A.03, subdivision 17a; 115A.06, subdivision 2; 115A.14, subdivision 4; 115A.15, subdivisions 7 and 9; 115A.151; 115A.411, subdivision 1; 115A.46, subdivision 1, and by adding a subdivision; 115A.49; 115A.53; 115A.551, subdivisions 1 and 4; 115A.552, subdivisions 1, 2, and by adding a subdivision; 115A.554; 115A.557, subdivision 4; 115A.64, subdivision 2; 115A.67; 115A.83; 115A.84, subdivision 2; 115A.86, subdivision 5, and by adding a subdivision; 115A.882; 115A.9162, subdivision 2; 115A.919; 115A.923, subdivisions 1 and 1a;

115A.931; 115A.94, subdivision 4; 115A.9561; 115A.96, subdivision 6; 115B.04, subdivision 4; 115B.22, subdivision 8; 116.07, subdivision 4j; 325E.042, subdivision 2; 325E.115, subdivision 1; 325E.1151, subdivision 3; 400.08, subdivision 1; 473.803, subdivisions 2 and 3; 473.811, subdivisions 1, 3, and 5; 473.823, subdivision 5; 473.845, subdivision 4; 473.848, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 115A; 325E; and 473; repealing Minnesota Statutes 1990, sections 325E.045; and 473.844, subdivision 3; Laws 1989, chapter 325, section 72, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, I.; Beard; Rukavina; Battaglia and Begich introduced:

H. F. No. 304, A bill for an act relating to labor; providing that certain hiring practices by an employer during a strike or lockout are unfair labor practices; amending Minnesota Statutes 1990, sections 179.12; and 179A.13.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Johnson, A.; Ozment; Jaros and Hausman introduced:

H. F. No. 305, A bill for an act relating to education; establishing grants for parent-to-parent support programs; appropriating money; amending Minnesota Statutes 1990, section 120.17, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Bishop, Dempsey and Carruthers introduced:

H. F. No. 306, A bill for an act relating to probate; modifying the common law rule against perpetuities and repealing the statutory rule; proposing coding for new law in Minnesota Statutes, chapter 501B; repealing Minnesota Statutes 1990, sections 501A.01 to 501A.07.

The bill was read for the first time and referred to the Committee on Judiciary.

Osthoff, Scheid, Kelso, Milbert and Abrams introduced:

H. F. No. 307, A bill for an act relating to horse racing; increasing per diem rate for members of the racing commission; requiring that pari-mutuel clerks at county fairs be licensed; specifying apportionment and uses of the Minnesota breeders' fund; specifying person who may supervise administration of certain medications; reducing state tax withholding on pari-mutuel winnings; amending Minnesota Statutes 1990, sections 240.02, subdivision 3; 240.09, subdivision 2; 240.18; 240.24, subdivision 2; and 290.92, subdivision 27.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Henry, Goodno, Dauner, Welle and Jennings introduced:

H. F. No. 308, A bill for an act relating to human services; general assistance; requiring that social security numbers and proof of citizenship status be provided as a condition of eligibility for general assistance, general assistance medical care, and work readiness; proposing coding for new law in Minnesota Statutes, chapter 256D.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield; Clark; Welle; Anderson, R., and Gruenes introduced:

H. F. No. 309, A bill for an act relating to human services; authorizing counties to retain one-half of the nonfederal share of child support recoveries that are directly attributable to county effort; amending Minnesota Statutes 1990, section 256.019.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield, Segal, Dawkins, Jaros and Bishop introduced:

H. F. No. 310, A bill for an act relating to health; modifying medical assistance coverage of abortion services; appropriating money; amending Minnesota Statutes 1990, section 256B.0625, subdivision 16.

The bill was read for the first time and referred to the Committee on Health and Human Services.

McEachern, Janezich, Welle, Garcia and Pauly introduced:

H. F. No. 311, A bill for an act relating to commerce; providing that cost of doing business by cigarette wholesalers does not include discounts for purposes of the Minnesota unfair cigarette sales act; requiring use of cigarette distributor fees for administration of that act; appropriating money; amending Minnesota Statutes 1990, sections 325D.32, subdivision 10; and 325D.415.

The bill was read for the first time and referred to the Committee on Commerce.

Anderson, I.; Beard; Sarna; Garcia and Osthoff introduced:

H. F. No. 312, A bill for an act relating to labor; regulating wages paid on Sundays and legal holidays; amending Minnesota Statutes 1990, section 177.25, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Pugh, Welle, Dorn, Reding and Tompkins introduced:

H. F. No. 313, A bill for an act relating to health; clarifying requirements for licensing consulting psychologists and psychological associates; describing duties of the board of psychology; establishing requirements for the independent practice of psychology; amending Minnesota Statutes 1990, sections 62A.152, subdivisions 2 and 3; 148.88; 148.89; 148.90; 148.91; 148.93; 148.95; 148.96; 148.97; 148.975, subdivisions 1 and 5; 148.976, subdivision 1; 148.98; and 253B.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1990, sections 148.92; and 148.97, subdivision 4.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Lourey, Rukavina, Dawkins, Orfield and Lynch introduced:

H. F. No. 314, A bill for an act relating to the environment; recognizing the hydrological cycle of water purification through the atmosphere; establishing a list of toxic air pollutants; requiring the pollution control agency to monitor toxic emissions and to require reductions of toxic air emissions; requiring mercury emission reductions; requiring reports to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Farrell, Skoglund, Orfield, Mariani and Trimble introduced:

H. F. No. 315, A bill for an act relating to insurance; accident and health; defining full-time students for purposes of dependent coverage; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Segal, Hausman, Clark, Scheid and Rukavina introduced:

H. F. No. 316, A bill for an act relating to education; requiring school districts to offer sexuality education programs; amending Minnesota Statutes 1990, section 121.203, subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Wagenius, Vellenga, Smith, Brown and Blatz introduced:

H. F. No. 317, A bill for an act relating to marriage dissolution; clarifying procedure for modification of certain custody orders; providing for additional child support payments; providing an alternative form of satisfaction of child support obligation; imposing a fiduciary duty and providing for compensation in cases of breach of that duty; clarifying certain mediation procedures; providing for attorneys' fees in certain cases; clarifying language concerning certain motions; imposing penalties; amending Minnesota Statutes 1990, sections 518.18; 518.551, subdivision 5; 518.57, by adding a subdivision; 518.58, subdivision 1, and by adding a subdivision; 518.619, subdivision 6; and 518.64, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Rukavina and Begich introduced:

H. F. No. 318, A bill for an act relating to railroads; increasing penalty for blocking public roads; requiring railway corporations to ensure access to small cities and towns; amending Minnesota Statutes 1990, section 219.383, subdivisions 3 and 4.

The bill was read for the first time and referred to the Committee on Transportation.

Wejcman, Garcia, Welle, Lourey and Blatz introduced:

H. F. No. 319, A bill for an act relating to court fees; waiving filing fees for a person or person's spouse or children seeking protection under the Soldiers' and Sailors' Civil Relief Act of 1940; amending Minnesota Statutes 1990, section 357.021, subdivision 1a.

The bill was read for the first time and referred to the Committee on Judiciary.

Brown, Gutknecht and Cooper introduced:

H. F. No. 320, A bill for an act relating to occupations and professions; modifying an auctioneer's exemption from real estate brokers and salespersons licensing; amending Minnesota Statutes 1990, section 82.18.

The bill was read for the first time and referred to the Committee on Commerce.

Vellenga, Bishop, Wagenius, Pugh and Solberg introduced:

H. F. No. 321, A bill for an act relating to marriage dissolution; requiring a summons to contain certain information; providing for court approval of certain items without a hearing; changing requirements for certain court orders; limiting joint custody; creating a summary dissolution pilot project; appropriating money for legal service to low-income persons and for marriage dissolution education and orientation; amending Minnesota Statutes 1990, sections 518.13, by adding a subdivision; 518.167, subdivision 1; and 518.17, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518.

The bill was read for the first time and referred to the Committee on Judiciary.

Wagenius; Munger; Ozment; Anderson, R., and Long introduced:

H. F. No. 322, A bill for an act relating to waste management expenditures; establishing a solid waste management certification and training program; requiring the state resource recovery program to establish a central materials recovery facility and centralized collection and transportation of recyclable materials from state offices and operations; appropriating money; amending Minnesota

Statutes 1990, sections 115A.07, by adding a subdivision; 115A.15, subdivision 6, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Johnson, R.; Reding; Jefferson; Knickerbocker and Simoneau introduced:

H. F. No. 323, A bill for an act relating to state government; providing certain investment options for the state deferred compensation plan; amending Minnesota Statutes 1990, section 352.96, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Farrell, Sarna, Beard, Begich and Rukavina introduced:

H. F. No. 324, A bill for an act relating to employment; regulating an employee's lien for wages; amending Minnesota Statutes 1990, section 514.59.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Murphy, Long, Dawkins, Gutknecht and Marsh introduced:

H. F. No. 325, A resolution memorializing the President and Congress of the United States to reauthorize the low-income home energy assistance program and to increase its appropriation for fiscal year 1992 and subsequent years.

The bill was read for the first time and referred to the Committee on Energy.

Osthoff introduced:

H. F. No. 326, A bill for an act relating to elections; providing for time off to vote in primaries; amending Minnesota Statutes 1990, section 204C.04.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Jefferson and Vellenga introduced:

H. F. No. 327, A bill for an act relating to children; establishing procedures for the placement and removal of children in foster homes; proposing coding for new law in Minnesota Statutes, chapter 257.

The bill was read for the first time and referred to the Committee on Judiciary.

Jefferson and Sarna introduced:

H. F. No. 328, A bill for an act relating to Minnesota supplemental aid; increasing the personal needs allowance for recipients of Minnesota supplemental aid who are residing in certain facilities; amending Minnesota Statutes 1990, section 256D.37.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Beard, Sviggum, Milbert, Gutknecht and Kinkel introduced:

H. F. No. 329, A resolution memorializing the President and Congress to propose a constitutional amendment giving the Congress and the states specific power to prohibit the physical desecration of the American flag.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Stanius, Jennings, Goodno, Welle and Bertram introduced:

H. F. No. 330, A bill for an act relating to human services; requiring eligibility reporting for aid to families with dependent children at least every three months; amending Minnesota Statutes 1990, section 256.73, subdivision 6.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Kinkel introduced:

H. F. No. 331, A bill for an act relating to education; permitting education districts and districts operating under joint powers agreements to conduct meetings via interactive television; amending Minnesota Statutes 1990, sections 122.92, subdivision 1; and 471.59, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Steensma, Wenzel and Winter introduced:

H. F. No. 332, A resolution memorializing the President and Congress to propose an amendment to the United States Constitution giving Congress and the states the power to prohibit physical desecration of the United States flag.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Segal, Greenfield, Clark, Welle and Gruenes introduced:

H. F. No. 333, A bill for an act relating to health; mental health; assigning additional duties to the commissioner of human services in the area of mental health; requiring the commissioner to adopt and revise rules relating to case management services; modifying the requirement for county maintenance of effort; including community residential treatment as a service covered by medical assistance; appropriating money; amending Minnesota Statutes 1990, sections 245.461, subdivision 3, and by adding a subdivision; 245.4711, by adding a subdivision; 245.48; 245.487, by adding a subdivision; 245.4881, by adding a subdivision; and 256B.0625, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Gruenes introduced:

H. F. No. 334, A bill for an act relating to education; extending shared time aid to cover pupils enrolling at eligible institutions under the post-secondary enrollment options act; amending Minnesota Statutes 1990, section 124A.034, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Education.

Limmer introduced:

H. F. No. 335, A bill for an act relating to the environment; providing that the petroleum tank release compensation board require proof of payment by a responsible person before reimbursement; amending Minnesota Statutes 1990, section 115C.09, subdivisions 1, 3, and 3a.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Swenson, Stanius, Boo, McPherson and Milbert introduced:

H. F. No. 336, A bill for an act relating to lawful gambling; treating combined receipt tax expenditures as a lawful purpose; repealing limits on expenditures on expenses; repealing authority of the gambling control board to define allowable expenses; establishing minimum percentages of gross profit which must be expended for lawful purposes; making requirements for posting of pull-tab winners applicable only at the direction of the gambling control board; amending Minnesota Statutes 1990, sections 349.12, subdivision 25; 349.15; and 349.172.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Marsh, Wagenius, Orenstein and Vellenga introduced:

H. F. No. 337, A bill for an act relating to traffic regulations; requiring record of all speeding violations; amending Minnesota Statutes 1990, section 169.99, subdivision 1b; repealing Minnesota Statutes 1990, section 171.12, subdivision 6.

The bill was read for the first time and referred to the Committee on Judiciary.

Segal, Clark, Greenfield and Cooper introduced:

H. F. No. 338, A bill for an act relating to health; health maintenance organizations; requiring coverage of services of clinical specialists in psychiatric or mental health nursing; amending Minnesota Statutes 1990, section 62D.02, subdivision 7.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Anderson, R. H., and Newinski introduced:

H. F. No. 339, A resolution memorializing the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Janezich; Lieder; Kalis; Johnson, V., and Waltman introduced:

H. F. No. 340, A bill for an act relating to signs; requiring recycling centers and junk yards to accept certain hazard signs; amending Minnesota Statutes 1990, sections 115A.555; and 161.242, subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Orenstein, Greenfield, Mariani, Lourey and Bishop introduced:

H. F. No. 341, A bill for an act relating to crimes; prohibiting persons from interfering with access to medical facilities; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Judiciary.

Orfield, Bishop, Kahn, Simoneau and Long introduced:

H. F. No. 342, A resolution memorializing Congress to enact the Right To Choose Act, writing into federal statutes the standards put forth in *Roe vs. Wade*.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Scheid; O'Connor; Macklin; Nelson, S., and Brown introduced:

H. F. No. 343, A bill for an act relating to animals; providing for disposition of certain seized animals; requiring bond or other security for expenses of care in certain cases; proposing coding for new law in Minnesota Statutes, chapter 343.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Stanius; Johnson, V.; Krinkie; Pellow and Frerichs introduced:

H. F. No. 344, A resolution memorializing the Congress of the United States to propose an amendment to the United States

Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Vellenga, Orenstein, Wagenius, Blatz and Pugh introduced:

H. F. No. 345, A bill for an act relating to sexual abuse; extending the statute of limitations for intentional torts involving the sexual abuse of a minor; eliminating the *statute of limitations in criminal sexual conduct cases involving a minor victim*; amending Minnesota Statutes 1990, sections 541.073; and 628.26.

The bill was read for the first time and referred to the Committee on Judiciary.

Vellenga, Wagenius, Milbert, Welle and Ogren introduced:

H. F. No. 346, A bill for an act relating to taxation; allowing counties to make special levies for the unreimbursed costs of family-based services; amending Minnesota Statutes 1990, section 275.50, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Gruenes and Goodno introduced:

H. F. No. 347, A bill for an act relating to taxation; sales; exempting certain tree removal services; amending Minnesota Statutes 1990, section 297A.25, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Osthoff, Scheid and Brown introduced:

H. F. No. 348, A bill for an act relating to lawful gambling; abolishing the department of gaming and the position of commissioner of gaming; removing paddlewheels from the definition of lawful gambling; changing the membership of the gambling control board; amending Minnesota Statutes 1990, sections 15A.081, subdivision 1; 240.011; 240.02, subdivisions 1 and 2; 240.06, subdivision 8; 240.28; 349.12, subdivisions 10, 18, 21, and 24; 349.151, subdivision 2; 349.153; 349.163, subdivisions 1 and 4; 349.167, subdivision

4; 349.169, subdivision 2; 349.18, subdivision 1; 349A.01, subdivisions 5 and 9; 349A.02, subdivisions 1, 4, 5, 6, and 8; 349A.03, subdivision 1; 349A.06, subdivisions 2 and 5; 349A.08, subdivision 7; 349A.10, subdivisions 3 and 4; 349A.11; 349A.12, subdivision 4; repealing Minnesota Statutes 1990, section 240.01, subdivision 15; 349.12, subdivisions 12 and 29; 349A.01, subdivisions 3, 4, and 6; and 349B.01.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Vellenga, Mariani, Farrell, Orenstein and Osthoff introduced:

H. F. No. 349, A bill for an act relating to the city of St. Paul; authorizing an increase in the hotel-motel tax; amending Laws 1986, chapter 462, section 31.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

McEachern; Vanasek; Nelson, K.; Bauerly and Kelso introduced:

H. F. No. 350, A bill for an act relating to public administration; providing a mission statement for public education; changing open enrollment procedures and opportunities; extending school age to 18 and lengthening the number of school days; providing for educational accountability; requiring a superintendent to serve at least 1,000 pupils; requiring school site management; authorizing chartered schools; increasing the length of the probationary period for teachers; providing revenue for parental involvement programs; providing for peer review for teachers; providing staff and faculty exchange programs; clarifying some of the duties of the board of teaching; providing for alternative licensing of school administrators; providing for students' and other consumers' evaluation of school services; providing for staff development; providing for involvement of public libraries in public schools; providing for payment for post-secondary remedial instruction; requiring certain recommendations from boards and committees; requiring the design and implementation of a new delivery system for certain components of education; requiring certain reports and planning; changing certain levies; providing a debt service equalization program and revenue; providing referendum equalization revenue; providing the amount to be raised by the general education tax rate; setting requirements for certain integration grants; establishing a business education tax on commercial-industrial property and dedicating the revenue to education aids; dedicating a portion of sales tax revenues to local government aids; changing the computation of and restructuring certain property tax and local government aids; modifying

tax increment financing and providing tax increment financing aid; changing certain assessment procedures; repealing fiscal disparities; appropriating money; amending Minnesota Statutes 1990, sections 120.062, subdivisions 4, 6, and 8a; 120.101, subdivisions 5, 9, and by adding a subdivision; 121.15, subdivision 7; 121.585, subdivision 3; 121.611, subdivision 2; 123.34, subdivision 9; 123.35, subdivision 8; 123.3514, by adding a subdivision; 123.951; 124.19, subdivisions 1, 7, and by adding a subdivision; 124.155, subdivision 2; 124.2139; 124.2713, subdivision 6; 124.2721, subdivisions 3 and 3a; 124.32, subdivision 1b; 124.575, subdivision 3a; 124.83, subdivision 4; 124A.23, subdivision 1; 124A.29, subdivision 1; 124B.03, subdivision 2; 124B.20, subdivision 2; 125.12, subdivision 3, and by adding subdivisions; 125.17, subdivision 2, and by adding subdivisions; 125.185, subdivisions 4 and 4a; 126.666, by adding subdivisions; 126.70, subdivision 1, and by adding a subdivision; 136D.27, subdivision 1; 136D.74, subdivision 2; 136D.87, subdivision 1; 260.015, subdivision 19; 270.11, subdivisions 2 and 7; 273.061, subdivisions 2, 7, 8, and 9; 273.063; 273.124, subdivision 13; 273.135, subdivision 2; 273.1391, subdivision 2; 273.1398, subdivisions 1, 5, and 6; 274.01, subdivision 1; 275.011, subdivision 1; 275.07, subdivision 1; 275.08, subdivisions 1b and 1c; 275.125, subdivisions 4, 5, and 8b; 275.50, subdivision 5; 276.04, subdivision 2; 297A.44, subdivision 1; 415.16, subdivision 2; 428A.03, subdivision 1; 428A.05; 469.059, subdivision 13; 469.175, subdivision 3; 469.177, subdivisions 1a, 3, and 9; 469.179; 473.167, subdivision 3; 473.249, subdivision 1; 473.446, subdivision 1; 473.711, subdivision 2; 473F.08, subdivision 3a; 477A.011, subdivisions 1a, 25, and by adding subdivisions; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, subdivision 3, and by adding a subdivision; 477A.014, subdivision 1; 477A.015; 477A.03, subdivision 1; and Laws 1974, chapter 175, section 1; proposing coding for new law as Minnesota Statutes, chapter 124D; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 123; 124; 124A; 125; 134; 135A; 273; and 477A; repealing Minnesota Statutes 1990, sections 120.011; 124A.03; 126.70, subdivisions 2 and 2a; 273.1398, subdivisions 2, 2a, 2b, 2c, 3, and 5a; 274.20; 275.07, subdivision 3; 275.08, subdivision 1d; 275.125, subdivisions 6e and 6i; 473F.01; 473F.02; 473F.03; 473F.05; 473F.06; 473F.07; 473F.08, subdivisions 1, 2, 3, 4, 5, 5a, 6, 7a, 8a, and 10; 473F.09; 473F.10; 473F.11; 473F.12; 473F.13; 477A.011, subdivisions 1b, 16, 17, 18, 19, 20, 21, 22, 23, 27, and 28; 477A.012, subdivisions 3, 4, and 5; 477A.013, subdivisions 2, 5, 6, and 7; Laws 1988, chapter 703, article 1, section 23, as amended; and Laws 1989, chapters 293, section 82; and 329, article 9, section 30.

The bill was read for the first time and referred to the Committee on Education.

Gruenes, Gutknecht, Tompkins, Runbeck and Stanius introduced:

H. F. No. 351, A bill for an act relating to insurance; accident and

health; requiring the commissioner of commerce to administer health care plans for Minnesota residents who are not covered by other plans; establishing minimum benefits for these plans; allowing a tax credit for premiums paid for coverage; appropriating money; amending Minnesota Statutes 1990, sections 290.01, subdivision 19a; and 290.92, subdivisions 5 and 5a; proposing coding for new law in Minnesota Statutes, chapter 290; proposing coding for new law as Minnesota Statutes, chapter 62K.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Begich, Rukavina, Sarna, Beard and Ogren introduced:

H. F. No. 352, A bill for an act relating to employment; regulating disbursements from the dislocated worker fund; extending the special assessment for the dislocated worker fund; amending Minnesota Statutes 1990, section 268.977, subdivision 2; repealing Laws 1990, chapter 568, article 6, section 4.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I have the honor to announce that the Senate has appointed a committee of five members of the Senate to act with a similar committee on the part of the House to escort the Governor to the Joint Convention to be held in the House Chamber, Wednesday, February 20, 1991, said Joint Convention to be convened at 11:45 a.m. and said budget message of the Governor to be delivered at 12:00 noon.

Ms. Johnson, J. B.; Messrs. Hottinger, Finn, Halberg and Neuville have been appointed to such committee.

PATRICK E. FLAHAVER, Secretary of the Senate

CONSENT CALENDAR

H. F. No. 153, A bill for an act relating to commerce; regulating real estate appraisers; authorizing the commissioner of commerce to issue temporary licenses.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kelso	Olson, E.	Skoglund
Anderson, I.	Garcia	Kinkel	Olson, K.	Smith
Anderson, R.	Girard	Knickerbocker	Omann	Solberg
Anderson, R. H.	Goodno	Koppendrayer	Onnen	Sparby
Battaglia	Greenfield	Krinkie	Orenstein	Stanius
Bauerly	Gruenes	Krueger	Orfield	Steensma
Beard	Gutknecht	Lasley	Ostrom	Svigum
Bertram	Hanson	Leppik	Ozment	Swenson
Bettermann	Hartle	Lieder	Pauly	Thompson
Bishop	Hasskamp	Limmer	Pellow	Tompkins
Blatz	Haukoos	Long	Pelowski	Trimble
Bodahl	Hausman	Lourey	Peterson	Tunheim
Boo	Heir	Lynch	Pugh	Uphus
Brown	Henry	Macklin	Reding	Valento
Carlson	Hufnagle	Mariani	Rice	Vellenga
Carruthers	Hugoson	McEachern	Rodosovich	Wagenius
Clark	Jacobs	McGuire	Rukavina	Waltman
Cooper	Janezich	McPherson	Runbeck	Weaver
Dawkins	Jaros	Morrison	Sarna	Wejzman
Dempsey	Jefferson	Munger	Schafer	Welker
Dille	Jennings	Murphy	Scheid	Welle
Dorn	Johnson, A.	Nelson, S.	Schreiber	Wenzel
Erhardt	Johnson, R.	Newinski	Seaberg	Winter
Farrell	Johnson, V.	O'Connor	Segal	Spk. Vanasek
Frederick	Kalis	Olsen, S.	Simoneau	

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 82, A bill for an act relating to public contracts; modifying the criteria for businesses and firms required to file affirmative action plans; amending Minnesota Statutes 1990, sections 363.073, subdivision 1; and 473.144.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kelso	Olson, E.	Skoglund
Anderson, I.	Garcia	Kinkel	Olson, K.	Smith
Anderson, R.	Girard	Knickerbocker	Omann	Solberg
Anderson, R. H.	Goodno	Koppendraye	Onnen	Sparby
Battaglia	Greenfield	Krinkie	Orenstein	Stanius
Bauerly	Gruenes	Krueger	Orfield	Steensma
Beard	Gutknecht	Lasley	Ostrom	Sviggum
Bertram	Hanson	Leppik	Ozment	Swenson
Bettermann	Hartle	Lieder	Pauly	Thompson
Bishop	Hasskamp	Limmer	Pellow	Tompkins
Blatz	Haukoos	Long	Pelowski	Trimble
Bodahl	Hausman	Lourey	Peterson	Tunheim
Boo	Heir	Lynch	Pugh	Uphus
Brown	Henry	Macklin	Reding	Valento
Carlson	Hugoson	Mariani	Rest	Vellenga
Carruthers	Jacobs	McEachern	Rice	Wagenius
Clark	Janezich	McGuire	Rodosovich	Waltman
Cooper	Jaros	McPherson	Rukavina	Weaver
Dawkins	Jefferson	Morrison	Runbeck	Welker
Dempsey	Jennings	Munger	Sarna	Welle
Dille	Johnson, A.	Murphy	Schafer	Wenzel
Dorn	Johnson, R.	Nelson, S.	Scheid	Winter
Erhardt	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Farrell	Kahn	O'Connor	Seaberg	
Frederick	Kalis	Olsen, S.	Segal	

The bill was passed and its title agreed to.

MOTIONS AND RESOLUTIONS

Blatz moved that the name of Pugh be added as an author on H. F. No. 265. The motion prevailed.

Anderson, I., moved that the name of Rice be added as an author on H. F. No. 268. The motion prevailed.

Blatz moved that the name of Frerichs be added as an author on H. F. No. 286. The motion prevailed.

Simoneau moved that H. F. No. 208 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Rodosovich, Vanasek, Knickerbocker, Long and Dempsey introduced:

House Concurrent Resolution No. 2, A house concurrent resolu-

tion relating to legislative redistricting; establishing standards for redistricting plans.

The concurrent resolution was referred to the Committee on Redistricting.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, February 18, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, February 18, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

FOURTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 18, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The Speaker administered the oath of office to the new House member, Gregory M. Davids, from District 32B. His certificate of election and a signed and sworn statement of his oath are on file. He was elected in a special election held on Tuesday, February 12, 1991, following the resignation of Elton R. Redalen dated January 10, 1991.

The roll was called and the following members were present:

Abrams	Dorn	Johnson, R.	Munger	Rice
Anderson, I.	Erhardt	Johnson, V.	Murphy	Rodosovich
Anderson, R.	Frederick	Kalis	Nelson, K.	Rukavina
Anderson, R. H.	Frerichs	Kelso	Nelson, S.	Runbeck
Battaglia	Garcia	Kinkel	Newinski	Sarna
Bauerly	Girard	Knickerbocker	O'Connor	Schafer
Beard	Goodno	Koppendrayer	Ogren	Scheid
Begich	Greenfield	Krinkie	Olsen, S.	Schreiber
Bertram	Gruenes	Krueger	Olson, E.	Seaberg
Bettermann	Gutknecht	Lasley	Olson, K.	Segal
Bishop	Hartle	Leppik	Omann	Simoneau
Blatz	Hasskamp	Lieder	Onnen	Skoglund
Bodahl	Haukoos	Limmer	Orenstein	Smith
Boo	Hausman	Long	Orfield	Solberg
Brown	Heir	Lourey	Osthoff	Sparly
Carlson	Henry	Lynch	Ostrom	Stanius
Carruthers	Hufnagle	Macklin	Ozment	Steensma
Clark	Hugoson	Mariani	Pauly	Sviggum
Cooper	Jacobs	Marsh	Pellow	Swenson
Dauner	Janezich	McEachern	Pelowski	Thompson
Davids	Jaros	McGuire	Peterson	Tompkins
Dawkins	Jefferson	McPherson	Pugh	Trimble
Dempsey	Jennings	Milbert	Reding	Tunheim
Dille	Johnson, A.	Morrison	Rest	Uphus

Valento
Vellenga
Wagenius

Waltman
Weaver
Wejman

Welker
Welle
Wenzel

Winter
Spk. Vanasek

A quorum was present.

Farrell, Hanson and Kahn were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Jefferson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1, A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103E.701, by adding a subdivision; 103G.005, subdivision 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 103G and 273; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [CITATION.]

This act may be cited as the “wetland enhancement, preservation, and protection act of 1991.”

Sec. 2. [LEGISLATIVE INTENT.]

It is the intent of the legislature to ensure that the owners of wetlands receive fair compensation for compliance with the provisions of this act. It is intended that a substantial annual appropriation be available to provide that compensation.

Sec. 3. Minnesota Statutes 1990, section 97A.145, subdivision 2, is amended to read:

Subd. 2. [ACQUISITION PROCEDURE.] (a) Lands purchased or

leased under this section must be acquired in accordance with this subdivision.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board ~~must approve or disapprove~~ may recommend approval or disapproval of the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

(c) ~~If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land. Recommendations to the commissioner by the county board on acquisition approval or disapproval are advisory only.~~

(d) ~~If the county board disapproves~~ recommends disapproval of the acquisition, it must state valid reasons. The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period.

(d) ~~The landowner or the commissioner~~ county board may appeal the disapproval an acquisition approval by the commissioner to the district court having jurisdiction where the land is located.

(e) ~~The commissioner or the owner of the land may submit the proposed acquisition to the land exchange board if: (1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.~~

(f) ~~The land exchange board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The land exchange board must give notice of the hearing to the county board, the commissioner, the landowner, and other interested parties. The land exchange board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the land exchange board members approves the acquisition, the commissioner may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land.~~

Sec. 4. Minnesota Statutes 1990, section 103A.201, is amended to read:

103A.201 [REGULATORY POLICY.]

Subdivision 1. [POLICY.] To conserve and use water resources of

the state in the best interests of its people, and to promote the public health, safety, and welfare, it is the policy of the state that:

(1) subject to existing rights, public waters are subject to the control of the state;

(2) the state, to the extent provided by law, shall control the appropriation and use of waters of the state; and

(3) the state shall control and supervise activity that changes or will change the course, current, or cross section of public waters, including the construction, reconstruction, repair, removal, abandonment, alteration, or the transfer of ownership of dams, reservoirs, control structures, and waterway obstructions in public waters.

Subd. 2. [FINDINGS; PUBLIC INTEREST.] (a) The legislature finds that the wetlands of Minnesota provide public value by conserving surface waters, maintaining and improving water quality, preserving wildlife habitat, providing recreational opportunities, reducing runoff, providing for floodwater retention, reducing stream sedimentation, contributing to improved subsurface moisture, helping moderate climatic change, and enhancing the natural beauty of the landscape, and are important to comprehensive water management, and that it is in the public interest to:

(1) achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands;

(2) increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands;

(3) avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and

(4) mitigate where avoidance of activity is not feasible and prudent.

(b) Mitigation must be guided by the following principles in descending order of priority:

(1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

(2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

(3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;

(4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and

(5) compensating for the impact by replacing or providing substitute wetland resources or environments.

(c) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected.

Sec. 5. Minnesota Statutes 1990, section 103E.701, is amended by adding a subdivision to read:

Subd. 6. [WETLAND RESTORATION AND MITIGATION.] Repair of a drainage system may include the restoration or enhancement of wetlands; wetland mitigation under section 103G.222; and the realignment of a drainage system to prevent drainage of a wetland.

Sec. 6. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 10a. [LOCAL WATER MANAGEMENT ORGANIZATION.] "Local water management organization" means a county board of commissioners or, in the seven-county metropolitan area, a watershed management organization under section 103B.211.

Sec. 7. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 11a. [MITIGATION.] "Mitigation" is the quantification and replacement of an area's size, quality, character, and diversity through restoration or creation of at least equivalent quantities in another area after the impacts of the proposed project have been avoided and minimized to the extent possible and there are no feasible and prudent alternatives.

Sec. 8. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 17a. [WATERSHED.] "Watershed" means the 81 major watershed units delineated by the map, "State of Minnesota Watershed Boundaries - 1979".

Sec. 9. Minnesota Statutes 1990, section 103G.005, subdivision 18, is amended to read:

Subd. 18. [PUBLIC WATERS WETLANDS.] “Public waters wetlands” means all types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas.

Sec. 10. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 19. [WETLANDS.] “Wetlands” means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

(1) at least periodically, the land supports predominantly hydrophytes;

(2) the substrate is predominantly undrained hydric soil; and

(3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Sec. 11. Minnesota Statutes 1990, section 103G.221, subdivision 1, is amended to read:

Subdivision 1. [DRAINAGE OF WETLANDS GENERALLY PROHIBITED WITHOUT REPLACEMENT.] Except as provided in subdivisions 2 and 3, Wetlands may not be drained, and a permit authorizing drainage of wetlands may not be issued, unless the wetlands to be drained are replaced by wetlands that will have equal or greater public value.

Sec. 12. [103G.222] [REPLACEMENT OF WETLANDS.]

(a) Wetlands which are identified on United States Fish and Wildlife Service National Wetlands Inventory maps or revisions thereof, or which have been restored or created by public or private conservation programs, must not be drained or filled, wholly or partially, unless there are no feasible and prudent alternatives and unless replaced by restoring or creating wetland areas of at least equivalent size, quantity, character, and diversity under either a mitigation plan approved as provided in section 16 or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of

wetland areas that are applicable to mitigation plans approved as provided in section 16.

(b) Any mitigation or replacement shall be within the same watershed or county as the impacted wetlands, as based on the wetland evaluation in section 16, subdivision 2, except that counties or watersheds in which 80 percent or more of the presettlement wetland acreage is intact may accomplish mitigation in counties or watersheds in which 80 percent or more of the presettlement wetland acreage has been filled, drained, or otherwise degraded.

(c) Mitigation must be in the ratio of two acres of mitigated wetland for each acre of drained or filled wetland, of which 25 percent must be a buffer zone of permanent vegetative cover.

(d) Wetlands that are restored or created as a result of an approved mitigation plan are subject to the provisions of this section for any subsequent drainage or filling.

(e) All requests to add or delete a wetland from the application of this subdivision must be approved in the same way as provided for appeals by the committee for dispute resolution of the board of water and soil resources, and must be based on a preponderance of the evidence that the wetland does or does not comply with established criteria for inclusion in the national wetlands inventory.

Sec. 13. [103G.223] [CALCAREOUS FENS.]

Calcareous fens, as identified by the commissioner, may not be filled, drained, or otherwise degraded, wholly or partially, by any activity.

Sec. 14. [103G.224] [ECOLOGICALLY SIGNIFICANT PEATLANDS.]

Ecologically significant peatlands that are identified on maps in the 1984 commissioner of natural resources report, "Recommendations for Protection of Ecologically Significant Peatlands in Minnesota," may not be filled, drained, or otherwise degraded, wholly or partially, by any activity.

Sec. 15. [103G.2241] [EXCEPTIONS.]

Wetlands identified in section 12 are not subject to mitigation or replacement if:

(1) the wetland is a wetland restored under a contract or easement providing the landowner with the right to drain the restored wetland;

(2) the wetland is located between the banks of a ditch, as defined in section 103E.005, subdivision 8; or is located between the crowns of the leveled spoil banks planted with permanent grass, as provided in section 103E.021; and the wetland is drained pursuant to a ditch repair as defined in section 103E.701;

(3) the wetland has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county agricultural stabilization and conservation service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985; or

(4) the wetland was created solely as a result of beaver dam construction, or the blockage of culverts through roadways maintained by a public authority.

Sec. 16. [103G.2242] [MITIGATION PLANS.]

Subdivision 1. [RULES.] (a) By July 1, 1992, the commissioner shall adopt rules governing the approval of mitigation plans under this section. These rules must address the criteria, procedure, timing, and location of acceptable mitigation; the establishment and administration of a wetland banking program for public transportation projects; the methodology to be used in identifying and evaluating wetland functions; the administrative, monitoring, and enforcement procedures to be used; and a procedure for the review and appeal of decisions under this section.

(b) Prior to the adoption of these rules, within 120 days, the mitigation plan must be approved by a five-member review panel. The review panel shall be composed of the area regional administrator for the department of natural resources, the area regional director of the pollution control agency, one board member of the local soil and water conservation district or districts within the county, one manager of the watershed district, and one member of the local water planning group who must be appointed by the county board. Where there is no watershed district, a member of the governing board of the county or city shall be present on the review panel.

(c) After the adoption of these rules, the mitigation plan must be approved by a resolution of the governing board of the local water management organization, consistent with the provisions of the rules.

(d) If the local water management organization fails to apply the rules, the water management organization is subject to penalty under law, and the commissioner must assume authority for approval of mitigation plans within the affected jurisdiction.

Subd. 2. [EVALUATION.] Questions concerning the location, size, or type of a wetland shall be submitted to and determined by a technical evaluation panel after an onsite inspection. The technical evaluation panel shall be composed of a technical professional employee of the department of natural resources, a technical professional employee of the local soil and water conservation district or districts, and an engineer for the local water management organization. The panel must consult with and be in concurrence with the United States Fish and Wildlife Service and the national wetland inventory maps. The panel shall provide the wetland determination to the authority that must approve a mitigation plan under this section, and may recommend approval or denial of the mitigation plan. The authority must consider and include the decision of the technical evaluation panel in their approval or denial of a mitigation plan.

Subd. 3. [MITIGATION COMPLETION.] Mitigation must be completed at least one growing season prior to the actual draining or filling of a wetland.

Subd. 4. [DECISION.] Upon receiving and considering all required data, the local water management organization or commissioner approving a mitigation plan must act on all applications for mitigation plan approval within 120 days.

Subd. 5. [NOTICE OF APPLICATION.] Within ten days of receiving an application for approval of a mitigation plan under this section, a copy of the application must be submitted to the commissioner for publication in the Environmental Quality Board Monitor and separate copies mailed to individual members of the public who request a copy, the board of supervisors of the soil and water conservation district, the managers of the watershed district, the board of county commissioners, and the mayors of the cities within the watershed. At the same time, the local water management organization must give general notice to the public in a general circulation newspaper within the area affected.

Subd. 6. [NOTICE OF DECISION.] At least 30 days prior to the effective date of the approval or denial of a mitigation plan under this section, a copy of the approval or denial must be submitted for publication in the Environmental Quality Board Monitor and separate copies mailed to the applicant, the commissioner, individual members of the public who request a copy, the board of supervisors of the soil and water conservation district, the managers of the watershed district, the board of county commissioners, and the mayors of the cities within the area watershed.

Subd. 7. [PUBLIC COMMENT PERIOD.] Before approval or denial of a mitigation plan under this section, comments may be made by the public to the local water management organization or the commissioner for a period of 60 days.

Subd. 8. [APPEAL.] Appeal of the decision may be obtained by mailing a notice of appeal to the board of water and soil resources within 30 days after the postmarked date of the mailing specified in subdivision 6. If appeal is not sought within 30 days, the decision becomes final. Appeal may be made by any of those to whom notice is required to be mailed under subdivision 6, or by 25 residents of the state. All appeals must be heard by the committee for dispute resolution of the board of water and soil resources, and a decision made within 60 days of the appeal. The decision must be served by mail on the parties to the appeal, and is not subject to the provisions of chapter 14. The decision must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.

Subd. 9. [WETLAND HERITAGE ADVISORY COMMITTEE.] The commissioner shall establish a wetland heritage advisory committee consisting of a balanced diversity of interests including agriculture, environmental, sporting organizations, land development organizations, local government organizations, and other agencies. The committee shall advise the commissioner on the development of rules and, after rule adoption, shall meet twice a year to review implementation of the program, to identify strengths and weaknesses, and to recommend changes to the rules and the law to improve the program.

Subd. 10. [MITIGATION CREDITS.] No public or private wetland restoration, enhancement, or construction may be allowed for mitigation unless specifically designated for mitigation and paid for by the individual or organization performing the wetland restoration, enhancement, or construction, and is completed prior to any draining or filling of the wetland.

Sec. 17. [103G.226] [DRAINING PUBLIC WATERS.]

No public ditch may be repaired in such a way as to partially or completely drain a public water inventoried under section 103G.201, except as provided in section 103G.221. This section does not limit the rights of a landowner to maintain an existing drainage system within the criteria set forth in section 15.

Sec. 18. [103G.227] [ENFORCEMENT.]

Subdivision 1. [CRIMINAL PENALTY.] Violation of this act constitutes a misdemeanor.

Subd. 2. [COURT COSTS.] Upon conviction, a violator of this act must pay all applicable court costs.

Subd. 3. [DAMAGED WETLAND.] Conviction under this act requires a violator to restore or replace any diminished or destroyed

wetland. The imposed penalty under subdivision 1 may be reduced by 50 percent if the convicted violator restores the wetland within 30 days of notice of the conviction.

Subd. 4. [COMMISSIONER.] The commissioner or authorized agent is responsible for enforcement of this act.

Subd. 5. [PHONE LINE.] The commissioner must provide and publicize a toll-free phone number to the public for information about violations of this act.

Sec. 19. Minnesota Statutes 1990, section 103G.231, subdivision 2, is amended to read:

Subd. 2. [FILLING WETLANDS FOR IRRIGATION BOOMS.] A landowner may fill temporarily pad or bridge a wetland to accommodate wheeled booms on irrigation devices if the fill does not impede normal drainage activity has only a minimal impact on the hydrologic and biologic characteristics of the wetland. The landowner must notify the local water management organization having jurisdiction at least seven days before the actual padding or bridging occurs.

Sec. 20. Minnesota Statutes 1990, section 103G.231, is amended by adding a subdivision to read:

Subd. 3. [USE OF WETLANDS FOR FOREST MANAGEMENT ACTIVITIES.] (a) Temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest as part of a forest management activity, is permitted so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activities do not result in the construction of dikes, drainage ditches, tile lines, or buildings; and the timber harvesting and other silvicultural practices do not result in the drainage or filling of the wetland or public waters.

(b) Permanent access for forest roads across wetlands is permitted so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not result in the access becoming a dike, drainage ditch or tile line; and there is no drainage or filling of the wetland or public waters.

Sec. 21. [273.113] [STATE PAID WETLANDS CONSERVATION PAYMENT.]

Subdivision 1. [PAYMENT.] The owner of wetlands may annually receive a wetlands conservation payment of an amount equal to one percent of the average level of estimated market value of an acre of contiguous land next to where the qualifying wetland is located, multiplied by the number of acres of wetlands owned. The payment

must be paid directly by check from the commissioner of revenue to the property owner.

Subd. 2. [REVIEW OF CERTIFICATIONS.] The commissioner of revenue shall review the certifications to determine their accuracy. The commissioner may make changes in the certification or return a certification to the county auditor for corrections.

Subd. 3. [TIME OF PAYMENT.] Payment shall be made at the times provided in section 473H.10, subdivision 3.

Subd. 4. [APPLICATIONS.] In order to receive the wetlands conservation payment provided in this section, an owner of wetlands must make an application to the auditor for payment and agree not to drain or fill the wetlands during the year for which they receive the payment. The local assessor shall certify that each landowner receiving the payment has so agreed. The auditor must forward applications and a copy of the tax statement to the commissioner of revenue.

Subd. 5. [ELIGIBILITY FOR STATE CONSERVATION RESERVE PROGRAM.] An owner of wetlands receiving a credit under this section must receive high priority consideration from the board of water and soil resources for eligible land receiving conservation payments under section 103F.515.

Sec. 22. [REPEALER.]

Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3, are repealed.

Sec. 23. [APPROPRIATION.]

\$10,000,000 is appropriated annually from the general fund to the commissioner of natural resources to implement sections 1 to 22.

Sec. 24. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103E.701, by adding a subdivision; 103G.005, subdivision 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, subdivision 2, and by adding a subdivision; proposing coding for new law

in Minnesota Statutes, chapters 103G; and 273; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Agriculture.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 18, A bill for an act relating to natural resources; establishing Glendalough state park; prescribing the powers and duties of the commissioner of natural resources in relation thereto; appropriating money; amending Minnesota Statutes 1990, section 85.012, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Kahn, Boo, Osthoff, Greenfield and Reding introduced:

H. F. No. 353, A bill for an act relating to liquor; authorizing cities of the first class to extend on-sale closing hours; amending Minnesota Statutes 1990, section 340A.504, subdivision 6.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Murphy, Segal, Cooper, Jefferson and Pauly introduced:

H. F. No. 354, A bill for an act relating to natural resources; providing a deadline for the legislative task force on minerals to submit its report; extending the availability of its appropriation.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Reding; Johnson, A.; Uphus; Kalis and McGuire introduced:

H. F. No. 355, A bill for an act relating to transportation; providing for and regulating bicycles to be operated on bikeways along or between the divided lanes of certain interstate highways and other highways and roads; providing for highway planning and rules for bikeways; amending Minnesota Statutes 1990, sections 160.262, subdivision 1; 161.174; 161.20, subdivision 2; 161.202, subdivision 2; 161.21, subdivision 1; 161.32, subdivision 4; 161.38, subdivision 7; 161.39, subdivision 1; 164.151; 167.50, subdivision 1; 169.18, subdivision 7; 169.19, subdivision 1; and 169.222, subdivisions 4, 8, and 10.

The bill was read for the first time and referred to the Committee on Transportation.

Welle introduced:

H. F. No. 356, A bill for an act relating to education; approving a maximum effort school loan program capital loan.

The bill was read for the first time and referred to the Committee on Education.

Jacobs; Anderson, I.; Kelso; Hartle and Swenson introduced:

H. F. No. 357, A bill for an act relating to highways; requiring notice to political subdivisions before constructing, placing, repairing, maintaining, or operating utility structures or equipment in, along, over, or under a road, street, or highway right-of-way; requiring subsequent restoration, repair, or improvement to town road; amending Minnesota Statutes 1990, sections 116I.015, subdivision 3; 116I.02, subdivision 2; 164.36; and 222.37.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Dawkins, Mariani, Frerichs and Trimble introduced:

H. F. No. 358, A bill for an act relating to education; appropriating money for matching grants for "male responsibility" pilot programs.

The bill was read for the first time and referred to the Committee on Education.

Kinkel and Thompson introduced:

H. F. No. 359, A bill for an act relating to local government; authorizing towns to make certain expenditures; amending Minnesota Statutes 1990, section 469.191.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Dawkins, Ostrom, Lourey and Rest introduced:

H. F. No. 360, A bill for an act relating to taxation; income; providing a credit for families with children; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Bauerly, Tompkins, Pelowski, Sparby and Tunheim introduced:

H. F. No. 361, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Swenson, Henry, Ozment, Weaver and Bauerly introduced:

H. F. No. 362, A bill for an act relating to education; modifying the tuition reimbursement provisions for the post-secondary enrollment options program; appropriating money; amending Minnesota Statutes 1990, section 123.3514, subdivision 6.

The bill was read for the first time and referred to the Committee on Education.

Swenson, Lasley, Seaberg, Henry and Kalis introduced:

H. F. No. 363, A bill for an act relating to traffic regulations; establishing maximum height for rear bumpers of semitrailers; amending Minnesota Statutes 1990, section 169.73, subdivision 4a.

The bill was read for the first time and referred to the Committee on Transportation.

Pelowski and Welle introduced:

H. F. No. 364, A bill for an act relating to rules; requiring health and human services rules to include in rulemaking notices information on the department division and staff administering the rules; amending Minnesota Statutes 1990, section 256.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Welker, Peterson, Sparby, Vellenga and Smith introduced:

H. F. No. 365, A bill for an act relating to courts; providing that the sheriff shall not charge for certain duties performed; amending Minnesota Statutes 1990, section 563.01, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Dawkins, Scheid and Boo introduced:

H. F. No. 366, A bill for an act relating to companion animals; establishing a low-cost spaying and neutering program; imposing a tax on wholesale sales of dog and cat food; imposing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 346; proposing coding for new law as Minnesota Statutes, chapter 297E.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Trimble, Carruthers, Pugh, Rukavina and Johnson, V., introduced:

H. F. No. 367, A bill for an act relating to the collection and dissemination of data; classifying certain privately donated histor-

ical records as not government data; amending Minnesota Statutes 1990, section 13.40.

The bill was read for the first time and referred to the Committee on Judiciary.

O'Connor and Dempsey introduced:

H. F. No. 368, A bill for an act relating to liquor; requiring Minnesota-produced beer to be sold at publicly subsidized buildings; amending Minnesota Statutes 1990, section 340A.909, subdivision 1.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Trimble, Pauly, Tunheim, Blatz and Kalis introduced:

H. F. No. 369, A bill for an act relating to taxation; motor vehicle excise taxes; providing a reduction for vehicles that meet fuel-efficiency standards; imposing a surcharge on vehicles that exceed fuel-efficiency standards; amending Minnesota Statutes 1990, section 297B.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Segal; Nelson, K.; Scheid and Bauerly introduced:

H. F. No. 370, A bill for an act relating to education; establishing a comprehensive school and community health and wellness program grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124C.

The bill was read for the first time and referred to the Committee on Education.

O'Connor, Farrell and Trimble introduced:

H. F. No. 371, A bill for an act relating to retirement; providing certain disability benefits to certain persons under the public employees retirement association police and fire plan.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Cooper introduced:

H. F. No. 372, A bill for an act relating to human services; exempting intermediate care facilities for persons with mental retardation or related conditions from certain additional state human services rules.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Scheid introduced:

H. F. No. 373, A bill for an act relating to commerce; removing a real estate licensing prohibition; amending Minnesota Statutes 1990, section 82.20, subdivision 4.

The bill was read for the first time and referred to the Committee on Commerce.

Ogren introduced:

H. F. No. 374, A bill for an act relating to education; approving a maximum effort school loan program capital loan.

The bill was read for the first time and referred to the Committee on Education.

Ogren introduced:

H. F. No. 375, A bill for an act relating to marriage; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1990, section 517.04.

The bill was read for the first time and referred to the Committee on Judiciary.

Kahn, Onnen, Dille, Kalis and Ogren introduced:

H. F. No. 376, A bill for an act relating to health; amending the clean indoor air act; amending Minnesota Statutes 1990, sections 144.413, subdivision 2, and by adding subdivisions; 144.414, subdivisions 1, 3, and by adding a subdivision; 144.415; 144.416; and 144.417, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Ogren introduced:

H. F. No. 377, A bill for an act relating to aeronautics; requiring that local governments report airport development; proposing coding for new law in Minnesota Statutes, chapter 360.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Ogren introduced:

H. F. No. 378, A bill for an act relating to state lands; authorizing exchange of real property.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Wenzel, Koppendraye, Omann and Bertram introduced:

H. F. No. 379, A bill for an act relating to state lands; authorizing commissioner of veterans affairs to return land to a veterans organization who had originally donated the land for purposes of a state veterans cemetery.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Kinkel introduced:

H. F. No. 380, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water in Cass county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Morrison, Carlson, Ozment and Pugh introduced:

H. F. No. 381, A bill for an act relating to education; authorizing construction at Dakota County Technical College.

The bill was read for the first time and referred to the Committee on Education.

Hanson, Swenson, Rest and Wejcman introduced:

H. F. No. 382, A bill for an act relating to liquor; requiring posting of certain signs in licensed premises; amending Minnesota Statutes 1990, section 340A.410, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Hanson, Swenson, Rest and Wejcman introduced:

H. F. No. 383, A bill for an act relating to liquor; requiring posting of certain signs in licensed premises; amending Minnesota Statutes 1990, section 340A.410, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Wenzel and Omann introduced:

H. F. No. 384, A bill for an act relating to agriculture; appropriating money for farm and small business management programs at technical colleges.

The bill was read for the first time and referred to the Committee on Agriculture.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 152, A bill for an act relating to taxation; allowing Mahnomen county and the city of Mahnomen to make special levies for the Mahnomen county and village hospital; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 14, A resolution expressing support for the President and our armed forces in the conflict with Iraq; urging support for military families in the United States, and calling on the governor to declare a day of prayer for peace.

PATRICK E. FLAHHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Ogren moved that the House concur in the Senate amendments to H. F. No. 14 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 14, A resolution expressing support for our armed forces in the conflict with Iraq; urging support for military families in the United States, calling on the governor to declare a day of prayer for peace, and supporting the President in negotiating a peaceful settlement.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dille	Jefferson	Marsh	Ostrom
Anderson, I.	Dorn	Jennings	McEachern	Ozment
Anderson, R. H.	Erhardt	Johnson, A.	McGuire	Pauly
Battaglia	Frederick	Johnson, R.	McPherson	Pellow
Bauerly	Frerichs	Johnson, V.	Milbert	Pelowski
Beard	Garcia	Kalis	Morrison	Peterson
Begich	Girard	Kelso	Munger	Pugh
Bertram	Goodno	Kinkel	Murphy	Rest
Bettermann	Greenfield	Knickerbocker	Nelson, K.	Rice
Blatz	Gruenes	Koppendrayner	Nelson, S.	Rodosovich
Bodahl	Gutknecht	Krinkie	Newinski	Rukavina
Boo	Hartle	Krueger	O'Connor	Runbeck
Brown	Hasskamp	Lasley	Ogren	Sarna
Carlson	Hausman	Leppik	Olsen, S.	Schafer
Carruthers	Heir	Lieder	Olson, E.	Scheid
Clark	Henry	Limmer	Olson, K.	Schreiber
Cooper	Hufnagle	Long	Omman	Seaberg
Dauner	Hugoson	Lourey	Onnen	Segal
Davids	Jacobs	Lynch	Orenstein	Simoneau
Dawkins	Janezich	Macklin	Orfield	Skoglund
Dempsey	Jaros	Mariani	Osthoff	Smith

Solberg	Swenson	Uphus	Weaver	Winter
Sparby	Thompson	Valento	Wejeman	Spk. Vanasek
Stanius	Tompkins	Vellenga	Welker	
Steensma	Trimble	Wagenius	Welle	
Sviggum	Tunheim	Waltman	Wenzel	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 6, 18 and 141.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 6, A bill for an act relating to insurance; clarifying policy requirement provisions relating to Medicare supplement insurance plans; amending Minnesota Statutes 1990, section 62A.31, subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 18, A bill for an act relating to taxation; property; allowing Pope county a special levy for certain purposes; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 141, A bill for an act relating to human services; delaying the effective date of the moratorium on new negotiated rate facility agreements.

The bill was read for the first time and referred to the Committee on Health and Human Services.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration

of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 104 and 172 were recommended for progress.

H. F. No. 245, the first engrossment, which it recommended to pass with the following amendment offered by Tunheim:

Page 1, line 12, delete "school district"

Page 1, line 12, after "consolidation" insert "of two or more school districts that have central administrative offices located"

On the motion of Long the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Omann moved that the name of Tompkins be added as an author on H. F. No. 149. The motion prevailed.

Morrison moved that the names of Winter and Smith be added as authors on H. F. No. 153. The motion prevailed.

Uphus moved that the name of Haukoos be stricken and the name of Krinkie be added as an author on H. F. No. 210. The motion prevailed.

Anderson, I., moved that the name of Jacobs be added as an author on H. F. No. 268. The motion prevailed.

Sarna moved that the names of Jefferson, Rice, Clark and Wage-nius be added as authors on H. F. No. 291. The motion prevailed.

O'Connor moved that the names of Orenstein and Trimble be added as authors on H. F. No. 292. The motion prevailed.

Rodosovich moved that the name of Sparby be added as an author on H. F. No. 293. The motion prevailed.

Dempsey moved that the names of Lynch and Olsen, S., be added as authors on H. F. No. 297. The motion prevailed.

Johnson, A., moved that the name of Olsen, S., be added as an author on H. F. No. 305. The motion prevailed.

Gruenes moved that the name of Dempsey be added as an author on H. F. No. 334. The motion prevailed.

Limmer moved that the name of Lynch be added as an author on H. F. No. 335. The motion prevailed.

Gruenes moved that the name of Lynch be added as an author on H. F. No. 347. The motion prevailed.

Beard moved that H. F. No. 52 be returned to its author. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

Agriculture: Add the name of Davids.

Governmental Operations: Add the name of Davids.

Housing: Add the name of Davids.

Transportation: Add the name of Davids.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 11:45 a.m., Wednesday, February 20, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:45 a.m., Wednesday, February 20, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

FIFTEENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, FEBRUARY 20, 1991

The House of Representatives convened at 11:45 a.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

The roll was called and the following members were present:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Smith
Battaglia	Goodno	Krinkie	Omann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Sviggum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Davids	Jefferson	Morrison	Rukavina	Wejcmann
Dawkins	Jennings	Munger	Runbeck	Welker
Dempsey	Johnson, A.	Murphy	Sarna	Welle
Dille	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dorn	Johnson, V.	Nelson, S.	Scheid	Winter
Erhardt	Kahn	Newinski	Schreiber	Spk. Vanasek
Farrell	Kalis	O'Connor	Seaberg	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Skoglund moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

CALENDAR

Long moved that the bill on the Calendar for today be continued. The motion prevailed.

GENERAL ORDERS

Long moved that the bills on General Orders for today be continued. The motion prevailed.

Long moved that the House recess subject to the call of the Chair for the purpose of meeting with the Senate in Joint Convention to hear the address by the Governor. The motion prevailed.

RECESS

RECONVENED

The Speaker called the House to order at 11:55 a.m.

The Sergeant at Arms announced the arrival of the members of the Senate and they were escorted to the seats reserved for them at the front of the Chamber.

JOINT CONVENTION

The Speaker of the House as President of the Joint Convention called the Joint Convention to order.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

The roll being called, the following Senators answered to their names: Adkins, Beckman and Belanger.

Senator Moe, R. D., moved that further proceedings of the roll call be dispensed with. The motion prevailed and a quorum was declared present.

The Sergeant at Arms announced the arrival of the Constitutional Officers of the State of Minnesota: Joan Anderson Growe, Secretary of State; Mark Dayton, State Auditor and Michael A. McGrath,

State Treasurer. The Constitutional Officers were escorted to the seats reserved for them.

The Sergeant at Arms announced the arrival of former Governors Harold E. Stassen, Elmer L. Andersen, Wendell R. Anderson and Al Quie. The distinguished guests were escorted to the seats reserved for them.

The Sergeant at Arms announced the arrival of the Honorable Joanell M. Dyrstad, Lieutenant Governor of the State of Minnesota. The Lieutenant Governor was escorted to the seat reserved for her at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Arne H. Carlson, Governor of the State of Minnesota and his official party. The Governor was escorted to the rostrum by the appointed committees.

ADDRESS BY THE GOVERNOR

Governor Arne H. Carlson was presented by the President of the Joint Convention, the Honorable Robert E. Vanasek, and the Governor and the Lieutenant Governor delivered their biennial budget message to the members of the Joint Convention and their guests.

Following the address, Senator Moe, R. D., moved that the Joint Convention arise. The motion prevailed and the President declared the Joint Convention adjourned.

RECONVENED

The House reconvened and was called to order by the Speaker.

ADJOURNMENT

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, February 21, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

SIXTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 21, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Father Andrew Marthaler, St. Mary's Church, Melrose, Minnesota.

The roll was called and the following members were present:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Svigum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejcmán
Davids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kahs	O'Connor	Segal	

A quorum was present.

Schreiber was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Uphus moved that further reading of the Journal be dispensed

with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 53, A bill for an act relating to public safety; repealing sunset provision relating to position of public fire safety educator; repealing Laws 1989, chapter 322, section 7.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 55, A bill for an act relating to peace officers; clarifying the soft body armor reimbursement program; amending Minnesota Statutes 1990, section 299A.38, subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 60, A bill for an act relating to education; allowing the Lakefield school district to conduct a referendum before November 1991.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 81, A bill for an act relating to property; permitting name or identity change of corporate mortgagee or assignee of mortgagee in the recital in a mortgage satisfaction or release to be recorded without further evidence of name or identity change;

clarifying application of language regulating distributions to a testamentary trustee; amending Minnesota Statutes 1990, section 524.3-913; proposing coding for new law in Minnesota Statutes, chapter 507.

Reported the same back with the following amendments:

Page 1, line 19, after "release" insert "that is otherwise recordable and" and delete "recites" and insert "specifies"

Page 1, line 20, after "acknowledgment" insert "the merger, consolidation, amendment, or conversion event causing" and delete "of" and insert "in"

Page 1, line 21, delete "It" and insert "The satisfaction or release"

Page 1, line 25, delete "it" and insert "the satisfaction or release"

Page 1, line 28, before the period, insert ", and the county recorder and the registrar of titles shall rely upon it to satisfy or release the mortgage"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 92, A bill for an act relating to the city of Mora; extending the deadline for negotiating certain contracts; amending Laws 1989, chapter 33, section 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 116, A bill for an act relating to liquor; authorizing the possession or use of alcoholic beverages at a private school under certain conditions; amending Minnesota Statutes 1990, section 624.701, subdivision 1a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 624.701, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided in subdivision 1a, any person who introduces or possesses an alcoholic beverage, as defined in section 340A.101, on any public elementary or secondary school ground; or in any ~~schoolhouse or public elementary or secondary school building~~; is guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 1990, section 624.701, subdivision 1a, is amended to read:

Subd. 1a. [EXCEPTIONS.] Subdivision 1 does not apply to the following:

(1) experiments in laboratories;

(2) ~~those organizations~~ a person or organization who have has issued a temporary ~~licenses~~ license to sell nonintoxicating malt liquor pursuant to under section 340A.403, subdivision 2, or intoxicating liquor under section 340A.404, subdivision 10; or

(3) ~~any~~ a person possessing nonintoxicating malt liquor or intoxicating liquor as a result of a purchase from those organizations a person or organization holding a temporary licenses pursuant to license under section 340A.403, subdivision 2 $\frac{1}{2}$, or 340A.404, subdivision 10.

(4) ~~the possession or use of alcoholic beverages in an alcohol use awareness program that is held at a post-secondary school, sponsored or approved by the school, and limited to persons 21 years old or older.~~

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment and apply to actions occurring on or after that date.”

Delete the title and insert:

“A bill for an act relating to crimes; clarifying that alcoholic beverages are prohibited in public elementary and secondary schools; amending Minnesota Statutes 1990, section 624.701, subdivisions 1 and 1a.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 131, A bill for an act relating to Meeker county; authorizing the county board to provide for an addition to the county hospital.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 155, A bill for an act relating to traffic regulations; authorizing immediate towing of certain unlawfully parked vehicles; amending Minnesota Statutes 1990, section 169.041, subdivision 4.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Transportation.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 156, A bill for an act relating to labor; regulating employment of children; establishing a child labor curfew; providing penalties; amending Minnesota Statutes 1990, sections 181A.04, by adding a subdivision; and 181A.12.

Reported the same back with the following amendments:

Page 1, line 11, before the period insert "or before 5:00 a.m. on a school day"

Page 2, line 20, before the comma insert "or before 5:00 a.m. on a school day"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 279, A bill for an act relating to the environment; authorizing the city of Hopkins to issue bonds to pay for environmental response costs at a landfill; authorizing the city to impose a solid waste collection surcharge; authorizing a landfill cleanup assessment against property; authorizing a service charge; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 290, A bill for an act relating to state employees; allowing state employees to donate accrued sick leave for the benefit of another state employee; amending Minnesota Statutes 1990, section 43A.181.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 43A.181, subdivision 1, is amended to read:

Subdivision 1. [DONATION OF VACATION TIME.] A state employee may donate up to ~~eight~~ 12 hours of accrued vacation time in any fiscal year to the account established by subdivision 2 for the benefit of another state employee. The employee must notify the employee’s agency head of the amount of accrued vacation time the employee wishes to donate and the name of the other state employee who is to benefit from the donation. The agency head shall determine the monetary value of the donated time, using the gross salary of the employee making the donation. The agency head shall transfer that amount, less deductions for applicable taxes and retirement contributions, to the account established by subdivision

2. A donation of accrued vacation time is irrevocable once its monetary value has been transferred to the account.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state employees; increasing the amount of vacation time a state employee may donate for the benefit of another state employee; amending Minnesota Statutes 1990, section 43A.181, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 55, 81, 92, 116, 131, 156 and 290 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Winter; Hartle; Uphus; Anderson, I., and Thompson introduced:

H. F. No. 385, A bill for an act relating to commerce; modifying provisions relating to certain motor vehicle accident prevention courses; appropriating money; amending Minnesota Statutes 1990, sections 65B.28, subdivisions 1, 2, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kahn and McGuire introduced:

H. F. No. 386, A bill for an act relating to bicycles; requiring registration; changing the fee structure; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections

168C.02, subdivisions 1 and 5; 168C.03; 168C.04, subdivisions 1, 2, and by adding a subdivision; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.11; 168C.12; and 168C.13, subdivision 1; repealing Minnesota Statutes 1990, sections 168C.04, subdivisions 3 and 4; and 168C.13, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Tunheim, Sparby, Bertram, Lourey and Waltman introduced:

H. F. No. 387, A bill for an act relating to insurance; accident and health; prohibiting geographic disparities in provider reimbursement by health plans; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Milbert and Pugh introduced:

H. F. No. 388, A bill for an act relating to intermediate school districts; changing board member qualifications; amending Minnesota Statutes 1990, sections 136D.22, subdivision 1; 136D.72, subdivision 1; and 136D.82, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Jefferson, Reding, O'Connor, Lourey and Knickerbocker introduced:

H. F. No. 389, A bill for an act relating to retirement; highway patrol refund of certain employee contributions upon death; amending Minnesota Statutes 1990, section 352B.11, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Trimble; Ogren; Anderson, I.; Welle and Jacobs introduced:

H. F. No. 390, A bill for an act relating to taxation; providing that certain nonprofit organizations that provide athletic programs qualify for a sales tax exemption on their purchases; amending Minnesota Statutes 1990, section 297A.25, subdivision 16.

The bill was read for the first time and referred to the Committee on Taxes.

Onnen, Segal, Vellenga, Blatz and Greenfield introduced:

H. F. No. 391, A bill for an act relating to health; requiring a program to promote the long-term development of children and to prevent abuse; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, I.; Kinkel and Jacobs introduced:

H. F. No. 392, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield; Ogren; Anderson, R.; Jaros and Simoneau introduced:

H. F. No. 393, A bill for an act relating to health; creating the Minnesota health assurance board and the department of health care access; establishing the Minnesota health assurance plan; creating a health care analysis unit; requiring research and data collection initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law as Minnesota Statutes, chapter 62K.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Erhardt introduced:

H. F. No. 394, A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing deadline extension for the payment of certain extended leave of absence employee contributions.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Trimble; Scheid; Olson, K., and Swenson introduced:

H. F. No. 395, A bill for an act relating to lawful gambling; changing the exemption from certain bingo card requirements; changing the rate of the tax on pull-tabs and tipboards; requiring political subdivisions to use lawful gambling forms conforming to state forms; establishing an interagency advisory council on lawful gambling regulation; amending Minnesota Statutes 1990, sections 349.17, subdivision 5; 349.212, subdivision 4; and 349.213, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 349.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Simoneau, Solberg, Onnen, Skoglund and Blatz introduced:

H. F. No. 396, A bill for an act relating to civil actions; regulating the apportionment of joint and several liability; amending Minnesota Statutes 1990, section 604.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Osthoff introduced:

H. F. No. 397, A bill for an act relating to elections; authorizing certain experimental mail balloting; appropriating money; amending Minnesota Statutes 1990, section 204B.45, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 204B.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Osthoff introduced:

H. F. No. 398, A bill for an act relating to elections; providing for high school students 16 years old or more to act as election judges; clarifying the right to take time off from work without penalty to serve as an election judge; amending Minnesota Statutes 1990, sections 204B.19, subdivision 1, and by adding a subdivision; and 204B.195.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Reding; O'Connor; Knickerbocker; Johnson, R., and Jefferson introduced:

H. F. No. 399, A bill for an act relating to retirement; first class city teachers; establishing an employer additional contribution rate; increasing the employer contribution on behalf of coordinated members; amending Minnesota Statutes 1990, section 354A.12, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ostrom, Rest, Pauly, Girard and Welle introduced:

H. F. No. 400, A bill for an act relating to taxation; sales and use taxes and special taxes; making technical and administrative corrections, clarifications, and changes; providing that certain charges for services may not be deducted from the sales price; granting certain enforcement powers to the commissioner of revenue; providing for the seizure and forfeiture of untaxed gasoline or special fuel in certain instances; amending Minnesota Statutes 1990, sections 43A.316, subdivision 9; 60A.19, subdivision 8; 69.54; 289A.11, subdivision 1; 289A.18, subdivision 4; 289A.20, subdivision 4; 296.01, subdivision 25; 296.026, subdivisions 1 and 7; 297.01, subdivision 7; 297.03, subdivision 6; 297.11, subdivision 1; 297.43, by adding a subdivision; 297A.01, subdivisions 3 and 8; 297A.21, subdivisions 1 and 4; 297A.211, subdivision 2; 297A.25, subdivision 10; 297A.255, subdivision 5; 297A.257, subdivisions 2 and 2a; 297C.03, subdivision 6; 297C.10, by adding a subdivision; 297D.01, subdivision 3; 297D.02; 297D.04; 297D.05; 297D.07; 297D.09, subdivisions 1 and 1a; 297D.11, subdivisions 1 and 2; 297D.12, subdivision 1; 297D.13, subdivisions 1 and 3; 297D.14; and Laws 1990, chapter 604, article 6, section 11; proposing coding for new law in Minnesota Statutes, chapters 296 and 325D; repealing Minnesota Statutes 1990, sections 296.028; 297A.257, subdivisions 1, 2b, and 3; and Laws 1986, chapter 399, article 1, section 5.

The bill was read for the first time and referred to the Committee on Taxes.

Reding; Knickerbocker; O'Connor; Johnson, R., and Jefferson introduced:

H. F. No. 401, A bill for an act relating to retirement; legislators retirement plan; eliminating the requirement of the discontinuation of surviving spouse benefits in the event of the remarriage of the surviving spouse; amending Minnesota Statutes 1990, section 3A.04, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Blatz, McGuire, Rest, Seaberg and Brown introduced:

H. F. No. 402, A bill for an act relating to family law; requiring persons who contract with the state to submit a statement regarding compliance with child support orders; authorizing suspension of an occupational license for child support obligors who are in arrears; providing for court approval of certain marriage dissolutions without a hearing; requiring custody investigations; creating a summary dissolution pilot project; adding considerations on motions for modification of maintenance; including persons with an unborn child in common under the domestic abuse act; amending Minnesota Statutes 1990, sections 518.13, by adding a subdivision; 518.167, subdivision 1; 518.551, by adding a subdivision; 518.64, subdivision 2; and 518B.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16B; 214; and 518.

The bill was read for the first time and referred to the Committee on Judiciary.

Jefferson introduced:

H. F. No. 403, A bill for an act relating to human services; providing for start-up grants for foster care providers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Winter; Johnson, R.; Bertram; Stanius and Munger introduced:

H. F. No. 404, A bill for an act relating to insurance; accident and

health; regulating assignments of benefits; amending Minnesota Statutes 1990, section 72A.201, subdivisions 3, 4, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Steensma, Kalis, Brown, Tunheim and Schafer introduced:

H. F. No. 405, A bill for an act relating to motor carriers; authorizing the commissioner of transportation to grant variances from rules governing the transport of hazardous materials; amending Minnesota Statutes 1990, section 221.033, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Johnson, A.; Dawkins; Trimble; Wenzel and Begich introduced:

H. F. No. 406, A bill for an act relating to employees; providing for a wage protection program; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Ostrom, Dorn, Frederick, Hugoson and Kalis introduced:

H. F. No. 407, A bill for an act relating to housing; authorizing a multicounty housing and redevelopment authority to appoint additional commissioners; amending Minnesota Statutes 1990, section 469.006, subdivision 2.

The bill was read for the first time and referred to the Committee on Housing.

Bauerly, Winter, Bertram, Wenzel and Dille introduced:

H. F. No. 408, A bill for an act relating to animal health; providing alternative methods for the disposal of certain animal carcasses; amending Minnesota Statutes 1990, section 35.82, subdivisions 1b and 2.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Reding; Johnson, R.; O'Connor; Knickerbocker and Simoneau introduced:

H. F. No. 409, A bill for an act relating to retirement; police state aid program; requiring payments equivalent to automobile insurance premium taxes by self-insurers; expanding the permissible use of police state aid; amending Minnesota Statutes 1990, sections 69.021, subdivisions 5 and 6; and 69.031, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 60A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Farrell, Sarna, Murphy, Rice and Begich introduced:

H. F. No. 410, A bill for an act relating to occupations and professions; board of electricity; providing for mandatory inspections; changing supervision requirements; providing for the summary suspension of a license; providing for civil penalties; changing examination requirements; authorizing the board to issue temporary orders in certain situations; amending Minnesota Statutes 1990, sections 326.241, subdivision 2; 326.242, subdivisions 1, 5, and 9; 326.244, subdivision 1; and 326.246; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the first time and referred to the Committee on Commerce.

Hasskamp, Wenzel, Bauerly, Kinkel and McEachern introduced:

H. F. No. 411, A bill for an act relating to education; changing a definition for purposes of sparsity revenue; amending Minnesota Statutes 1990, section 124A.22, subdivision 5.

The bill was read for the first time and referred to the Committee on Education.

Pugh, Beard, Ozment and Milbert introduced:

H. F. No. 412, A bill for an act relating to occupations and professions; regulating the installation and repair of fuel burner equipment and systems in certain cities; proposing coding for new law as Minnesota Statutes, chapter 325H.

The bill was read for the first time and referred to the Committee on Commerce.

Anderson, R.; Welle; Greenfield; Cooper and Bettermann introduced:

H. F. No. 413, A bill for an act relating to health; requiring the commissioner of health to apply for a grant to establish an office of rural health; assigning duties to the office; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bishop, Vellenga, Blatz, Orenstein and Solberg introduced:

H. F. No. 414, A bill for an act relating to peace officers; requiring law enforcement agencies to adopt written policies governing the use of deadly force; requiring initial and continuing peace officer training on deadly force and the use of firearms; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time and referred to the Committee on Judiciary.

Sparby, Long, Sarna and Thompson introduced:

H. F. No. 415, A bill for an act relating to commerce; regulating farm equipment dealerships; amending Minnesota Statutes 1990, sections 325E.061, subdivisions 2, 4, and 5; 325E.063; 325E.064; 325E.068, subdivisions 2, 4, and 5; 325E.0682; and 325E.0683.

The bill was read for the first time and referred to the Committee on Commerce.

Vellenga, Bertram, Hasskamp, Omann and Marsh introduced:

H. F. No. 416, A bill for an act relating to crimes; child abduction; requiring convicted sex offenders to register with local law enforcement agencies; requiring the publication of missing children bulletins; establishing a historic data base of information concerning missing children; requiring training concerning the investigation of missing children cases; providing for the release of medical and dental records of missing children; appropriating money; amending Minnesota Statutes 1990, section 299C.52, subdivisions 1, 3, and 6; proposing coding for new law in Minnesota Statutes, chapters 243 and 299C.

The bill was read for the first time and referred to the Committee on Judiciary.

Solberg, Hanson and Rodosovich introduced:

H. F. No. 417, A bill for an act relating to corrections; requiring one counselor or other staff person for every 20 juveniles confined in state juvenile correctional facilities; proposing coding for new law in Minnesota Statutes, chapter 242.

The bill was read for the first time and referred to the Committee on Judiciary.

Kahn, Cooper, Scheid, Vellenga and Olson, K., introduced:

H. F. No. 418, A bill for an act relating to state government; prohibiting more than one portrait of a governor on capitol grounds; amending Minnesota Statutes 1990, section 138.68.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Johnson, R.; Reding; Jefferson; Knickerbocker and Simoneau introduced:

H. F. No. 419, A bill for an act relating to retirement; allowing payment of certain premiums on tax sheltered annuities; as an exception to the prohibition on supplemental pension plans; amending Minnesota Statutes 1990, section 356.24.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kelso; Nelson, K.; Greenfield; McEachern and Johnson, A., introduced:

H. F. No. 420, A bill for an act relating to education; requiring health and developmental screening; amending Minnesota Statutes 1990, sections 123.702; and 123.706, subdivisions 3, 4, and 5; proposing coding for new law in Minnesota Statutes, chapters 62A and 123; repealing Minnesota Statutes 1990, section 123.707.

The bill was read for the first time and referred to the Committee on Education.

Bauerly; Kelso; Ozment; Johnson, A., and Hausman introduced:

H. F. No. 421, A bill for an act relating to education; authorizing individual learning and development aid for programs in grades 2

and 3; appropriating money; amending Minnesota Statutes 1990, sections 124.331, subdivisions 1 and 3; and 124.332, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

McGuire introduced:

H. F. No. 422, A bill for an act relating to cities; providing for distribution of public notices in cities of the fourth class in the metropolitan area; amending Minnesota Statutes 1990, section 331A.03.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Welker introduced:

H. F. No. 423, A bill for an act relating to medical examiners; requiring records and other data relating to deaths to be made available to coroners and medical examiners; amending Minnesota Statutes 1990, sections 383B.225, subdivision 6; 390.11, subdivision 7; and 390.32, subdivision 6.

The bill was read for the first time and referred to the Committee on Judiciary.

Sviggum, Dorn, McEachern, Weaver and Bauerly introduced:

H. F. No. 424, A bill for an act relating to interscholastic athletics; providing that persons who assault a sports official may be excluded from certain events; proposing coding for new law in Minnesota Statutes, chapter 128C.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Begich and Rukavina introduced:

H. F. No. 425, A bill for an act relating to state lands; directing sale of two tracts of state-owned land in St. Louis county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Beard; Anderson, I.; Jaros; Vanasek and Dempsey introduced:

H. F. No. 426, A bill for an act relating to education; providing a two-year tuition exemption to Minnesota veterans of the Persian Gulf war; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Ogren, Jacobs, Janezich, Stanius and Vanasek introduced:

H. F. No. 427, A bill for an act relating to utilities; requiring certificate of authority from public utilities commission to resell local telephone exchange services; proposing coding for new law in Minnesota Statutes, chapter 237.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Sparby and Tunheim introduced:

H. F. No. 428, A bill for an act relating to capital improvements; altering the terms of a grant to the Red Lake watershed district; amending Laws 1990, chapter 610, article 1, section 20, subdivision 5.

The bill was read for the first time and referred to the Committee on Appropriations.

Cooper, Jaros, Lourey, Dorn and Bettermann introduced:

H. F. No. 429, A bill for an act relating to nursing; creating a midlevel practitioner education account; establishing grant programs for nurse education; requiring feasibility studies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Rukavina and Janezich introduced:

H. F. No. 430, A bill for an act relating to intoxicating liquor; specifying the number of on-sale licenses which may be issued in the city of Virginia; repealing Laws 1974, chapter 501, section 1.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Skoglund, Carlson, Lynch, Orfield and Reding introduced:

H. F. No. 431, A bill for an act relating to insurance; transferring authority for regulation of certain aspects of health maintenance organizations from commissioner of health to commissioner of commerce; amending Minnesota Statutes 1990, sections 60B.03, subdivision 2; 60B.15; 60B.20; 62D.01, subdivision 2; 62D.02, subdivision 3, and by adding subdivisions; 62D.03; 62D.04; 62D.041; 62D.042, subdivisions 5 and 7; 62D.043; 62D.045, subdivision 1; 62D.05, subdivision 6; 62D.06, subdivision 2; 62D.07, subdivisions 2, 3, and 10; 62D.08; 62D.09, subdivisions 1, 6, and 8; 62D.10, subdivision 4; 62D.11; 62D.12, subdivisions 1, 2, and 9; 62D.121, subdivisions 2, 3a, 4, 5, 6, and 7; 62D.122; 62D.123, subdivision 4; 62D.14; 62D.15; 62D.16; 62D.17; 62D.18; 62D.182; 62D.19; 62D.20; 62D.21; 62D.211; 62D.22, subdivisions 4 and 10; 62D.24; 62D.30; and 144.691, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 62D.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Janezich, Rest, Abrams, Valento and Vellenga introduced:

H. F. No. 432, A bill for an act relating to taxation; making technical corrections, clarifications, and administrative changes to income, franchise, and mining taxes; amending Minnesota Statutes 1990, sections 270A.03, subdivision 7; 289A.01; 289A.02, by adding a subdivision; 289A.08, by adding a subdivision; 289A.18, subdivisions 1 and 2; 289A.19, subdivision 2; 289A.20, subdivision 1, and by adding a subdivision; 289A.31, subdivision 1; 289A.35; 289A.38, subdivisions 10 and 12; 289A.50, subdivision 1; 289A.56, subdivision 2; 289A.60, subdivisions 4 and 12; 290.01, subdivisions 19a and 19d; 290.014, subdivisions 2, 3, 4, and 5; 290.05, subdivision 3; 290.06, subdivisions 2c, 21, 22, and 23; 290.067, subdivisions 1 and 2a; 290.068, subdivisions 1, 2, and 5; 290.0802, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 8; 290.0922, subdivision 1, and by adding a subdivision; 290.17, subdivisions 1, 2, and 5; 290.191, subdivisions 6 and 8; 290.92, subdivisions 4b, 4c, 12, and 26; 290.9727, subdivisions 1, 3, and by adding subdivisions; 290A.03, subdivisions 3 and 7; 290A.05; 290A.091; 298.01, subdivisions 3, 4, and by adding subdivisions; 298.015, subdivision 1; 298.16; 298.21; 298.27; Laws 1990, chapter 604, article 2, section 22; repealing Minnesota Statutes 1990, sections 290.068, subdivision 6; 290.069, subdivisions 2a, 4a, and 4b; 290.17, subdivision 7; 290.191, subdivision 7; 298.05 to 298.15; 298.19; and 298.20.

The bill was read for the first time and referred to the Committee on Taxes.

Carruthers, Scheid, Abrams and Pauly introduced:

H. F. No. 433, A bill for an act relating to taxation; providing homestead treatment to the residence of a disabled parent of the owner; amending Minnesota Statutes 1990, section 273.124, subdivision 15.

The bill was read for the first time and referred to the Committee on Taxes.

Cooper; Olson, K.; Kalis; Brown and Dille introduced:

H. F. No. 434, A bill for an act relating to economic development; providing comprehensive information to potential developers of ethanol plants; appropriating money.

The bill was read for the first time and referred to the Committee on Energy.

Pugh introduced:

H. F. No. 435, A bill for an act relating to retirement; refund of excess municipal contributions to police and fire retirement programs after the consolidation of local firefighter or police relief associations with the public employee retirement association police and fire fund; amending Minnesota Statutes 1990, section 353A.09, subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sviggum and Simoneau introduced:

H. F. No. 436, A bill for an act relating to animals; tightening laws prohibiting cruel treatment of certain animals, including equines; increasing certain penalties; amending Minnesota Statutes 1990, sections 343.21, subdivisions 9 and 10; 346.43; and 346.44; proposing coding for new law in Minnesota Statutes, chapter 343.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Waltman introduced:

H. F. No. 437, A bill for an act relating to education; allowing cooperating districts to average their fund balances; amending Minnesota Statutes 1990, section 124A.26, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Ostrom introduced:

H. F. No. 438, A bill for an act relating to human services; clarifying contested case procedures for applicants for human services licensing; establishing appeal procedures for determinations of maltreatment of minors and vulnerable adults; amending Minnesota Statutes 1990, sections 245A.04, subdivision 3c; and 256.045, subdivisions 1, 4, 6, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Smith, Girard, Gruenes and Goodno introduced:

H. F. No. 439, A resolution memorializing the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Valento introduced:

H. F. No. 440, A bill for an act relating to insurance; accident and health; requiring the commissioner of commerce to administer health care plans for Minnesota residents who are not covered by other plans; establishing minimum benefits for these plans; allowing a tax credit for premiums paid for coverage; appropriating money; amending Minnesota Statutes 1990, sections 290.01, subdivision 19a; and 290.92, subdivisions 5 and 5a; proposing coding for new law in Minnesota Statutes, chapter 290; proposing coding for new law as Minnesota Statutes, chapter 62K.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Rest, Jacobs, Schreiber and Scheid introduced:

H. F. No. 441, A bill for an act relating to taxation; providing that the income of an external nuclear decommissioning reserve fund is exempt from taxation; amending Minnesota Statutes 1990, section 290.05, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Carruthers, Wagenius, Solberg and Seaberg introduced:

H. F. No. 442, A bill for an act relating to children; expanding the crime of child neglect and the child abuse reporting act to include children who are neglected due to reliance by a parent, guardian, or other caretaker on spiritual health care; amending Minnesota Statutes 1990, sections 609.378, subdivision 1; and 626.556, subdivisions 2 and 10e.

The bill was read for the first time and referred to the Committee on Judiciary.

Murphy; Greenfield; Reding; Johnson, R., and Lynch introduced:

H. F. No. 443, A bill for an act relating to human services; establishing a board of chemical dependency counselors; licensing and regulating chemical dependency counselors; providing penalties; appropriating money; amending Minnesota Statutes 1990, section 595.02, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 148C.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Sparby; Tunheim; Olson, E.; Lieder and Dempsey introduced:

H. F. No. 444, A bill for an act relating to local government; permitting Pennington county and Thief River Falls to construct, finance, and own student housing.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Cooper, Welle, Ostrom, Thompson and Anderson, R., introduced:

H. F. No. 445, A bill for an act relating to health; modifying the procedure for vendor error notification; excluding the salaries of

doctors of osteopathy from certain limitations; requiring flexibility in implementing the state health plan; providing rural hospital assistance grants; modifying nonprofit corporation powers; extending the medical assistance adjustment for hospitals with small volumes; modifying the criteria for establishing a hospital district; appropriating money; amending Minnesota Statutes 1990, sections 16A.124, subdivisions 1 and 4; 43A.17, subdivision 9; 43A.23, by adding a subdivision; 144.581, subdivision 1; 256.969, subdivision 6a; and 447.31, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Kinkel, Abrams, Smith, Skoglund and Limmer introduced:

H. F. No. 446, A bill for an act relating to natural resources; Eurasian water milfoil; changing the watercraft surcharge; placing the surcharge in a dedicated account; providing for informational materials; providing for a pilot program; restricting new public access; amending Minnesota Statutes 1990, sections 86B.415, subdivisions 7 and 9; 103G.617, subdivision 3, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pelowski, Vanasek, Weaver, Boo and Jaros introduced:

H. F. No. 447, A bill for an act relating to education; establishing a scholarship program; specifying conditions; providing for funding through special collegiate license plates; removing some responsibilities from higher education coordinating board and transferring others to the commissioner of education; amending Minnesota Statutes 1990, sections 135A.05; 135A.06, subdivisions 2, 3, and 5; 135A.08; 135A.10, subdivision 1; 135A.15; 136A.02, subdivision 5; 136A.04, subdivision 1; and 290.01, subdivision 19b; proposing coding for new law in Minnesota Statutes, chapters 125; 126; 135A; and 168; repealing Minnesota Statutes 1990, sections 136A.02, subdivision 6; 136A.04, subdivision 2; 136A.041; 136A.043; 136A.044; 136A.85; 136A.86; 136A.87; and 136A.88.

The bill was read for the first time and referred to the Committee on Education.

Bertram introduced:

H. F. No. 448, A bill for an act relating to public contracts;

requiring preference for resident bidders against nonresident bidders from other countries in certain circumstances; defining resident bidder; denying the privilege of transacting business with the department of transportation or local road authorities to persons who have committed contract offenses; defining contract offenses; amending Minnesota Statutes 1990, sections 16B.102, and 161.315, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Bertram introduced:

H. F. No. 449, A bill for an act relating to negligence; volunteers; providing volunteers immunity from civil liability for injuries arising from volunteer activities; proposing coding for new law in Minnesota Statutes, chapter 604.

The bill was read for the first time and referred to the Committee on Judiciary.

Bertram introduced:

H. F. No. 450, A bill for an act relating to transportation; establishing a system of rustic roads under the authority of the commissioner of transportation; proposing coding for new law in Minnesota Statutes, chapter 160.

The bill was read for the first time and referred to the Committee on Transportation.

Davids, Tompkins, Pelowski and Frerichs introduced:

H. F. No. 451, A bill for an act relating to education; authorizing a special operating debt levy for two years by independent school district No. 239 in the territory of old independent school district No. 234.

The bill was read for the first time and referred to the Committee on Education.

Swenson, Carruthers, Rest, Vellenga and Marsh introduced:

H. F. No. 452, A bill for an act relating to sentencing; requiring the sentencing guidelines commission to prohibit the use of amenability to treatment or probation as a reason for mitigated sentencing

departures; proposing coding for new law in Minnesota Statutes, chapter 244.

The bill was read for the first time and referred to the Committee on Judiciary.

Winter; Skoglund; Nelson, K.; Begich and Onnen introduced:

H. F. No. 453, A bill for an act relating to insurance; regulating automobile insurance medical claim denials; amending Minnesota Statutes 1990, sections 65B.525, subdivision 1; and 72A.201, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 65B; repealing Minnesota Statutes 1990, section 72A.327.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

HOUSE ADVISORIES

The following House Advisory was introduced:

Skoglund, Winter, Steensma, Bodahl and Lourey introduced:

H. A. No. 3, A proposal to study the plan to revise federal banking law and make recommendations to Congress.

The advisory was referred to the Committee on Financial Institutions and Insurance.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 106 and 107.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 106, A bill for an act relating to property; permitting

name or identity change of corporate mortgagee or assignee of mortgagee in the recital in a mortgage satisfaction or release to be recorded without further evidence of name or identity change; clarifying application of language regulating distributions to a testamentary trustee; amending Minnesota Statutes 1990, section 524.3-913; proposing coding for new law in Minnesota Statutes, chapter 507.

The bill was read for the first time.

Orfield moved that S. F. No. 106 and H. F. No. 81, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 107, A bill for an act relating to marriage; providing alternate forms of marriage solemnization; amending Minnesota Statutes 1990, section 517.18.

The bill was read for the first time and referred to the Committee on Judiciary.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Long, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Resolved that the Permanent Rules of the House of Representatives for the 77th Session be amended to read as follows:

(1) Rule 1.16 is amended to read:

1.16 TIME LIMIT FOR CONSIDERATION OF BILLS. If 20 legislative days after a bill has been referred to committee or division (other than a bill in Appropriations) no report has been made upon it by the committee or division, its chief author may request that it be returned to the House and the request shall be entered in the Journal for the day. The committee or division shall have ten calendar days thereafter in which to vote upon the bill requested. If the committee or division fails to vote upon it within the ten days, the chief author may, at any time within five calendar days thereafter, present a written demand to the Speaker for its immediate return to the House. The demand shall be entered in the Journal for that day and shall constitute the demand of the House. The bill shall then be considered to be in the possession of the House, given its second reading and placed at the end of General Orders.

Such bill is subject to re-reference by a majority vote of the whole House. If the motion to re-refer is made on the day of the demand or within one legislative day thereafter, the motion shall take precedence over all other motions except privileged motions and shall be in order at any time.

In regular session in the odd-numbered year after Friday, May 10, 1991, and in the even-numbered year after, the House shall not act on bills other than those recommended by conference committee reports or the Committee on Rules and Legislative Administration, and those bills contained in messages from the Senate or from the Governor.

(2) Rule 3.04 is amended to read:

3.04 MOTION FOR RECONSIDERATION. When a question has been decided either in the affirmative or negative, it shall be in order for any member who voted with the prevailing side to move its reconsideration, provided that such motion is made either on the same day the vote was taken or within the following two days of actual session of the House. A motion for reconsideration can be made at any time in the Order of Business and shall take precedence over all other questions except the motion to adjourn and the notice of intention to move reconsideration. Such motion or notice shall not be in order if the document, bill, resolution, message, report or other official action on which the vote was taken shall have left the possession of the House.

When a member gives notice of intention to move reconsideration of the final action of the House on any bill, resolution, message, report or other official action, the Chief Clerk shall retain the same until after the matter is disposed of or the time has expired during which the motion for reconsideration can be made.

On the last day allowed for the motion to reconsider, it shall be in order for any member who voted on the prevailing side to make the motion, unless the matter has been already disposed of.

A motion for reconsideration having been voted upon and lost shall not be renewed.

In regular session in an odd-numbered year, notice of intention to move reconsideration shall not be in order after Monday, April 22, 1991.

In regular session in an even-numbered year, notice of intention to move reconsideration shall not be in order after

(3) Rule 6.11 is amended to read:

6.11 CONFERENCE COMMITTEES. A conference committee may report at any time. No committee except a conference committee or the Committee on Rules and Legislative Administration shall sit during any daily session of the House without leave.

A conference committee report shall include only subject matter contained in the House or Senate versions of the bill for which that conference committee was appointed, or like subject matter contained in a bill passed by the House. The member presenting the conference committee report to the House shall disclose all substantive changes from the House version of the bill.

In regular session in an odd-numbered year except after Monday, May 13, 1991, and in an even-numbered year except after, a written copy of a report of a conference committee shall be placed on the desk of each member of the House 24 hours before action on the report by the House. If the report has been reprinted in the Journal of the House for a preceding day and is available to the members, the Journal copy shall serve as the written report.

(4) Rule 9.03 is amended to read:

9.03 DEADLINES. In regular session in odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after Friday, April 12, 1991, and committee reports on bills originating in the other house favorably acted upon by a committee after Wednesday, April 24, 1991, shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. In even-numbered years, committee reports on bills favorably acted upon by a committee of the house of origin after, and committee reports on bills originating in the other house favorably acted upon by a committee after, shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. However, referral is not required after the first deadline when, by the second deadline, a committee acts on a bill that is a companion to a bill that has then been acted upon by the first deadline in the Senate.

Bills in the House Committees on Appropriations and on Taxes, and the education finance bill in the Committee on Education, are exempt from this rule and need not be re-referred, except as follows: a bill other than an omnibus tax or appropriation bill that includes provisions that create or reestablish a commission, board, task force, advisory committee or council, or other entity, shall be re-referred to the Committee on Rules and Legislative Administration if it remains in committee after the deadlines set by this rule.

The motion prevailed and the report amending the Permanent Rules of the House for the 77th Session was adopted.

CALENDAR

H. F. No. 245, A bill for an act relating to education; providing for school consolidation in Kittson and Marshall counties in certain circumstances.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendraye	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omnn	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Svigum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejcmann
Dauids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 104 and 172 were recommended for progress.

On the motion of Long the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Osthoff moved that his name be stricken as an author on H. F. No. 116. The motion prevailed.

Greenfield moved that the names of Abrams and Leppik be added as authors on H. F. No. 193. The motion prevailed.

Jacobs moved that the name of Olsen, S., be added as an author on H. F. No. 209. The motion prevailed.

Krueger moved that the name of Segal be added as an author on H. F. No. 222. The motion prevailed.

Wejzman moved that the name of O'Connor be added as an author on H. F. No. 238. The motion prevailed.

O'Connor moved that the names of Osthoff and Hausman be added as authors on H. F. No. 292. The motion prevailed.

Jefferson moved that the names of Onnen, Vanasek and Clark be added as authors on H. F. No. 328. The motion prevailed.

Osthoff moved that the names of Solberg and Abrams be added as authors on H. F. No. 348. The motion prevailed.

Welle moved that the name of Segal be added as an author on H. F. No. 356. The motion prevailed.

Dawkins moved that the name of Bauerly be added as an author on H. F. No. 358. The motion prevailed.

Tompkins moved that her name be stricken as an author on H. F. No. 361. The motion prevailed.

Dawkins moved that the names of Lynch and Osthoff be added as authors on H. F. No. 366. The motion prevailed.

O'Connor moved that the name of Bertram be added as an author on H. F. No. 368. The motion prevailed.

Segal moved that the name of Simoneau be added as an author on H. F. No. 370. The motion prevailed.

Wenzel moved that the names of Bertram; Johnson, V., and Sparby be added as authors on H. F. No. 384. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, February 25, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, February 25, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

SEVENTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 25, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Sister Sharon Howell, Sister of St. Joseph of Carondelet, Executive Secretary of Archdiocesan Commission of Black Catholics, St. Paul, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Farrell	Kahn	Nelson, S.	Scheid
Anderson, I.	Frederick	Kalis	Newinski	Schreiber
Anderson, R.	Frerichs	Kelso	O'Connor	Seaberg
Anderson, R. H.	Garcia	Kinkel	Ogren	Segal
Battaglia	Girard	Knickerbocker	Olsen, S.	Skoglund
Bauerly	Goodno	Koppendrayer	Olsen, E.	Smith
Beard	Greenfield	Krinkie	Olsen, K.	Solberg
Begich	Gruenes	Krueger	Omann	Sparby
Bertram	Gutknecht	Lasley	Onnen	Stanius
Bettermann	Hanson	Leppik	Orenstein	Steensma
Bishop	Hartle	Lieder	Orfield	Swenson
Blatz	Hasskamp	Limmer	Osthoff	Tompson
Bodahl	Haukoos	Long	Ostrom	Tompkins
Boo	Hausman	Lourey	Ozment	Trimble
Brown	Heir	Lynch	Pauly	Tunheim
Carlson	Henry	Macklin	Pellow	Uphus
Carruthers	Hufnagle	Mariani	Pelowski	Valento
Clark	Hugoson	Marsh	Peterson	Vellenga
Cooper	Jacobs	McEachern	Reding	Waltman
Dauner	Janezich	McGuire	Rest	Weaver
Davids	Jaros	McPherson	Rice	Wejeman
Dawkins	Jefferson	Milbert	Rodosovich	Welker
Dempsey	Jennings	Morrison	Rukavina	Welle
Dille	Johnson, A.	Munger	Runbeck	Wenzel
Dorn	Johnson, R.	Murphy	Sarna	Winter
Erhardt	Johnson, V.	Nelson, K.	Schafer	Spk. Vanasek

A quorum was present.

Pugh, Simoneau, Sviggum and Wagenius were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Jefferson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 106 and H. F. No. 81, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Orfield moved that the rules be so far suspended that S. F. No. 106 be substituted for H. F. No. 81 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

February 21, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Representative Vanasek:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 152, relating to taxation; allowing Mahnomen county and the city of Mahnomen to make special levies for the Mahnomen county and village hospital.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>1991</i>	<i>Date Filed</i> <i>1991</i>
	152	3	10:00 a.m. February 18	February 19

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 36, A bill for an act relating to occupations and professions; changing requirements for reciprocal licensing of physicians from other states and foreign medical school graduates; authorizing physicians to cancel licenses in good standing; requiring the cancellation of physicians' licenses for nonrenewal; changing licensing requirements for midwifery; changing the name of the board of medical examiners; amending Minnesota Statutes 1990, sections 147.03; 147.037, subdivision 1; 148.31; and 148.32; proposing coding for new law in Minnesota Statutes, chapter 147.

Reported the same back with the following amendments:

Pages 4 and 5, delete section 5 and insert:

"Sec. 5. Minnesota Statutes 1990, section 148.31, is amended to read:

148.31 [LICENSES.]

A person desiring to practice midwifery in this state, if not already authorized so to do, shall apply to the state board of medical examiners for a license. This license shall be granted upon the production of a diploma from a school of midwifery recognized by the board, or, after examination of the applicant, ~~upon the consent of seven members thereof. Examinations shall be held concurrently with those provided for applicants for physicians' licenses. The fee for a license granted on diploma shall be \$1, and on examination, \$2 and compliance with other requirements that the board may reasonably impose for the protection of the public. The board is authorized to adopt rules as may be necessary to carry out the purposes of sections 148.30 to 148.32. The board may delegate to another unit of state government with that unit's consent, all or part of a study to determine the appropriate level of regulation of midwives and the content for any administrative rule deemed appropriate by the board.~~

Page 5, delete section 6

Page 5, line 36, delete "7" and insert "6"

Amend the title as follows:

Page 1, line 11, after the first semicolon insert "and" and delete "and 148.32;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 59, A bill for an act relating to state employees; providing payment of the difference between state and military salaries for certain state employees called to active duty in the United States armed forces; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [43A.182] [PAYMENT OF SALARY DIFFERENTIAL FOR RESERVE FORCES ON ACTIVE DUTY.]

Each agency head shall pay to each eligible member of the reserve components of the armed forces of the United States an amount equal to the difference between the member's active duty military salary and the salary the member would be paid as an active state employee, including any adjustments the member would have received if not on leave of absence. Payments must be made at the intervals at which the member received pay as a state employee. Back pay authorized by this section may be paid in a lump sum. Such pay shall not extend beyond four years from the date the employee was called to active duty plus such additional time in each case as such employee may be required to serve pursuant to law.

An eligible member of the reserve components of the armed forces of the United States is a reservist or National Guard member who was an employee of the state of Minnesota at the time the member was called to active duty and who was or is called to active duty after August 1, 1990, because of Operation Desert Shield, Operation Desert Storm, or any other action taken by the armed forces relating to hostilities between the United States and the Republic of Iraq.

For the purposes of this section, an employee of the state is an employee of the executive, judicial, or legislative branches of state government or an employee of the Minnesota state retirement system, the public employee retirement association, or the teachers retirement association.

The commissioner of employee relations and the commissioner of finance shall adopt procedures required to implement this section. The procedures are exempt from chapter 14.

Sec. 2. [APPROPRIATION.]

\$50,000 is appropriated from the general fund to the general purposes contingent account to make the payments required by section 1.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment and authorizes back pay to the date the employee was called to active duty after August 1, 1990."

Delete the title and insert:

"A bill for an act relating to state employees; providing payment of the difference between state and military salaries for certain state employees called to active duty in the United States armed forces; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 43A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 73, A bill for an act relating to education; eliminating the deduction for one year's interest payments from the proceeds of state bonds for maximum effort school loans; amending Minnesota Statutes 1990, sections 124.40, subdivision 1; 124.46, subdivision 3; and 124.477.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 90, A bill for an act relating to health; requiring geographic representation on the board of medical examiners; amending Minnesota Statutes 1990, section 147.01, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 25, after "must" insert ", as a whole,"

Page 2, line 2, after the period insert "These appointment criteria related to geographic representation and physician expertise apply to appointments made by the governor on or after July 1, 1991."

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 97, A resolution memorializing the President and Congress of the United States to express Minnesota's support for our servicemen and servicewomen and urging that they be given adequate supply and medical support.

Reported the same back with the following amendments:

Page 1, delete lines 19 to 23

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 100, A bill for an act relating to health; imposing a surcharge on health coverage; establishing the emergency medical services personnel account; establishing an incentive plan for ambulance service personnel; setting plan requirements; amending Minnesota Statutes 1990, section 60A.15, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 353E.

Reported the same back with the following amendments:

Page 1, line 16, delete "household" and insert "individual or family"

Page 1, line 23, delete "household" and insert "individual or family" and after "group" insert "health coverage"

Page 1, line 27, delete "pension" and insert "personnel"

Page 2, delete lines 28 to 32 and insert:

"Subd. 2. [COVERAGE.] Coverage under the personnel incentive plan is open to ambulance attendants and ambulance drivers from participating ambulance services who are Minnesota residents and who meet the definition of "volunteer" in section 144.8091, subdivision 2. Coverage is also open to medical directors from participating ambulance services who are Minnesota residents and who do not earn more than \$3,000 a year in hourly stipends or salary from service as a medical director."

Page 3, line 7, after the period insert "Participating ambulance services shall certify to the public employees retirement association that ambulance attendants, ambulance drivers, and medical directors who participate in the plan meet the requirements of section 3, subdivision 2."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Financial Institutions and Insurance.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 130, A bill for an act relating to public employment; expanding coverage of the state employees insurance plan; amending Minnesota Statutes 1990, section 43A.27, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 193, A bill for an act relating to human services; delaying the effective date of the moratorium on new negotiated rate facility agreements.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 195, A resolution memorializing the Congress of the United States to continue funding of the POW/MIA special investigation that is being conducted by the United States Senate Foreign Relations Committee.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 196, A resolution memorializing the Congress of the United States to enact the POW/MIA truth bill, that relates to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea, and Vietnam.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 325, A resolution memorializing the President and Congress of the United States to reauthorize the low-income home energy assistance program and to increase its appropriation for fiscal year 1992 and subsequent years.

Reported the same back with the following amendments:

Page 1, delete lines 7 to 25, and insert:

“Whereas, Congress enacted the low-income home energy assistance program in 1981 to provide funds to low-income Americans to help them pay for the costs of energy to heat their homes; and

Whereas, since 1986, the funding level for the program has been reduced by approximately \$600 million to a level of \$1.415 billion, while eligibility for the program has been expanded to include energy assistance for household cooling, resulting in financial hardship for many low-income Americans in cold-weather states; and

Whereas, the secretary of health and human services has indicated, in a letter to the federal office of management and budget, his intention to reduce program funding by approximately two-thirds, from its current level of \$1.415 billion to \$468 million for fiscal year 1992 and to concentrate operation of the program in the six New England states, New York, New Jersey, and Pennsylvania, where low-income residents are most likely to use fuel oil for home heating; and

Whereas, the secretary seeks to reduce funding for the program and to curtail its operation in states, such as Minnesota, other than the proposed target states; and

Whereas, sharply curtailing the funding and availability of program funds in states, such as Minnesota, with harsh climates could result in life-threatening conditions for low-income persons; Now, Therefore,

Be It Resolved by the Legislature of the State of Minnesota that the President and Congress should resist efforts to reduce funding for the low-income home energy assistance program and to concentrate its operations in a few selected northeastern states, to the detriment of other cold-weather states such as Minnesota.

Be It Further Resolved that Congress should increase the appropriation to the low-income home energy assistance program to reflect the increasing cost of heating fuel and to anticipate events that could further affect its cost and supply.

Be It Further Resolved that the President should support and sign into law legislation enacted by Congress increasing the appropriation to the low-income home energy assistance program and should disavow the efforts of his secretary of health and human services to curtail the program in most of the country.

Be It Further Resolved that, should the President and Congress be required to make cuts in energy assistance funding to meet federal budget deficit targets, those cuts should be made on the basis of type and method of delivery of fuels.

Be It Further Resolved that the Secretary of State of Minnesota shall transmit copies of this resolution to the President of the United States, the President and the Secretary of the Senate of the United States, the Speaker and the Clerk of the House of Representatives of the United States, and to Minnesota's Senators and Representatives in Congress."

Page 2, delete lines 1 to 24

Delete the title and insert:

"A resolution memorializing the President and Congress to increase funding for the low-income home energy assistance program and to maintain its operation in Minnesota."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 36, 73, 90, 97, 195, 196 and 325 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 106 was read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

O'Connor, Sarna, Hausman, Milbert and Anderson, R., introduced:

H. F. No. 454, A bill for an act relating to commerce; regulating escrow accounts in connection with residential mortgages; requiring the payment of interest on accounts required by mortgagees; amending Minnesota Statutes 1990, section 47.20, subdivision 9.

The bill was read for the first time and referred to the Committee on Housing.

Thompson; Anderson, R.; Morrison; Cooper and Simoneau introduced:

H. F. No. 455, A bill for an act relating to education; merging the community colleges into the state university system; clarifying governing board powers and duties; transferring responsibilities of the chancellor and the state board for community colleges; amending Minnesota Statutes 1990, sections 15A.081, subdivision 7b; 135A.02; 135A.03, subdivisions 1 and 6; 135A.04; 135A.05; 135A.06, subdivision 1; 135A.08; 135A.09; 135A.10, subdivision 1; 136.017, subdivision 1; 136.02; 136.036, subdivisions 2 and 4; 136.045; 136.065; 136.07; 136.10; 136.11; 136.111, subdivisions 2 and 3; 136.141; 136.142; 136.143; 136.144; 136.145; 136.146; 136.147; 136.17; 136.171; 136.18; 136.19; 136.20; 136.21; 136.22; 136.24; 136.25; 136.31, subdivision 1; 136.311; 136.33; 136.35; 136.37; 136.38; 136.40, subdivisions 1, 3, 4, 8, and 9; 136.42; 136.43; 136.44; 136.45; 136.46; 136.47; 136.48; 136.49; 136.503, subdivision 1; 136.506; 136.55; 136.56; 136.58; 136.80; 136.81, subdivisions 1 and 1a; 136.82, subdivisions 1 and 2; 136.87, subdivision 1; 136.88, subdivision 1; 136A.02, subdivision 6; 136A.041; 136A.81, subdivision 1; 136A.86, subdivision 1; 179A.03, subdivision 14; 179A.10,

subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 136; repealing Minnesota Statutes 1990, sections 136.03; 136.031; 136.09; 136.111, subdivision 5; 136.12; 136.13; 136.14; 136.60; 136.602; 136.603; 136.61; 136.62; 136.621; 136.622; 136.63; 136.65; 136.651; 136.67; 136.70; 136.71; and 136.72.

The bill was read for the first time and referred to the Committee on Education.

Anderson, R.; Vellenga and Thompson introduced:

H. F. No. 456, A bill for an act relating to adoption; clarifying the requirements for consents; amending Minnesota Statutes 1990, section 259.24, subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

Johnson, A.; Garcia; Jacobs and Beard introduced:

H. F. No. 457, A bill for an act relating to lawful gambling; taxes; making changes in the administration, collection, and enforcement of the tax on pull-tabs and tipboards; imposing a penalty; appropriating money; amending Minnesota Statutes 1990, sections 270.101, subdivision 1; 349.12, subdivision 25; 349.166, subdivision 2; 349.212, subdivisions 1, 6, and by adding subdivisions; 349.2125, subdivision 3; and 349.2127, subdivision 3; repealing Minnesota Statutes 1990, sections 349.212, subdivisions 4 and 7; and 349.2121.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Clark and Orenstein introduced:

H. F. No. 458, A bill for an act relating to child care; establishing the Minnesota early childhood care and education council; specifying duties and membership; specifying new duties for regional resource and referral agencies; appropriating money; amending Minnesota Statutes 1990, sections 256H.10, subdivision 2; 256H.15, subdivision 1; 256H.20; 256H.21, subdivisions 6 and 10; 256H.22, subdivisions 1, 2, 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapter 256H; repealing Minnesota Statutes 1990, sections 256H.22, subdivisions 3, 10 and 11; and 256H.25.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield, Clark, Mariani and Dawkins introduced:

H. F. No. 459, A bill for an act relating to crimes; providing that a claimant in a forfeiture proceeding does not have to pay a filing fee; providing for appointment of qualified interpreters in forfeiture proceedings; amending Minnesota Statutes 1990, sections 609.5314, subdivision 3; and 611.32.

The bill was read for the first time and referred to the Committee on Judiciary.

Dempsey introduced:

H. F. No. 460, A bill for an act relating to courts; repealing the provision of law that requires election officials to notify the supreme court that an incumbent judge of the district court is not seeking reelection when the judge fails to file an affidavit of candidacy; amending Minnesota Statutes 1990, section 2.722, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Simoneau, Ogren, Battaglia, Winter and Morrison introduced:

H. F. No. 461, A bill for an act relating to local government; regulating the development, imposition, and management of state mandates upon local political subdivisions; amending Minnesota Statutes 1990, section 14.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3 and 14; repealing Minnesota Statutes 1990, section 3.982.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Ozment, Weaver, Hartle, Schafer and Leppik introduced:

H. F. No. 462, A bill for an act relating to education; presenting the governor's programs for the prekindergarten through grade 12 education system; appropriating money; amending Minnesota Statutes 1990, sections 62A.047; 121.88, subdivisions 9, 10, and by adding a subdivision; 121.904, subdivisions 4a and 4e; 121.912, subdivision 1b; 123.707, subdivisions 2, 3, and by adding a subdivision; 124.17, subdivisions 1, 1b, and by adding a subdivision; 124.195, subdivision 12; 124.223; 124.225; 124.261; 124.2711, subdivisions 1 and 3; 124.2713, subdivisions 3, 4, 5, and 6; 124.2721, subdivisions 2 and 4; 124.2725, subdivisions 2, 3, and 6; 124.273, subdivision 1b; 124.32, subdivisions 1b, 5, and 10; 124.46, subdivision 3; 124.573, subdivisions 2b and 3a; 124.574, subdivision 2b;

125.575, subdivisions 1, 2, 3, and 4; 124.83, subdivision 4; 124A.02, subdivisions 16 and 23; 124A.03; 124A.04; 124A.22, subdivisions 2, 3, 4, 8, and 9; 124A.23, subdivisions 1, 4, and 5; 124A.24; 124A.26, subdivision 1; 126.22, subdivisions 2, 3, and 4; 136D.27, subdivision 1; 136D.74, subdivision 2; 136D.87, subdivision 1; and 275.125, subdivisions 5, 5c, 6e, 6i, and 8b; proposing coding for new law in Minnesota Statutes, chapters 124; 124A; 124C; and 125; repealing Minnesota Statutes 1990, sections 123.351, subdivision 10; 124.195, subdivision 12; 124.223, subdivisions 3, 9, and 10; 124.252; 124.575; 124A.02, subdivision 19; and 275.125, subdivisions 8c and 8e; Laws 1989, chapter 222, section 10.

The bill was read for the first time and referred to the Committee on Education.

Lasley introduced:

H. F. No. 463, A bill for an act relating to motor vehicles; providing for seven-year, in transit license plates for motor vehicle dealers; amending Minnesota Statutes 1990, sections 168.12, subdivision 1; 168.27, subdivisions 16 and 17; and 297B.035, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Sparby and Krueger introduced:

H. F. No. 464, A bill for an act relating to economic development; establishing a board of invention; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Committee on Economic Development.

Mariani; Welle; Garcia; Olsen, S., and Uphus introduced:

H. F. No. 465, A bill for an act relating to public safety; providing for wheelchair securement devices in transit buses for transporting disabled people; amending Minnesota Statutes 1990, sections 299A.11; and 299A.12, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Bauerly, McEachern, Pellow, Pugh and Johnson, A., introduced:

H. F. No. 466, A bill for an act relating to traffic regulations;

defining "wrecker" to include new variations of tower vehicles; requiring the use of amber lights on wreckers after January 1, 1992; exempting wreckers from weight requirements under certain circumstances; amending Minnesota Statutes 1990, sections 169.01, subdivision 52; 169.64, subdivision 5; and 169.825, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Olson, K.; Kalis; Olson, E.; Winter and Anderson, R. H., introduced:

H. F. No. 467, A bill for an act relating to agriculture; providing for state inspection of certain meat processing facilities; appropriating money.

The bill was read for the first time and referred to the Committee on Agriculture.

Jacobs, Heir, Lynch and Runbeck introduced:

H. F. No. 468, A bill for an act relating to Coon Creek watershed district; providing for the establishment of a district water maintenance and repair fund; authorizing a tax levy for water maintenance and repair purposes.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Seaberg, Pugh, Macklin and Scheid introduced:

H. F. No. 469, A bill for an act relating to privacy; recognizing a cause of action for public disclosure of private facts; proposing coding for new law as Minnesota Statutes, chapter 554.

The bill was read for the first time and referred to the Committee on Judiciary.

Skoglund introduced:

H. F. No. 470, A bill for an act relating to metropolitan government; providing for the powers of the mosquito control district; amending Minnesota Statutes 1990, sections 473.704, by adding a subdivision; and 473.705.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Ogren, Dempsey, Vanasek, Osthoff and Lynch introduced:

H. F. No. 471, A resolution memorializing the International Special Olympics Committee in support of the 1991 International Special Olympics Games.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

O'Connor, Lourey and Begich introduced:

H. F. No. 472, A bill for an act relating to occupations and professions; amending the definition of high pressure piping; amending Minnesota Statutes 1990, section 326.461, subdivision 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Orenstein, Carlson, Trimble, Solberg and Limmer introduced:

H. F. No. 473, A bill for an act relating to peace officers; requiring the community college system, technical college system, state university system, and private colleges offering professional peace officer education to integrate components of professional peace officer education into a degree program by January 1, 1992; requiring the state university system to develop a school of law enforcement; amending Minnesota Statutes 1990, section 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time and referred to the Committee on Judiciary.

Rice, Trimble, Rukavina, Janezich and Johnson, R., introduced:

H. F. No. 474, A bill for an act relating to employment; regulating certain construction bids; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Reding, Skoglund and Hartle introduced:

H. F. No. 475, A bill for an act relating to financial institutions; authorizing state banks to acquire eligible savings associations and operate them as detached facilities; amending Minnesota Statutes 1990, section 49.34, subdivision 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Rukavina, Ogren, Murphy, Jaros and Begich introduced:

H. F. No. 476, A bill for an act relating to employment; providing for severance pay; requiring employers to provide notice of certain actions related to work force reductions; appropriating money; amending Minnesota Statutes 1990, section 268.07, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 268B.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Anderson, I.; Carruthers; Garcia; Valento and Morrison introduced:

H. F. No. 477, A bill for an act relating to metropolitan government; providing for the membership of the metropolitan airports commission; amending Minnesota Statutes 1990, section 473.604, subdivision 1.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Lasley, Scheid, Ostrom and Abrams introduced:

H. F. No. 478, A bill for an act relating to elections; changing requirement of absentee ballot applications for deer hunters; clarifying uses to be made of lists of registered voters; requiring commissioner of health to report deaths to secretary of state; authorizing facsimile applications for absentee ballots; requiring notarized affidavits of candidacy; changing time for issuance of certificates of election; changing certain deadlines and language of a disclaimer; changing procedures for hospital district elections; amending Minnesota Statutes 1990, sections 97A.485, subdivision 1a; 201.091, subdivisions 1 and 4; 201.13, subdivision 1; 203B.04, subdivision 1; 204B.09, subdivision 1; 204C.40, subdivision 2; 205.16, subdivision 4; 205A.07, subdivision 3; 211B.04; and 447.32, subdivisions 2, 3, and 4.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Kinkel; Anderson, I.; Thompson; Scheid and Omann introduced:

H. F. No. 479, A bill for an act relating to towns; providing for the appointment of town officers under certain circumstances; amending Minnesota Statutes 1990, section 367.03, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Kinkel introduced:

H. F. No. 480, A bill for an act relating to taxation; property; providing a classification for certain airport property; amending Minnesota Statutes 1990, section 273.13, subdivision 24.

The bill was read for the first time and referred to the Committee on Taxes.

Runbeck, Stanius, Pellow, Heir and Krinkie introduced:

H. F. No. 481, A bill for an act relating to taxation; property; authorizing a special levy for the cities of Arden Hills, Blaine, Circle Pines, Mounds View, New Brighton, North Oaks, Shoreview, Vadnais Heights, and White Bear Lake for certain costs of providing drug abuse resistance education; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

The bill was read for the first time and referred to the Committee on Taxes.

McPherson introduced:

H. F. No. 482, A bill for an act relating to the city of Bayport; permitting a special library levy.

The bill was read for the first time and referred to the Committee on Taxes.

Marsh; Kinkel; Omann; Johnson, V., and Schafer introduced:

H. F. No. 483, A bill for an act proposing an amendment to the Minnesota Constitution, article I, adding a section to provide that the right to keep and bear arms shall not be abridged.

The bill was read for the first time and referred to the Committee on Judiciary.

Sviggum, Onnen and Henry introduced:

H. F. No. 484, A bill for an act relating to legislature; changing the size of the legislature; restricting certain reapportionment procedures; amending Minnesota Statutes 1990, sections 2.021; and 2.031, subdivision 1.

The bill was read for the first time and referred to the Committee on Redistricting.

Pugh, Jacobs, Hartle, Bertram and Reding introduced:

H. F. No. 485, A bill for an act relating to insurance; modifying the allowable delinquency and related charges in premium finance agreements; amending Minnesota Statutes 1990, section 59A.10.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Weaver, Kinkel, Lasley, McGuire and Limmer introduced:

H. F. No. 486, A bill for an act relating to parks; placing restrictions on certain changes on streets and highways within parks; providing an exemption from liability for designs subject to such restrictions; allowing park authorities to request variances from state-aid standards; allowing local authorities to establish speed limits within parks; amending Minnesota Statutes 1990, sections 162.02, subdivision 3a; 162.09, subdivision 3a; 169.14, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 160.

The bill was read for the first time and referred to the Committee on Transportation.

Thompson, Hasskamp, Milbert, Greenfield and Erhardt introduced:

H. F. No. 487, A bill for an act relating to commerce; requiring local units of government to license the retail sale of cigarettes; providing for mandatory suspension of licenses for sales to minors; amending Minnesota Statutes 1990, section 461.12.

The bill was read for the first time and referred to the Committee on Commerce.

Segal introduced:

H. F. No. 488, A bill for an act relating to human services licensing; repealing certain rule criteria for disqualification of applicants for licensing and their employees; amending Minnesota Statutes 1990, section 245A.04, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Waltman introduced:

H. F. No. 489, A bill for an act relating to education; approving a maximum effort school loan program capital loan.

The bill was read for the first time and referred to the Committee on Education.

Tunheim introduced:

H. F. No. 490, A bill for an act relating to education; approving a maximum effort school loan program capital loan.

The bill was read for the first time and referred to the Committee on Education.

Dauner and Anderson, R., introduced:

H. F. No. 491, A bill for an act relating to highways; adding route to the state highway system.

The bill was read for the first time and referred to the Committee on Transportation.

Solberg and Vellenga introduced:

H. F. No. 492, A bill for an act relating to the public defender; providing who is eligible to be represented by the public defender; authorizing good conduct reduction of sentence for persons serving terms in local correctional facilities as a condition of probation; amending Minnesota Statutes 1990, sections 590.05; 611.14; 611.18; 611.25, subdivision 1; and 643.29, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Wenzel; Nelson, S.; Bauerly; Omann and Krueger introduced:

H. F. No. 493, A bill for an act relating to dairy inspection fees; limiting the charge for on-farm inspections to 40 percent of average inspection costs; amending Minnesota Statutes 1990, section 32.394, subdivisions 8 and 8b.

The bill was read for the first time and referred to the Committee on Agriculture.

Greenfield, Bishop, Segal, Jaros and Simoneau introduced:

H. F. No. 494, A bill for an act relating to health; providing additional funding for family planning grants; establishing an outreach program for pregnant women eligible for medical assistance; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Jaros introduced:

H. F. No. 495, A bill for an act relating to retirement; extending access to the combined service annuity provision for certain former members of the Duluth police pension association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kahn, Simoneau, Bishop, Scheid and Abrams introduced:

H. F. No. 496, A bill for an act relating to government operations; requiring a study of the feasibility of consolidating counties and rationalizing other internal boundaries; appropriating money.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Mariani, Jaros, Bettermann and Lourey introduced:

H. F. No. 497, A bill for an act relating to health; providing for the establishment of a joint legislative study commission to study the educational programs for primary care at the University of Minnesota medical school; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Sviggum, Vanasek, Rodosovich and Girard introduced:

H. F. No. 498, A bill for an act relating to unemployment; regulating requirements for requalification for benefits following a voluntary quit or discharge for misconduct; amending Minnesota Statutes 1990, section 268.09, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

O'Connor, McEachern, Hausman, Kelso and Dempsey introduced:

H. F. No. 499, A bill for an act relating to education; providing for flagging of school records of missing children; proposing coding for new law in Minnesota Statutes, chapter 120.

The bill was read for the first time and referred to the Committee on Education.

O'Connor; Sarna; Anderson, I.; Anderson, R., and Clark introduced:

H. F. No. 500, A bill for an act relating to commerce; modifying the maximum finance charge on certain open end credit sales; regulating additional charges; amending Minnesota Statutes 1990, section 334.16, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce.

Johnson, A.; Olson, K.; Rukavina; Carruthers and McEachern introduced:

H. F. No. 501, A bill for an act relating to education; increasing the nonvoting membership of school boards; amending Minnesota Statutes 1990, section 123.33, subdivision 1; repealing Minnesota Statutes 1990, section 123.744.

The bill was read for the first time and referred to the Committee on Education.

Pugh, Greenfield, Carruthers and Macklin introduced:

H. F. No. 502, A bill for an act relating to health-care information; providing conditions for the disclosure of health-care information; enacting the Uniform Health-Care Information Act; providing pen-

alties; proposing coding for new law as Minnesota Statutes, chapter 143.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Pugh, Carruthers and Macklin introduced:

H. F. No. 503, A bill for an act relating to collection and dissemination of data; enacting the uniform criminal history records act; prescribing penalties; amending Minnesota Statutes 1990, section 13.82, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 13C; repealing Minnesota Statutes 1990, section 13.87.

The bill was read for the first time and referred to the Committee on Judiciary.

Solberg, Osthoff, Gutknecht, Boo and Long introduced:

H. F. No. 504, A bill for an act relating to lawful gambling; requiring record keeping, reports, and audits by licensed gambling organizations; allowing certain costs as lawful purposes; requiring preparation of an accounting manual; amending Minnesota Statutes 1990, sections 349.12, subdivision 25, and by adding a subdivision; 349.19, subdivisions 5 and 9, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Abrams, Krinkie, Leppik, Hufnagle and Pauly introduced:

H. F. No. 505, A bill for an act relating to taxation; property; reducing the class rate applied to certain homesteads; amending Minnesota Statutes 1990, section 273.13, subdivision 22.

The bill was read for the first time and referred to the Committee on Taxes.

Janezich, Rukavina, Begich, Sarna and Anderson, R., introduced:

H. F. No. 506, A bill for an act relating to occupations and professions; requiring crane operators to be licensed by the state; requiring rulemaking; establishing a crane operators examining board; providing penalties; amending Minnesota Statutes 1990, section 214.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the first time and referred to the Committee on Commerce.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 79.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 79, A bill for an act relating to the city of Mora; extending the deadline for negotiating certain contracts; amending Laws 1989, chapter 33, section 1.

The bill was read for the first time.

Lasley moved that S. F. No. 79 and H. F. No. 92, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

H. F. No. 55, A bill for an act relating to peace officers; clarifying the soft body armor reimbursement program; amending Minnesota Statutes 1990, section 299A.38, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Battaglia	Bertram	Bodahl	Carruthers
Anderson, I.	Bauerly	Bettermann	Boo	Clark
Anderson, R.	Beard	Bishop	Brown	Cooper
Anderson, R. H.	Begich	Blatz	Carlson	Dauner

Davids	Hufnagle	Long	Onnen	Skoglund
Dawkins	Hugoson	Lourey	Orenstein	Smith
Dempsey	Jacobs	Lynch	Orfield	Solberg
Dille	Janezich	Macklin	Osthoff	Sparby
Dorn	Jaros	Mariani	Ostrom	Stanius
Erhardt	Jefferson	Marsh	Ozment	Steensma
Farrell	Jennings	McEachern	Pauly	Swenson
Frederick	Johnson, A.	McGuire	Pellow	Thompson
Frerichs	Johnson, R.	McPherson	Pelowski	Tompkins
Garcia	Johnson, V.	Milbert	Peterson	Trimble
Girard	Kahn	Morrison	Reding	Tunheim
Goodno	Kalis	Munger	Rest	Uphus
Greenfield	Kelso	Murphy	Rice	Valento
Gruenes	Kinkel	Nelson, K.	Rodosovich	Vellenga
Gutknecht	Knickerbocker	Nelson, S.	Rukavina	Waltman
Hanson	Koppendrayer	Newinski	Runbeck	Weaver
Hartle	Krinkie	O'Connor	Sarna	Wejzman
Hasskamp	Krueger	Ogren	Schafer	Welker
Haukoos	Lasley	Olsen, S.	Scheid	Wenzel
Hausman	Leppik	Olson, E.	Schreiber	Winter
Heir	Lieder	Olson, K.	Seaberg	Spk. Vanasek
Henry	Limmer	Omann	Segal	

The bill was passed and its title agreed to.

H. F. No. 131, A bill for an act relating to Meeker county; authorizing the county board to provide for an addition to the county hospital.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Johnson, A.	Milbert	Rest
Anderson, I.	Erhardt	Johnson, R.	Morrison	Rice
Anderson, R.	Farrell	Johnson, V.	Munger	Rodosovich
Anderson, R. H.	Frederick	Kahn	Murphy	Rukavina
Battaglia	Frerichs	Kalis	Nelson, K.	Runbeck
Bauerly	Garcia	Kelso	Nelson, S.	Sarna
Beard	Girard	Kinkel	Newinski	Schafer
Begich	Goodno	Knickerbocker	O'Connor	Scheid
Bertram	Greenfield	Koppendrayer	Ogren	Schreiber
Bettermann	Gruenes	Krinkie	Olsen, S.	Seaberg
Bishop	Gutknecht	Krueger	Olson, E.	Segal
Blatz	Hartle	Lasley	Olson, K.	Skoglund
Bodahl	Hasskamp	Leppik	Omann	Smith
Boo	Haukoos	Lieder	Onnen	Solberg
Brown	Hausman	Limmer	Orenstein	Sparby
Carlson	Heir	Long	Orfield	Stanius
Carruthers	Henry	Lourey	Osthoff	Steensma
Clark	Hufnagle	Lynch	Ostrom	Swenson
Cooper	Hugoson	Macklin	Ozment	Thompson
Dauner	Jacobs	Mariani	Pauly	Tompkins
Davids	Janezich	Marsh	Pellow	Trimble
Dawkins	Jaros	McEachern	Pelowski	Tunheim
Dempsey	Jefferson	McGuire	Peterson	Uphus
Dille	Jennings	McPherson	Reding	Valento

Vellenga
Waltman

Weaver
Wejcman

Welker
Welle

Wenzel
Winter

Spk. Vanasek

The bill was passed and its title agreed to.

Skoglund was excused at 3:35 p.m.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. No. 290 was recommended to pass.

H. F. No. 116 was recommended for progress.

H. F. No. 172 was recommended for progress until Monday, March 11, 1991.

H. F. No. 104, the first engrossment, which it recommended to pass with the following amendment offered by Bishop and Milbert:

Page 2, line 8, delete "after the"

Page 2, line 9, delete "repair or service"

Page 3, line 33, delete everything after "6." and insert "[CLARIFICATION OF LEGISLATIVE INTENT.]"

Page 3, line 34, delete "applies"

Page 3, delete lines 35 and 36, and insert "states that it is not now, nor has it ever been, the intention of the legislature that garage door opening systems were to be considered improvements to real property as that term is used in section 541.051 so as to alter the statutes of limitations or statutes of repose which otherwise apply to manufacturers and sellers of such products."

Page 4, line 2, delete "5" and insert "6"

Page 4, line 3, delete everything after the first period

S. F. No. 106 which it recommended to pass with the following amendments:

Offered by Orfield:

Page 1, line 26, delete the second "or" and insert "of"

Offered by Bishop and Orfield:

Page 2, after line 24, insert:

"Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

H. F. No. 156, the first engrossment, which it recommended to pass with the following amendments:

Offered by Carruthers and Jacobs:

Page 3, line 14, after "who" delete "engages in repeated violations of" and insert "violates"

Page 3, line 15, after "(e)," insert "on more than one occasion"

Offered by Jacobs and Macklin:

Page 1, line 11, before the period insert "except as permitted by section 181A.07, subdivisions 1, 2, 3, and 4"

On the motion of Long the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.06, the following roll calls were taken in the Committee of the Whole:

Girard moved to amend H. F. No. 156, the first engrossment, as follows:

Page 1, line 10, after "work" insert "or take part in practice or team competition"

McEachern moved to amend the Girard amendment to H. F. No. 156, the first engrossment, as follows:

In the Girard amendment, page 1, line 3, delete "practice or"

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Girard amendment and the roll was called. There were 54 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Hugoson	McPherson	Schreiber
Anderson, R. H.	Frerichs	Jennings	Newinski	Smith
Bertram	Girard	Johnson, V.	Olsen, S.	Stanius
Bettermann	Goodno	Kelso	Olson, E.	Swenson
Bishop	Gruenes	Koppendrayer	Olson, K.	Tompkins
Blatz	Gutknecht	Krinkie	Omann	Uphus
Boo	Hanson	Lasley	Ostrom	Valento
Davids	Hartle	Leppik	Pellow	Vellenga
Dille	Haukoos	Limmer	Runbeck	Waltman
Dorn	Heir	Marsh	Schafer	Welker
Erhardt	Hufnagle	McGuire	Scheid	

Those who voted in the negative were:

Anderson, I.	Garcia	Lieder	Onnen	Solberg
Anderson, R.	Greenfield	Long	Orenstein	Sparby
Battaglia	Hasskamp	Lourey	Orfield	Steensma
Bauerly	Henry	Lynch	Osthoff	Thompson
Beard	Jacobs	Macklin	Ozment	Trimble
Begich	Janezich	Mariani	Pauly	Tunheim
Bodahl	Jaros	McEachern	Pelowski	Weaver
Brown	Jefferson	Milbert	Peterson	Wejcman
Carlson	Johnson, A.	Morrison	Rest	Welle
Carruthers	Johnson, R.	Munger	Rice	Wenzel
Cooper	Kahn	Murphy	Rodosovich	Winter
Dauner	Kalis	Nelson, K.	Rukavina	Spk. Vanasek
Dawkins	Kinkel	Nelson, S.	Sarna	
Dempsey	Knickerbocker	O'Connor	Seaberg	
Farrell	Krueger	Ogren	Segal	

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

Welker and Bertram moved to amend H. F. No. 156, the first engrossment, as follows:

Page 1, line 10, after "11:00 p.m." insert ", or midnight with a parent's or a guardian's permission,"

Page 2, line 19, after "11:00 p.m." insert ", or midnight with a parent's or a guardian's permission,"

The question was taken on the Welker and Bertram amendment and the roll was called. There were 59 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Hugoson	Nelson, S.	Schreiber
Anderson, R. H.	Frederick	Jennings	Newinski	Seaberg
Bertram	Frerichs	Johnson, V.	Olson, E.	Smith
Bettermann	Girard	Koppendrayner	Olson, K.	Sparby
Bishop	Goodno	Krinkie	Omam	Stanius
Blatz	Gruenes	Leppik	Onnen	Swenson
Boo	Gutknecht	Limmer	Pauly	Tompkins
Dauner	Hartle	Lynch	Pellow	Uphus
Dauids	Haukoos	Macklin	Pelowski	Valento
Dempsey	Heir	Marsh	Runbeck	Welker
Dille	Henry	McPherson	Schafer	Welle
Dorn	Hufnagle	Morrison	Scheid	

Those who voted in the negative were:

Anderson, I.	Garcia	Kinkel	O'Connor	Sarna
Anderson, R.	Greenfield	Knickerbocker	Ogren	Segal
Battaglia	Hanson	Krueger	Olsen, S.	Solberg
Bauerly	Hasskamp	Lasley	Orenstein	Steensma
Beard	Hausman	Lieder	Orfield	Thompson
Begich	Jacobs	Long	Osthoff	Trimble
Bodahl	Janezich	Lourey	Ostrom	Tunheim
Brown	Jaros	Mariani	Ozment	Vellenga
Carlson	Jefferson	McEachern	Peterson	Waltman
Carruthers	Johnson, A.	McGuire	Reding	Weaver
Clark	Johnson, R.	Milbert	Rest	Wejcman
Cooper	Kahn	Munger	Rice	Wenzel
Dawkins	Kalis	Murphy	Rodosovich	Winter
Farrell	Kelso	Nelson, K.	Rukavina	Spk. Vanasek

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

The question was taken on the motion to recommend passage of H. F. No. 156, the first engrossment, as amended, and the roll was called. There were 75 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Greenfield	Krueger	Ogren	Seaberg
Anderson, R.	Gruenes	Lasley	Olsen, S.	Solberg
Battaglia	Hanson	Long	Orenstein	Steensma
Bauerly	Hasskamp	Lourey	Orfield	Thompson
Beard	Hausman	Lynch	Osthoff	Tompkins
Begich	Jacobs	Macklin	Ostrom	Trimble
Bettermann	Janezich	Mariani	Ozment	Tunheim
Bodahl	Jaros	McEachern	Peterson	Uphus
Brown	Jefferson	McGuire	Reding	Vellenga
Carlson	Johnson, A.	Milbert	Rest	Waltman
Carruthers	Johnson, R.	Munger	Rice	Weaver
Clark	Kahn	Murphy	Rodosovich	Wejcman
Cooper	Kelso	Nelson, K.	Rukavina	Wenzel
Dawkins	Kinkel	Nelson, S.	Runbeck	Winter
Farrell	Knickerbocker	O'Connor	Sarna	Spk. Vanasek

Those who voted in the negative were:

Abrams	Erhardt	Hufnagle	McPherson	Scheid
Anderson, R. H.	Frederick	Hugoson	Morrison	Schreiber
Bertram	Frerichs	Jennings	Newinski	Segal
Bishop	Garcia	Johnson, V.	Olson, E.	Smith
Blatz	Girard	Kalis	Olson, K.	Sparby
Boo	Goodno	Koppendrayer	Omann	Stanius
Dauner	Gutknecht	Krinkie	Onnen	Swenson
Davids	Hartle	Leppik	Pauly	Valento
Dempsey	Haukoos	Lieder	Pellow	Welker
Dille	Heir	Limmer	Pelowski	Welle
Dorn	Henry	Marsh	Schafer	

The motion prevailed.

MOTIONS AND RESOLUTIONS

Wejzman moved that the name of Murphy be added as an author on H. F. No. 238. The motion prevailed.

Hanson moved that the name of Kelso be added as an author on H. F. No. 281. The motion prevailed.

Dawkins moved that the name of Sviggum be added as an author on H. F. No. 360. The motion prevailed.

Kahn moved that the name of Heir be added as an author on H. F. No. 386. The motion prevailed.

Johnson, A., moved that the name of Begich be stricken and the name of Lourey be added as an author on H. F. No. 406. The motion prevailed.

Carruthers moved that the name of McGuire be added as an author on H. F. No. 442. The motion prevailed.

Greenfield moved that S. F. No. 141 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Appropriations. The motion prevailed.

Lasley moved that H. F. No. 19 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Farrell moved that H. F. No. 410 be recalled from the Committee on Commerce and be re-referred to the Committee on Labor-Management Relations. The motion prevailed.

Cooper moved that H. F. No. 372 be returned to its author. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, February 28, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, February 28, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

EIGHTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 28, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Peg Chamberlin, Director, Minnesota Food Share, Minneapolis, Minnesota.

The roll was called and the following members were present:

Abrams	Farrell	Kalis	Newinski	Segal
Anderson, I.	Frederick	Kelso	O'Connor	Simoneau
Anderson, R.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R. H.	Garcia	Knickerbocker	Olson, E.	Smith
Battaglia	Goodno	Koppendrayer	Olson, K.	Solberg
Bauerly	Greenfield	Krinkie	Omann	Sparby
Beard	Gruenes	Krueger	Onnen	Stanius
Begich	Gutknecht	Lasley	Orenstein	Steensma
Bertram	Hanson	Leppik	Orfield	Sviggum
Bettermann	Hartle	Lieder	Osthoff	Swenson
Bishop	Hasskamp	Limmer	Ostrom	Thompson
Blatz	Haukoos	Long	Ozment	Trimble
Bodahl	Hausman	Lourey	Pauly	Tunheim
Boo	Heir	Lynch	Pellow	Uphus
Brown	Henry	Macklin	Pelowski	Valento
Carlson	Hufnagle	Mariani	Pugh	Vellenga
Carruthers	Hugoson	Marsh	Reding	Waltman
Clark	Jacobs	McEachern	Rest	Weaver
Cooper	Janezich	McGuire	Rice	Wejcman
Dauner	Jaros	McPherson	Rodosovich	Welle
Dauids	Jefferson	Milbert	Rukavina	Wenzel
Dawkins	Jennings	Morrison	Runbeck	Winter
Demsey	Johnson, A.	Munger	Sarna	Spk. Vanasek
Dille	Johnson, R.	Murphy	Scheid	
Dorn	Johnson, V.	Nelson, K.	Schreiber	
Erhardt	Kahn	Nelson, S.	Seaberg	

A quorum was present.

Girard, Ogren, Peterson, Schafer, Tompkins, Wagenius and Welker were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Koppendrayer moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 79 and H. F. No. 92, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Lasley moved that S. F. No. 79 be substituted for H. F. No. 92 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

February 21, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Representative Vanasek:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 14, expressing support for our armed forces in the conflict with Iraq; urging support for military families in the United States, calling on the governor to declare a day of prayer for peace, and supporting the President in negotiating a peaceful settlement.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>1991</i>	<i>Date Filed</i> <i>1991</i>
	14	Resolution No. 1	10:00 a.m. February 21	February 22

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

McEachern from the Committee on Education to which was referred:

H. F. No. 9, A bill for an act relating to education; establishing a legislative commission on children, youth, and their families; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the following amendments:

Page 1, line 17, before the period insert “that reflect a proportionate representation from each party”

Page 2, line 2, delete everything after the period

Page 2, delete line 3

Page 2, line 4, delete “the minority caucus.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 87, A bill for an act relating to highways; allowing county board of and appropriate town boards in Itasca county to establish and record certain public roads less than four rods in width until December 31, 1995.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 144, A bill for an act relating to probate; adopting the uniform anatomical gift act (1987); correcting cross-references; amending Minnesota Statutes 1990, sections 65B.44, subdivision 4; 171.07, subdivision 5; 390.36; and 525.921, subdivisions 1, 4, 5, 8, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 525; repealing Minnesota Statutes 1990, sections 525.921, subdivision 2; and 525.922 to 525.94.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 2 and insert:

“Sec. 2. Minnesota Statutes 1990, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION.] An application must state the full name, date of birth, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and must state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and the applicant's ability to operate a motor vehicle with safety as may be required by the commissioner. An application for a Class CC, Class B, or Class A driver's license also must state the applicant's social security number. The application form must contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and must contain spaces where the applicant must either indicate a desire to receive or not to receive the donor document make an anatomical gift or a desire not to make a decision regarding making an anatomical gift at the time the application is made. If the applicant indicates a desire not to make a decision regarding making an anatomical gift when the application is made, the applicant shall be provided with a donor document pursuant to section 171.07, subdivision 5. An indication of a desire not to make a decision regarding making an anatomical gift is considered a deferral of the anatomical gift decision and shall not for any purpose be considered a refusal to make an anatomical gift. The application form and donor document shall contain statements sufficient to comply with the requirements of the uniform anatomical gift act (1987), sections 4 to 25, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application form must contain a notification to the applicant of the availability of a living will designation on the license under section 171.07, subdivision 7. The application must be in the form prepared by the commissioner.

The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

The application form shall also be accompanied by a pamphlet

describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts.

Sec. 3. Minnesota Statutes 1990, section 171.07, subdivision 5, is amended to read:

Subd. 5. The department ~~may~~ must provide a donor document to each person making application for a driver's license or a Minnesota identification card ~~whereby any such person may execute an anatomical gift, pursuant to the provisions of the uniform anatomical gift act, sections 525.921 to 525.93 who indicates a desire not to make a decision regarding making an anatomical gift at the time the application is made.~~ The commissioner of public safety shall prescribe the form of the donor document and the application for a driver's license or a Minnesota identification card whereby execution by the applicant of the donor document or application will make an anatomical gift pursuant to the provisions of the uniform anatomical gift act (1987), sections 4 to 25. Anatomical gift does not include donation of all or part of an unborn child or newborn child who has been the subject of an induced abortion.

"Induced abortion" means the termination of the pregnancy of a woman known to be pregnant, if the termination is intended to accomplish something other than to increase the probability of a live birth, to preserve the life or physical health of the pregnant woman, to preserve the life or physical health of the child after live birth, or to remove a dead unborn child.

Use of all or part of a human body of an unborn child or newborn child who has been the subject of an induced abortion is prohibited. If the donor is 18 years of age or older, the donor document or application must be signed by the donor in the presence of two witnesses who must sign the donor document in the donor's presence. If the donor cannot sign, the donor document or application may be signed for the donor at the donor's direction, in the donor's presence, and in the presence of two witnesses who must sign the donor document or application in the donor's presence. If the donor is a minor, the donor document or application must be signed by the minor donor, and both of the minor donor's parents, a legal guardian, or the parent or parents having legal custody. If the minor cannot sign, the donor document or application may not be signed for the minor. The department shall identify donors of anatomical gifts by the designation "donor" on the front side of the donor's driver's license or Minnesota identification card. The issuance of a license indicating "donor" completes the donation process and the license shall constitute the final donor record. The department shall not be required to retain the physical record of the donor card or application after issuance of the driver's license for the donation to be valid. The designation "donor" shall constitute sufficient legal authority for the removal of all body organs or parts upon death of the donor for the purpose of transplantation and the designation shall be

removed only upon written notice to the department. Delivery of the license or Minnesota identification card during the donor's lifetime is not necessary to make the gift valid."

Page 12, after line 10, insert:

"Sec. 27. [525.945] [EDUCATION PROGRAM RELATING TO ANATOMICAL GIFTS.]

The commissioner of public safety shall develop, for distribution to applicants, educational materials describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts. The commissioner shall develop and administer a continuing program to educate and inform public employees and the public regarding the laws of this state relating to anatomical gifts, the authority to rely on the driver's license donor designation, and the need for and benefits of anatomical gifts. The program shall be implemented by contract and in collaboration with organ and tissue procurement organizations or other interested and suitable transplant related institutions located in the state. Beginning January 2, 1993, and biennially thereafter on January 2, the commissioner shall report to the legislature on participation in the organ donor program using driver's licenses and Minnesota identification cards, the effectiveness of donor education programs, and any suggestion for modifying the program or application procedure to increase donor participation.

Sec. 28. [APPROPRIATION.]

\$85,000 is appropriated from the general fund to the commissioner of public safety to develop and administer an educational program relating to anatomical gifts, to be available until June 30, 1993. Such funds shall be available upon the donation of matching private funds in the amount of \$85,000 for the program. Not less than \$65,000 of the appropriation and all of the private matching funds shall be used for contracts with private or public organizations."

Reorder the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 3, after the second semicolon insert "appropriating money;"

Page 1, line 5, after the first semicolon insert "171.06, subdivision 3;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 238, A bill for an act relating to consumer protection; prohibiting the provision of a credit card number as a condition of check cashing or acceptance; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Page 1, line 11, delete "or expiration date"

Page 1, line 15, after "type" insert ", issuer," and after "and" insert "expiration date"

Page 1, line 16, delete "issuer"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 243, A bill for an act relating to highways; allowing specific service signs to be erected along interstate highways; amending Minnesota Statutes 1990, sections 160.293, subdivisions 1, 2, and 3; 160.295, subdivision 2; 160.297; 173.12; and 173.20; repealing Minnesota Statutes 1990, section 160.292, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 160.293, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC SERVICE SIGNS ON NONFREEWAY HIGHWAYS AT INTERSECTIONS.] A specific service sign may be erected at the intersection of a trunk highway with an interstate

highway, a controlled access road, or a local road, on bypasses of outstate municipalities, and subject to prior approval of the federal highway administration at the intersection of two trunk highways. A specific service sign may not be erected if the place of business is readily visible or, if effective directional advertising is visible, or if the sign can be legally and effectively located near the intersection.

Sec. 2. Minnesota Statutes 1990, section 160.293, subdivision 3, is amended to read:

Subd. 3. [NUMBER OF TRUNK HIGHWAY INTERSECTIONS.] A specific service sign for a rural agricultural or tourist-oriented business, place of worship, restaurant, motel, resort, or recreational camping area is limited to one intersection on the trunk highway system. Additional signing may be considered when the place of business is located between, or approximately an equal distance from, two or more trunk highways.

Delete the title and insert:

"A bill for an act relating to highways; allowing specific service signs to be erected at intersections of trunk highways with interstate highways; amending Minnesota Statutes 1990, section 160.293, subdivisions 2 and 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 275, A bill for an act relating to commerce; prohibiting the unlawful assignment of certain motor vehicle contracts; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 282, A bill for an act relating to public utilities; exempting from prior rate regulation gas utilities that have 650 or

fewer customers in any one municipality and a total of 2,000 or fewer customers; amending Minnesota Statutes 1990, section 216B.16, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 304, A bill for an act relating to labor; providing that certain hiring practices by an employer during a strike or lockout are unfair labor practices; amending Minnesota Statutes 1990, sections 179.12; and 179A.13.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 324, A bill for an act relating to employment; regulating an employee's lien for wages; amending Minnesota Statutes 1990, section 514.59.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 353, A bill for an act relating to liquor; authorizing cities of the first class to extend on-sale closing hours; amending Minnesota Statutes 1990, section 340A.504, subdivision 6.

Reported the same back with the following amendments:

Page 1, line 15, delete "of the first class"

Page 1, line 16, delete “, subject to any”

Page 1, delete line 17

Amend the title as follows:

Page 1, line 2, delete “of the first”

Page 1, line 3, delete “class”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 87, 238, 243, 275, 282, 304, 324 and 353 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 79 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Rest; Nelson, K.; Abrams; Skoglund and Olsen, S., introduced:

H. F. No. 507, A bill for an act relating to taxation; providing for a maximum fiscal disparities areawide tax capacity; amending Minnesota Statutes 1990, sections 473F.07, subdivision 1; and 473F.08, subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on Taxes.

Segal, Sarna, Long, Rice and Clark introduced:

H. F. No. 508, A bill for an act relating to taxation; providing for a maximum fiscal disparities areawide tax capacity; amending Min-

nesota Statutes 1990, sections 473F.07, subdivision 1; and 473F.08, subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on Taxes.

Jefferson, Wejzman, Greenfield and Knickerbocker introduced:

H. F. No. 509, A bill for an act relating to taxation; providing for a maximum fiscal disparities areawide tax capacity; amending Minnesota Statutes 1990, sections 473F.07, subdivision 1; and 473F.08, subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on Taxes.

Blatz, Morrison, Smith and Orfield introduced:

H. F. No. 510, A bill for an act relating to taxation; providing for a maximum fiscal disparities areawide tax capacity; amending Minnesota Statutes 1990, sections 473F.07, subdivision 1; and 473F.08, subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on Taxes.

Pauly, Leppik, Hufnagle and Erhardt introduced:

H. F. No. 511, A bill for an act relating to taxation; providing for a maximum fiscal disparities areawide tax capacity; amending Minnesota Statutes 1990, sections 473F.07, subdivision 1; and 473F.08, subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on Taxes.

Vellenga, Wagenius, Mariani, Orenstein and Leppik introduced:

H. F. No. 512, A bill for an act relating to abortion; providing the manner of authorizing abortion for minors; imposing penalties; amending Minnesota Statutes 1990, section 144.343; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Judiciary.

Rukavina, Begich, Jacobs, Sarna and Farrell introduced:

H. F. No. 513, A bill for an act relating to commerce; restraint of trade; prohibiting the charging of unconscionable prices for critical petroleum products; prohibiting fuel suppliers from requiring certain minimum deliveries; providing for investigations and enforcement; establishing a volunteer corps to aid in enforcement; proposing coding for new law in Minnesota Statutes, chapter 325D.

The bill was read for the first time and referred to the Committee on Energy.

Rukavina; Battaglia; Begich; Johnson, R., and Runbeck introduced:

H. F. No. 514, A bill for an act relating to natural resources; authorizing certain minors to harvest wild rice without a license; amending Minnesota Statutes 1990, sections 84.091, subdivision 2; and 97A.451, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Lasley, Brown, Morrison and Steensma introduced:

H. F. No. 515, A bill for an act relating to drivers' licenses; clarifying procedure for review of driver's license revocation or disqualification under implied consent law; defining farm truck for purposes of driver's license classifications; restricting exemption for drivers of certain federal vehicles from requirement to possess commercial driver's license; clarifying offenses for which driver may be disqualified from holding commercial driver's license; amending Minnesota Statutes 1990, sections 169.123, subdivision 5c; 171.01, by adding a subdivision; 171.02, subdivision 2; 171.03; and 171.165, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Bertram, Kinkel and Wenzel introduced:

H. F. No. 516, A bill for an act relating to lawful gambling; making changes in the administration, collection, and enforcement of the tax on pull-tabs and tipboards; allowing the use of lawful gambling profits for certain senior citizen facilities and activities and for audit costs; allowing licensed organizations to have fewer than 15 members; allowing an unlimited number of bingo occasions per week; relieving organizations of a requirement to report on purchases of

gambling equipment; removing registration requirement for lawful gambling net profit recipients; removing the requirement to post certain information relating to pull-tabs; allowing checks for lawful gambling purchases; amending Minnesota Statutes 1990, sections 270.101, subdivision 1; 349.12, subdivision 25; 349.151, subdivision 4; 349.16, subdivision 2; 349.166, subdivision 2; 349.17, subdivision 1; 349.19, subdivision 5; 349.212, subdivisions 1, 6, and by adding subdivisions; 349.2125, subdivision 3; and 349.2127, subdivision 3; repealing Minnesota Statutes 1990, sections 349.154, subdivision 3; 349.172; 349.212, subdivisions 4 and 7; 349.2121; and 349.2127, subdivision 7.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Bertram, Kinkel and Wenzel introduced:

H. F. No. 517, A bill for an act relating to lawful gambling; amending the purpose of lawful gambling regulation; removing restrictions on treating liability insurance premiums as allowable expenses; increasing the terms of organization licenses and premises permits; removing provisions relating to pull-tabs manufactured in this state; allowing training for gambling managers after licensing; requiring leases for gambling premises to run for at least one year; amending Minnesota Statutes 1990, sections 349.11; 349.12, subdivision 23; 349.15; 349.16, subdivision 3; 349.162, subdivision 1; 349.163, subdivision 3; 349.165, subdivisions 1 and 3; 349.167, subdivision 4; and 349.18, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Solberg and Anderson, I., introduced:

H. F. No. 518, A bill for an act relating to appropriations; providing funds for the Itasca center.

The bill was read for the first time and referred to the Committee on Appropriations.

Jacobs; Anderson, I.; Kelso and Boo introduced:

H. F. No. 519, A bill for an act relating to cable communications; limiting cable service franchises to a maximum of seven years; establishing a cable communications task force; amending Minnesota Statutes 1990, section 238.084, subdivision 1.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Johnson, A., and Pugh introduced:

H. F. No. 520, A bill for an act relating to crimes; obscenity; increasing the penalties for distributing obscene materials; increasing the penalties for possessing obscene pictorial representations of minors; prohibiting the rental of obscene materials; expanding the authority of county attorneys and the attorney general to enjoin the operation of establishments engaged in the distribution of obscene materials; amending Minnesota Statutes 1990, sections 617.241, subdivisions 2, 3, and 4; 617.247, subdivisions 3 and 4; and 617.296, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, I., introduced:

H. F. No. 521, A bill for an act relating to education; allowing independent school district No. 361, International Falls, to set its own school opening day each year.

The bill was read for the first time and referred to the Committee on Education.

Anderson, I., introduced:

H. F. No. 522, A bill for an act relating to retirement; authorizing appointed public officers to purchase public employees retirement association service credit for previous service as an elected official; amending Laws 1990, chapter 570, article 8, section 14, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Osthoff introduced:

H. F. No. 523, A bill for an act relating to elections; changing the makeup of the ethical practices board; amending Minnesota Statutes 1990, section 10A.02, subdivisions 1, 2, 4, and 7.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Peterson, Tunheim, Steensma, Winter and Girard introduced:

H. F. No. 524, A bill for an act relating to waste; authorizing a water or sewer commission to issue bonds; amending Minnesota Statutes 1990, section 116A.24, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kalis, Seaberg, Brown, Boo and Solberg introduced:

H. F. No. 525, A bill for an act relating to insurance; regulating claim denial; requiring chemical dependency claim reviewers to meet certain qualifications; requiring insurers to file an annual report on evaluations with the commissioner of commerce; amending Minnesota Statutes 1990, section 72A.201, subdivision 8.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Pugh, Carruthers, Swenson, Vellenga and Bishop introduced:

H. F. No. 526, A bill for an act relating to corporations; clarifying and modifying provisions governing divisions and combinations of shares and rights of shareholders; clarifying meeting notice requirements; authorizing electronic communications by shareholders; modifying access to corporate records; clarifying and modifying provisions governing mergers and dissolutions; amending Minnesota Statutes 1990, sections 302A.111, subdivision 2; 302A.139; 302A.401, subdivisions 3 and 4; 302A.405, subdivision 1; 302A.413, subdivision 3; 302A.435, subdivision 1; 302A.437, subdivision 1; 302A.449, subdivision 1, and by adding a subdivision; 302A.461, subdivisions 2, 4, and 4a; 302A.471, subdivision 1; 302A.551, subdivision 4; 302A.613, subdivision 2; 302A.621; 302A.651, subdivision 1; 302A.701; 302A.723, subdivision 3; 302A.725, subdivision 1; 302A.727; and 302A.781; proposing coding for new law in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1990, sections 302A.729; 302A.730; and 302A.733.

The bill was read for the first time and referred to the Committee on Judiciary.

Welle, Orenstein, Abrams and Boo introduced:

H. F. No. 527, A bill for an act relating to health; creating a limited exception to the moratorium on licensure of new nursing home beds; allowing a licensed, but not medical assistance certified, facility to upgrade beds from boarding care beds to nursing home

beds; amending Minnesota Statutes 1990, section 144A.071, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Johnson, R.; Janezich; Begich; Marsh and Rukavina introduced:

H. F. No. 528, A bill for an act relating to natural resources; increasing the number of permits that may be held by one purchaser of timber on state lands; setting an interest rate of six percent for certain extensions of the permits; amending Minnesota Statutes 1990, section 90.121.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Orenstein, Welle, Greenfield, Carlson and Stanius introduced:

H. F. No. 529, A bill for an act relating to health; clarifying requirements for vaccination of children for certain illnesses; amending Minnesota Statutes 1990, sections 123.70, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 10, and by adding a subdivision; and 151.37, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

McPherson introduced:

H. F. No. 530, A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land in Washington county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Brown; Wejcman; Sviggum; Olson, E., and Dawkins introduced:

H. F. No. 531, A bill for an act relating to taxation; income; authorizing a tax checkoff for foodshelf programs; creating a foodshelf account distribution board; appropriating money; amending Minnesota Statutes 1990, section 290.431; proposing coding for new law in Minnesota Statutes, chapter 268.

The bill was read for the first time and referred to the Committee on Taxes.

Scheid; McEachern; Bauerly; Nelson, K., and Ozment introduced:

H. F. No. 532, A bill for an act relating to education; clarifying the furnishing of food in schools; providing school lunch and school breakfast aid; defining allowable cost; appropriating money; amending Minnesota Statutes 1990, sections 123.35, subdivision 11; and 124.646.

The bill was read for the first time and referred to the Committee on Education.

Solberg; Cooper; Anderson, R.; O'Connor and Kinkel introduced:

H. F. No. 533, A bill for an act relating to public safety; transferring duties and powers relating to emergency medical services from the department of health to the department of public safety; amending Minnesota Statutes 1990, sections 144.801, subdivision 3; 144.802, subdivision 1; 144.804, subdivision 6; and 144.8097.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jefferson; Sarna; Reding; Johnson, R., and Knickerbocker introduced:

H. F. No. 534, A bill for an act relating to retirement; administration of general funds in first class city firefighters relief associations; amending Minnesota Statutes 1990, section 69.39.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dempsey introduced:

H. F. No. 535, A bill for an act relating to education; excluding certain revenue from fund balances for certain purposes; amending Minnesota Statutes 1990, sections 124.2713, by adding a subdivision; 124.2714; and 124.2715, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Jefferson; Sarna; Reding; Johnson, R., and Knickerbocker introduced:

H. F. No. 536, A bill for an act relating to retirement; surviving

spouse benefits for the Minneapolis fire department relief association; amending Laws 1965, chapter 519, section 1, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding, Morrison, Tompkins, Lieder and Kalis introduced:

H. F. No. 537, A bill for an act relating to traffic regulations; establishing the speed limit on interstate highway I-35E in St. Paul; authorizing the commissioner of transportation to designate a lower speed limit; amending Minnesota Statutes 1990, section 161.1245, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Olsen, S., introduced:

H. F. No. 538, A bill for an act relating to landfill cleanup; appropriating money for cleanup of a landfill in Hopkins.

The bill was read for the first time and referred to the Committee on Appropriations.

Pelowski; Johnson, V.; McEachern and Kelso introduced:

H. F. No. 539, A bill for an act relating to education; modifying the rounding procedure used to compute AFDC pupil units; amending Minnesota Statutes 1990, section 124.17, subdivision 1b.

The bill was read for the first time and referred to the Committee on Education.

Jefferson; Sarna; Trimble; Olsen, S., and Clark introduced:

H. F. No. 540, A bill for an act relating to crimes; regulating the display of firearms ammunition for sale to the public; providing criminal penalties; amending Minnesota Statutes 1990, section 609.66, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Runbeck; Johnson, A.; McPherson; Stanius and Jennings introduced:

H. F. No. 541, A bill for an act relating to education; authorizing certain school districts to become members of Northeast Metropolitan Intermediate School District No. 916; amending Minnesota Statutes 1990, sections 136D.72, subdivision 1; and 136D.76, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Hanson; Long; Reding; Johnson, R., and Goodno introduced:

H. F. No. 542, A bill for an act relating to state government; requiring a study of state government functions related to natural resources and environmental protection.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Gutknecht, Bishop, Frerichs, Welle and Cooper introduced:

H. F. No. 543, A bill for an act relating to human services; providing rule 12 funding for a dispersed apartment pilot program for persons with mental illness.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Weaver and Lynch introduced:

H. F. No. 544, A bill for an act relating to insurance; mandating coverage for cochlear implants; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Greenfield; Cooper; Carlson; Anderson, R., and Welle introduced:

H. F. No. 545, A bill for an act relating to health care; creating a special account; funding a program for pediatric access and training; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Ozment, Jacobs, Stanius, Vanasek and Schreiber introduced:

H. F. No. 546, A bill for an act relating to utilities; requiring the public utilities commission to adjust the boundary between two telephone exchanges.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Brown, Cooper, Frerichs and Kalis introduced:

H. F. No. 547, A bill for an act relating to human services; removing special transportation services from the medical assistance competitive bidding requirement; amending Minnesota Statutes 1990, section 256B.04, subdivision 14.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Waltman introduced:

H. F. No. 548, A bill for an act relating to the state capitol; providing for the number of portraits of governors; proposing coding for new law in Minnesota Statutes, chapter 138.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Omann introduced:

H. F. No. 549, A bill for an act relating to education; approving a maximum effort school loan program capital loan.

The bill was read for the first time and referred to the Committee on Education.

Omann and Koppendrayner introduced:

H. F. No. 550, A bill for an act relating to lawful gambling; providing that payment of the costs of a required audit are a lawful purpose expenditure; repealing requirements for posting of pull-tab winners; amending Minnesota Statutes 1990, section 349.12, subdivision 25; repealing Minnesota Statutes 1990, section 349.172.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Hanson; Johnson, A.; Valento; Kelso and Lasley introduced:

H. F. No. 551, A bill for an act relating to drivers' licenses; extending waiting period for person to receive limited driver's license who has been convicted of manslaughter or criminal negligence with a motor vehicle; amending Minnesota Statutes 1990, section 171.30, subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Peterson, Vanasek, Kalis, Cooper and Dille introduced:

H. F. No. 552, A bill for an act relating to motor fuels; requiring ethanol as the oxygenate in oxygenated gasoline; amending Minnesota Statutes 1990, section 239.76, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Agriculture.

Macklin, Morrison, Pugh, Milbert and Ozment introduced:

H. F. No. 553, A bill for an act relating to education; modifying the levy procedure for intermediate school district No. 917; amending Minnesota Statutes 1990, section 136D.87, by adding a subdivision; repealing Minnesota Statutes 1990, section 136D.87, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Olsen, S.; Lieder; Kalis; Davids and Pellow introduced:

H. F. No. 554, A bill for an act relating to motor vehicles; authorizing special license plates for members of the United States armed forces ready reserve; amending Minnesota Statutes 1990, section 168.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Frederick; Limmer; Anderson, R. H.; Hufnagle and Runbeck introduced:

H. F. No. 555, A resolution memorializing the Congress of the United States to enact H.R. 3603 which relates to the disclosure of information concerning POW/MIAs.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Frederick, Beard, Ostrom, Henry and Newinski introduced:

H. F. No. 556, A bill for an act relating to veterans; changing certain requirements for appointment of county veterans service officers; amending Minnesota Statutes 1990, section 197.60, subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Rukavina; Nelson, K.; McEachern and Runbeck introduced:

H. F. No. 557, A bill for an act relating to education; establishing a department of families and children; requiring a task force to determine implementation procedures.

The bill was read for the first time and referred to the Committee on Education.

Welle, Rodosovich, Ostrom, Pelowski and Gutknecht introduced:

H. F. No. 558, A bill for an act relating to health; modifying training and competency requirements for nursing assistants; amending Minnesota Statutes 1990, sections 144A.61, subdivisions 3, 3a, and 6a; and 144A.611, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Olson, K.; Scheid; Nelson, K.; Schafer and Tunheim introduced:

H. F. No. 559, A bill for an act relating to education; modifying the PER program to conform with changes in education; appropriating money; amending Minnesota Statutes 1990, sections 124.274, subdivision 1; 124.311, subdivisions 3 and 4; 126.661, subdivision 5; 126.663, subdivision 2; 126.666, subdivisions 1, 2, and by adding subdivisions; and 126.67, subdivision 2b.

The bill was read for the first time and referred to the Committee on Education.

Cooper; Murphy; Greenfield; Anderson, R., and Gruenes introduced:

H. F. No. 560, A bill for an act relating to human services; providing a per diem adjustment for nursing home salaries and fringe benefits; appropriating money; amending Minnesota Statutes 1990, section 256B.431, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Runbeck, Dawkins, Weaver, Morrison and Segal introduced:

H. F. No. 561, A bill for an act relating to human services; prohibiting restrictions on a license to provide day care; proposing coding for new law in Minnesota Statutes, chapter 245A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

McPherson, Bauerly, Schafer, Swenson and Tompkins introduced:

H. F. No. 562, A bill for an act relating to education; increasing special education teacher salary aid ceilings; amending Minnesota Statutes 1990, sections 124.32, subdivision 1b; and 124.574, subdivision 2b.

The bill was read for the first time and referred to the Committee on Education.

Bauerly, McEachern and Nelson, K., introduced:

H. F. No. 563, A bill for an act relating to education; enhancing adult basic education programs; including adult basic educators in the definition of teacher; authorizing payment of GED test fees; increasing the membership of the interagency adult learning advisory council; appropriating money; amending Minnesota Statutes 1990, sections 124.261; 124C.03, subdivision 3; 125.032, subdivision 2; 126.22, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 124; repealing Minnesota Statutes 1990, section 124.26, subdivisions 7 and 8.

The bill was read for the first time and referred to the Committee on Education.

Jacobs, Tunheim, O'Connor, Boo and Pelowski introduced:

H. F. No. 564, A bill for an act relating to utilities; excepting certain licensed public facilities from regulation as telephone companies or independent telephone companies; amending Minnesota Statutes 1990, section 237.01, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Winter, Steensma, Brown, Peterson and Girard introduced:

H. F. No. 565, A bill for an act providing money to construct a noncommercial television station; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Swenson, Pugh, Limmer, Macklin and Milbert introduced:

H. F. No. 566, A bill for an act relating to obscenity; providing civil and equitable remedies against owners of businesses in which obscene materials or performances are sold or exhibited; proposing coding for new law in Minnesota Statutes, chapter 617.

The bill was read for the first time and referred to the Committee on Judiciary.

Swenson, Pugh, Limmer, Macklin and Milbert introduced:

H. F. No. 567, A bill for an act relating to crime; expanding the crime of obscenity to include the rental of obscene material; amending Minnesota Statutes 1990, section 617.241, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Runbeck, Newinski, Swenson, Skoglund and Rest introduced:

H. F. No. 568, A bill for an act relating to crime; amending requirements for insurance identification cards; requiring notice to insurers of convictions for driving while intoxicated; amending Minnesota Statutes 1990, sections 65B.482, subdivision 1; and 169.121, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Blatz, Kalis, Steensma, Lieder and Seaberg introduced:

H. F. No. 569, A bill for an act relating to appropriations; appropriating money to the children's trust fund.

The bill was read for the first time and referred to the Committee on Appropriations.

Jefferson; Sarna; Nelson, K.; Kahn and Rice introduced:

H. F. No. 570, A bill for an act relating to retirement; increasing survivor benefits payable from the Minneapolis employees retirement fund; amending Minnesota Statutes 1990, section 422A.23, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jefferson; Sarna; Nelson, K.; Kahn and Rice introduced:

H. F. No. 571, A bill for an act relating to retirement; Minneapolis municipal employees; making various changes reflecting benefits, administration, and investment practices of the Minneapolis employees retirement fund; amending Minnesota Statutes 1990, sections 422A.03, subdivision 1; 422A.05, subdivision 2c; 422A.09, subdivision 3; 422A.13, subdivision 2; and 422A.16, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jefferson; Sarna; Clark; Nelson, K., and Kahn introduced:

H. F. No. 572, A bill for an act relating to retirement; providing postretirement adjustments for certain persons receiving benefits from the Minneapolis employees retirement fund; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Greenfield, Clark, Murphy, Rodosovich and Anderson, R., introduced:

H. F. No. 573, A bill for an act relating to health; creating an interagency long-term care planning board; changing requirements for the preadmission screening and alternative care grants pro-

grams; appropriating money; amending Minnesota Statutes 1990, section 256B.091, subdivisions 2, 3, 6, 8, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 256B; proposing coding for new law as Minnesota Statutes, chapter 144B; repealing Minnesota Statutes 1990, sections 144A.31, subdivisions 1 and 5; and 256B.091, sections 1, 4, and 7.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Seaberg introduced:

H. F. No. 574, A bill for an act relating to retirement; public employees retirement association; authorizing an Eagan city council member to purchase prior service credit.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau, Reding and Morrison introduced:

H. F. No. 575, A bill for an act relating to employment; changing the date for submission of recommendations by the compensation council; amending Minnesota Statutes 1990, section 15A.082, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ostrom; Kelso; Bauerly; Nelson, K., and Weaver introduced:

H. F. No. 576, A bill for an act relating to education; authorizing school districts to use up to 50 percent of current or anticipated capital expenditure facility revenue as debt service revenue for bonds they may issue for certain capital projects; amending Minnesota Statutes 1990, section 124.243, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Bertram, Uphus, Hanson, Smith and Cooper introduced:

H. F. No. 577, A bill for an act relating to public safety; authorizing reimbursement of certain legal expenses incurred by certain law enforcement personnel; amending Minnesota Statutes 1990, section 299A.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Milbert, Morrison, Pugh, Ozment and Seaberg introduced:

H. F. No. 578, A bill for an act relating to Dakota county; permitting cities and towns to transfer assessment review duties to the county; proposing coding for new law in Minnesota Statutes, chapter 383D.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Garcia, Henry, Reding, Jefferson and O'Connor introduced:

H. F. No. 579, A bill for an act relating to retirement; contributions and benefit computation for members of the Richfield police relief association; amending Laws 1965, chapter 458, sections 2 and 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rodosovich, Sarna, Kahn, Gutknecht and Welle introduced:

H. F. No. 580, A bill for an act relating to housing; providing for the payment of fees for certain publicly owned facilities; amending Minnesota Statutes 1990, section 327.23, subdivision 3.

The bill was read for the first time and referred to the Committee on Housing.

Vellenga, Mariani and Nelson, K., introduced:

H. F. No. 581, A bill for an act relating to education; requiring a report about drug and alcohol prevention programs in school districts.

The bill was read for the first time and referred to the Committee on Education.

Nelson, K.; McEachern; Bauerly; Weaver and Leppik introduced:

H. F. No. 582, A bill for an act relating to education; making technical corrections to certain statutes and laws; amending Minnesota Statutes 1990, sections 120.06, subdivision 1; 120.062, subdivision 8a, and by adding a subdivision; 120.0752, subdivision 2;

120.101, subdivision 4; 120.17, subdivision 3b; 121.612, subdivisions 2 and 5; 123.3514, subdivisions 6 and 6b; 123.932, subdivisions 3 and 4; 124.14, subdivision 1; 124.195, subdivisions 10 and 11; 124.214, subdivisions 2 and 3; 124.225; 124.244, subdivision 3; 124.83, subdivisions 1 and 5; 124A.036, subdivision 5; 124A.24; 124B.03, subdivision 2; 125.60, subdivision 3; 127.27, subdivisions 2, 4, 5, and 10; 127.29; 127.30, subdivisions 1 and 3; 127.31, subdivision 2; 275.065, subdivision 6; 275.125, subdivisions 5b, 5c, 18, and 20; and 275.16; proposing coding for new law in Minnesota Statutes, chapter 121; repealing Minnesota Statutes 1990, section 124.225, subdivisions 3, 4b, 7c, 8b, 8i, and 8j.

The bill was read for the first time and referred to the Committee on Education.

Solberg; Vellenga; Greenfield; Nelson, K., and Blatz introduced:

H. F. No. 583, A bill for an act relating to public safety; expanding the juvenile code definition of "child in need of protection or services" to include children exposed to criminal gang-related activity in the home; increasing penalties for certain assaults committed against school officials; increasing penalties for dangerous weapon offenses committed in school or park zones; establishing a grant program to assist targeted young people in setting and realizing education and employment goals; appropriating money; amending Minnesota Statutes 1990, sections 260.015, subdivision 2a; 609.2231, by adding a subdivision; and 609.66, subdivisions 1 and 1a.

The bill was read for the first time and referred to the Committee on Judiciary.

CALENDAR

H. F. No. 104, A bill for an act relating to consumer protection; regulating automatic garage door opening systems; amending Minnesota Statutes 1990, sections 325F.82, subdivision 2, and by adding a subdivision; and 325F.83, subdivisions 1, 3, and 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kalis	Nelson, S.	Segal
Anderson, I.	Frederick	Kelso	Newinski	Simoneau
Anderson, R. H.	Frerichs	Kinkel	O'Connor	Skoglund
Battaglia	Garcia	Knickerbocker	Olsen, S.	Smith
Bauerly	Goodno	Koppendraye	Olson, E.	Solberg
Beard	Gruenes	Krinkie	Olson, K.	Sparby
Begich	Gutknecht	Krueger	Omann	Stanius
Bertram	Hanson	Lasley	Onnen	Steenma
Bettermann	Hartle	Leppik	Orenstein	Svigum
Bishop	Hasskamp	Lieder	Orfield	Swenson
Blatz	Haukoos	Limmer	Osthoff	Thompson
Bodahl	Hausman	Long	Ostrom	Trimble
Boo	Heir	Lourey	Ozment	Tunheim
Brown	Henry	Lynch	Pauly	Uphus
Carlson	Hufnagle	Macklin	Pelowski	Valento
Carruthers	Hugoson	Mariani	Pugh	Vellenga
Clark	Jacobs	Marsh	Reding	Waltman
Cooper	Janezich	McEachern	Rest	Weaver
Dauner	Jaros	McGuire	Rice	Wejcman
Davids	Jefferson	McPherson	Rodosovich	Welle
Dawkins	Jennings	Milbert	Rukavina	Wenzel
Dempsey	Johnson, A.	Morrison	Runbeck	Winter
Dille	Johnson, R.	Munger	Sarna	Spk. Vanasek
Dorn	Johnson, V.	Murphy	Scheid	
Erhardt	Kahn	Nelson, K.	Schreiber	

The bill was passed and its title agreed to.

Gutknecht was excused for the remainder of today's session.

S. F. No. 106, A bill for an act relating to property; permitting name or identity change of corporate mortgagee or assignee of mortgagee in the recital in a mortgage satisfaction or release to be recorded without further evidence of name or identity change; clarifying application of language regulating distributions to a testamentary trustee; amending Minnesota Statutes 1990, section 524.3-913; proposing coding for new law in Minnesota Statutes, chapter 507.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Begich	Brown	Dawkins	Frerichs
Anderson, I.	Bertram	Carlson	Dempsey	Garcia
Anderson, R.	Bettermann	Carruthers	Dille	Goodno
Anderson, R. H.	Bishop	Clark	Dorn	Greenfield
Battaglia	Blatz	Cooper	Erhardt	Gruenes
Bauerly	Bodahl	Dauner	Farrell	Hanson
Beard	Boo	Davids	Frederick	Hartle

Hasskamp	Knickerbocker	Munger	Pugh	Sviggum
Haukoos	Koppendrayer	Murphy	Reding	Swenson
Hausman	Krinkie	Nelson, K.	Rest	Thompson
Heir	Krueger	Nelson, S.	Rice	Trimble
Henry	Lasley	Newinski	Rodosovich	Tunheim
Hufnagle	Leppik	O'Connor	Rukavina	Uphus
Hugoson	Lieder	Olsen, S.	Runbeck	Valento
Jacobs	Limmer	Olsen, E.	Sarna	Vellenga
Janezich	Long	Olsen, K.	Scheid	Waltman
Jaros	Lourey	Omann	Schreiber	Weaver
Jefferson	Lynch	Onnen	Seaberg	Wejcman
Jennings	Macklin	Orenstein	Segal	Welle
Johnson, A.	Mariani	Orfield	Simoneau	Wenzel
Johnson, R.	Marsh	Osthoff	Skoglund	Winter
Johnson, V.	McEachern	Ostrom	Smith	Spk. Vanasek
Kahn	McGuire	Ozment	Solberg	
Kalis	McPherson	Pauly	Sparby	
Kelso	Milbert	Pellow	Stanius	
Kinkel	Morrison	Pelowski	Steensma	

The bill was passed and its title agreed to.

H. F. No. 156, A bill for an act relating to labor; regulating employment of children; establishing a child labor curfew; providing penalties; amending Minnesota Statutes 1990, sections 181A.04, by adding a subdivision; and 181A.12.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 75 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Greenfield	Krueger	Olsen, S.	Seaberg
Anderson, R.	Gruenes	Lasley	Olsen, K.	Segal
Battaglia	Hanson	Long	Orenstein	Simoneau
Bauerly	Hasskamp	Lourey	Orfield	Skoglund
Beard	Hausman	Lynch	Osthoff	Solberg
Begich	Jacobs	Macklin	Ostrom	Steensma
Bettermann	Janezich	Mariani	Ozment	Thompson
Bodahl	Jaros	McEachern	Pugh	Trimble
Brown	Jefferson	McGuire	Reding	Tunheim
Carlson	Johnson, A.	Milbert	Rest	Vellenga
Carruthers	Johnson, R.	Munger	Rice	Weaver
Clark	Kahn	Murphy	Rodosovich	Wejcman
Cooper	Kelso	Nelson, K.	Rukavina	Wenzel
Dawkins	Kinkel	Nelson, S.	Runbeck	Winter
Farrell	Knickerbocker	O'Connor	Sarna	Spk. Vanasek

Those who voted in the negative were:

Abrams	Boo	Dorn	Goodno	Hufnagle
Anderson, R. H.	Dauner	Erhardt	Hartle	Hugoson
Bertram	Dauids	Frederick	Haukoos	Jennings
Bishop	Dempsey	Frerichs	Heir	Johnson, V.
Blatz	Dille	Garcia	Henry	Kalis

Koppendrayar	McPherson	Pauly	Sparby	Waltman
Krinkie	Morrison	Pellow	Stanius	Welle
Leppik	Newinski	Pelowski	Sviggum	
Lieder	Olson, E.	Scheid	Swenson	
Limmer	Omann	Schreiber	Uphus	
Marsh	Onnen	Smith	Valento	

The bill was passed and its title agreed to.

H. F. No. 290, A bill for an act relating to state employees; increasing the amount of vacation time a state employee may donate for the benefit of another state employee; amending Minnesota Statutes 1990, section 43A.181, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kelso	O'Connor	Simoneau
Anderson, I.	Frederick	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Frerichs	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Garcia	Koppendrayar	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Hanson	Leppik	Orfield	Sviggum
Bertram	Hartle	Lieder	Osthoff	Swenson
Bettermann	Hasskamp	Limmer	Ostrom	Thompson
Bishop	Haukoos	Long	Ozment	Trimble
Blatz	Hausman	Lourey	Pauly	Tunheim
Bodahl	Heir	Lynch	Pellow	Uphus
Boo	Henry	Macklin	Pelowski	Valento
Brown	Hufnagle	Mariani	Pugh	Vellenga
Carlson	Hugoson	Marsh	Reding	Waltman
Carruthers	Jacobs	McEachern	Rest	Weaver
Clark	Janezich	McGuire	Rice	Wejcman
Cooper	Jaros	McPherson	Rodosovich	Welle
Dauner	Jefferson	Milbert	Rukavina	Wenzel
Dauids	Jennings	Morrison	Runbeck	Winter
Dawkins	Johnson, A.	Munger	Sarna	Spk. Vanasek
Dempsey	Johnson, R.	Murphy	Scheid	
Dille	Johnson, V.	Nelson, K.	Schreiber	
Dorn	Kahn	Nelson, S.	Seaberg	
Erhardt	Kalis	Newinski	Segal	

The bill was passed and its title agreed to.

Long moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

LeClair G. Lambert, Assistant Sergeant at Arms and Educational Programs Coordinator for the Minnesota House of Representatives, introduced the Honorable Julian Bond, former member of the Georgia Legislature and civil rights activist who addressed the body.

RECONVENED

The House reconvened and was called to order by the Speaker.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 73, 195, 196 and 325 were recommended to pass.

H. F. Nos. 116, 36 and 97 were recommended for progress.

H. F. No. 90, the first engrossment, which it recommended to pass with the following amendments:

Offered by Welle:

Page 2, after line 13, insert:

“Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

Offered by Welle:

Page 2, line 2, delete everything after the period

Page 2, delete line 3

Page 2, line 4, delete everything before "A"

On the motion of Long the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Kelso moved that the names of Osthoff and Smith be added as authors on H. F. No. 179. The motion prevailed.

Kinkel moved that his name be stricken as an author on H. F. No. 249. The motion prevailed.

Osthoff moved that the name of Orenstein be added as an author on H. F. No. 326. The motion prevailed.

Begich moved that his name be stricken and the name of Clark be added as chief author on H. F. No. 352. The motion prevailed.

Kahn moved that the names of Runbeck and Clark be added as authors on H. F. No. 386. The motion prevailed.

Trimble moved that the name of Orenstein be added as an author on H. F. No. 395. The motion prevailed.

Jefferson moved that the name of Clark be added as an author on H. F. No. 403. The motion prevailed.

Valento moved that the names of Davids, Newinski and Bettermann be added as authors on H. F. No. 440. The motion prevailed.

Boo moved that his name be stricken as an author on H. F. No. 447. The motion prevailed.

Dempsey moved that the names of Ostrom and Dorn be added as authors on H. F. No. 460. The motion prevailed.

Dauner moved that the name of Nelson, S., be added as an author on H. F. No. 491. The motion prevailed.

Long moved that H. F. No. 298 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Vellenga moved that H. F. No. 473 be recalled from the Committee

on Judiciary and be re-referred to the Committee on Education. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

Pursuant to rule 6.10, the Speaker announced the appointment of the following members of the House as alternates to the Committee on Ethics:

Vellenga and Seaberg.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following member as a Vice Chair of the 1991-92 session:

COMMITTEE	VICE CHAIR
Education/Higher Education Division	Thompson

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, March 4, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, March 4, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

NINETEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 4, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Lieutenant Jesse Collins, St. Paul Salvation Army Citadel Corps, St. Paul, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frederick	Kelso	Olsen, S.	Simoneau
Anderson, I.	Frerichs	Kinkel	Olson, E.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, K.	Smith
Anderson, R. H.	Girard	Krinkie	Omann	Solberg
Battaglia	Goodno	Krueger	Onnen	Sparby
Bauerly	Greenfield	Lasley	Orenstein	Stanius
Beard	Gruenes	Leppik	Orfield	Steensma
Begich	Gutknecht	Lieder	Osthoff	Sviggum
Bertram	Hanson	Limmer	Ostrom	Swenson
Bettermann	Hartle	Long	Ozment	Thompson
Bishop	Hasskamp	Lourey	Pauly	Tompkins
Blatz	Haukoos	Lynch	Pellow	Trimble
Bodahl	Hausman	Macklin	Pelowski	Tunheim
Boo	Heir	Mariani	Peterson	Uphus
Brown	Henry	Marsh	Pugh	Valento
Carlson	Hufnagle	McEachern	Reding	Vellenga
Carruthers	Hugoson	McGuire	Rest	Wagenius
Clark	Jacobs	McPherson	Rice	Waltman
Cooper	Janezich	Milbert	Rodosovich	Weaver
Dauner	Jaros	Morrison	Rukavina	Wejcmán
Davids	Jefferson	Munger	Runbeck	Welker
Dawkins	Jennings	Murphy	Sarna	Welle
Dempsey	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, R.	Nelson, S.	Scheid	Winter
Dorn	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kahn	O'Connor	Seaberg	
Farrell	Kalis	Ogren	Segal	

A quorum was present.

Koppendrayer was excused.

The Chief Clerk proceeded to read the Journal of the preceding

day. Rest moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

McEachern from the Committee on Education to which was referred:

H. F. No. 277, A bill for an act relating to education; providing for operating fund deficits in certain cases involving certain cooperating and combining districts; amending Minnesota Statutes 1990, section 124.2725, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 1, line 20, delete "2" and insert "1"

Page 2, line 2, after "reversed" insert "and the affected years' financial statements must be restated"

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

Page 2, line 4, delete "2" and insert "1"

Amend the title accordingly

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 277 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Hasskamp and Dauner introduced:

H. F. No. 584, A bill for an act relating to local government; authorizing municipalities to enter into joint ventures with telecommunications organizations; amending Minnesota Statutes 1990, section 237.19.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Olson, K.; Dawkins; Kelso; Murphy and Dorn introduced:

H. F. No. 585, A bill for an act relating to children; creating a children's services task force to study the feasibility of consolidating state children's programs into a single new agency.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Welle; Ostrom; Johnson, R.; Stanius and Omann introduced:

H. F. No. 586, A bill for an act relating to human services; classifying risk manager salaries as a fringe benefit; establishing a separate operating cost category for workers' compensation insurance costs; appropriating money; amending Minnesota Statutes 1990, sections 256B.421, subdivision 14; and 256B.431, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Hasskamp, Vellenga, McGuire and Bishop introduced:

H. F. No. 587, A bill for an act relating to security guards; requiring the registration of the employees of private detectives and protective agents, and proprietary guards; precluding local regulation of private detectives and protective agents; providing penalties; amending Minnesota Statutes 1990, sections 326.32, subdivision 14, and by adding subdivisions; 326.3341; and 326.3381, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the first time and referred to the Committee on Commerce.

Wejcman, Orfield, Kahn and Clark introduced:

H. F. No. 588, A bill for an act relating to crimes; repealing the sodomy law; repealing Minnesota Statutes 1990, section 609.293.

The bill was read for the first time and referred to the Committee on Judiciary.

Stanisus, Battaglia, Kahn, Carlson and Morrison introduced:

H. F. No. 589, A bill for an act relating to state finance; establishing the reinvest in Minnesota savings bond program; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on Appropriations.

Stanisus, Schreiber, Bishop, Vanasek and Long introduced:

H. F. No. 590, A bill for an act relating to state government; establishing a legislative budget office; requiring fiscal notes to be provided to the chairs; creating a cash flow reserve; creating a budget reserve account; appropriating money; amending Minnesota Statutes 1990, sections 3.98, subdivisions 1 and 3; 16A.11, by adding a subdivision; 16A.15, subdivisions 1, 6, and by adding a subdivision; and 16A.1541; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Ways and Means.

Jaros; Janezich; O'Connor; Anderson, R., and Beard introduced:

H. F. No. 591, A bill for an act relating to commerce; regulation of health care costs; creating a state cost control commission; providing for a review and control over rates and fees charged by health care providers practicing in Minnesota; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Brown, Steensma, Sparby, Welker and Bertram introduced:

H. F. No. 592, A bill for an act relating to civil actions; regulating recovery for economic loss arising from the sales of goods; amending Minnesota Statutes 1990, section 336.2-725; proposing coding for new law in Minnesota Statutes, chapter 604.

The bill was read for the first time and referred to the Committee on Judiciary.

Orfield, Vellenga, Solberg, Swenson and Bishop introduced:

H. F. No. 593, A bill for an act relating to crimes; driving while intoxicated; authorizing counties to create pilot programs to provide intensive probation for repeat violators of the driving while intoxicated laws; increasing the chemical dependency assessment charge for repeat violators of the driving while intoxicated laws; appropriating money; amending Minnesota Statutes 1990, section 169.121, subdivision 5a.

The bill was read for the first time and referred to the Committee on Transportation.

Orfield, Pugh, Vellenga and Smith introduced:

H. F. No. 594, A bill for an act relating to foreign money claims; enacting the uniform foreign-money claims act; proposing coding for new law in Minnesota Statutes, chapter 548.

The bill was read for the first time and referred to the Committee on Judiciary.

McEachern; Johnson, A.; Lasley; Bauerly and Ozment introduced:

H. F. No. 595, A bill for an act relating to education; providing for joinder with and withdrawal from education districts in certain cases; amending Minnesota Statutes 1990, section 122.91, subdivision 5.

The bill was read for the first time and referred to the Committee on Education.

Leppik, Swenson, Haukoos, Schreiber and Frerichs introduced:

H. F. No. 596, A bill for an act relating to insurance; accident and health; requiring the commissioner of commerce to administer health care plans for Minnesota residents who are not covered by

other plans; establishing minimum benefits for these plans; allowing a tax credit for premiums paid for coverage; appropriating money; amending Minnesota Statutes 1990, sections 290.01, subdivision 19a; and 290.92, subdivisions 5 and 5a; proposing coding for new law in Minnesota Statutes, chapter 290; proposing coding for new law as Minnesota Statutes, chapter 62K.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Olson, K.; McGuire; Bauerly; Johnson, A., and Nelson, K., introduced:

H. F. No. 597, A bill for an act relating to education; appropriating money to the board of teaching for teacher assessment programs; requiring a report and a recommendation to the legislature.

The bill was read for the first time and referred to the Committee on Education.

Pugh, Reding, Knickerbocker, Boo and Skoglund introduced:

H. F. No. 598, A bill for an act relating to insurance; regulating agent rehabilitations and cancellations of agency contracts by fire and casualty companies; amending Minnesota Statutes 1990, sections 60A.171; and 60A.175.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Welker introduced:

H. F. No. 599, A bill for an act relating to highways; permitting the inclusion of certain cities in the municipal state-aid street system; amending Minnesota Statutes 1990, section 162.02, subdivision 12.

The bill was read for the first time and referred to the Committee on Transportation.

Bishop, Solberg, Greenfield, Seaberg and Vellenga introduced:

H. F. No. 600, A bill for an act relating to corrections; establishing a juvenile detention services subsidy program; appropriating money; amending Minnesota Statutes 1990, section 241.022; proposing coding for new law in Minnesota Statutes, chapter 241.

The bill was read for the first time and referred to the Committee on Judiciary.

Reding, Scheid, Dempsey, Brown and Bertram introduced:

H. F. No. 601, A bill for an act relating to horse racing; providing for licensing of teleracing facilities; allowing for pari-mutuel wagering at teleracing facilities; amending Minnesota Statutes 1990, sections 240.01, subdivisions 1, 10, and by adding subdivisions; 240.03; 240.05, subdivision 1; 240.06, subdivision 1; 240.10; 240.11; 240.13, subdivisions 1, 2, 3, 4, 5, 6, and 8; 240.15, subdivision 6; 240.16, subdivision 1a; 240.19; 240.23; 240.25, subdivision 2; 240.27; 240.28, subdivision 1; and 240.29; proposing coding for new law in Minnesota Statutes, chapter 240; repealing Minnesota Statutes 1990, sections 240.01, subdivision 13; 240.13, subdivision 6a; and 240.14, subdivision 1a.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Begich, Munger, Rukavina and Anderson, I., introduced:

H. F. No. 602, A bill for an act relating to environment; limiting the application of pesticides; proposing coding for new law in Minnesota Statutes, chapter 18B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carruthers; Sarna; Anderson, R., and O'Connor introduced:

H. F. No. 603, A bill for an act relating to consumer protection; regulating consumer credit information procedures; providing for the regulation of credit service organizations; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 325G and 332.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Stanisus, Davids, Smith, Heir and Hufnagle introduced:

H. F. No. 604, A bill for an act relating to income taxation; extending the elderly exclusion to recipients of military retirement who are under age 65; amending Minnesota Statutes 1990, section 290.0802, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Taxes.

Reding; Jefferson; Johnson, R.; O'Connor and Knickerbocker introduced:

H. F. No. 605, A bill for an act relating to retirement; Minneapolis employees retirement fund; adding members to the retirement board; restricting investments; amending Minnesota Statutes 1990, sections 422A.02; 422A.03, subdivisions 1 and 2; and 422A.05, subdivision 2c.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Brown, Kalis, Lasley, Seaberg and Lieder introduced:

H. F. No. 606, A bill for an act relating to transportation; authorizing state departments to cancel uncollectible debts up to \$200 in certain cases; allowing department of transportation to employ debt collection services; allowing department of transportation to make direct expenditures from state aid funds for administrative expenses; providing penalty for failure to pay fee for sign permit more than 30 days after fee is due; providing when estimates of certain construction projects are nonpublic data; providing for laying fiber optic cable or conduits along highways; directing the commissioner of transportation to adopt rules governing the location and break-away standards for mailbox installations; allowing white strobe lamps to be used on highway maintenance vehicles; authorizing exchange of lands with Grand Portage Band of Chippewa Indians; abolishing conflicting requirements related to market artery highways; providing a penalty; amending Minnesota Statutes 1990, sections 10.12; 13.72, subdivision 1; 161.20, subdivision 4; 161.45, subdivision 1; 161.46, subdivisions 1 and 2; 162.06, subdivision 2; 162.12, subdivision 2; 169.64, subdivision 7; and 173.13, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, section 169.833.

The bill was read for the first time and referred to the Committee on Transportation.

Wejeman, Osthoff, Orfield, Jefferson and Clark introduced:

H. F. No. 607, A bill for an act relating to education; requiring junior and senior high schools to establish school-based health clinics; establishing standards for school-based health clinics; authorizing grants; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 123.

The bill was read for the first time and referred to the Committee on Education.

Dauner; Ostrom; Johnson, R.; Stanius and Omann introduced:

H. F. No. 608, A bill for an act relating to human services; requiring notice of changes in documentation requirements; increasing the other operating cost limit; adjusting the efficiency incentive; modifying the appeal process; appropriating money; amending Minnesota Statutes 1990, sections 256B.431, subdivision 1, and by adding a subdivision; and 256B.50, subdivision 1d.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Boo and Osthoff introduced:

H. F. No. 609, A bill for an act relating to veterans; authorizing the veterans homes board to rent certain facilities; authorizing expenditures of money; amending Minnesota Statutes 1990, section 198.003.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Leppik, Stanius, Segal and Greenfield introduced:

H. F. No. 610, A bill for an act relating to human services; mental health; clarifying reporting and screening requirements; clarifying the definition of psychiatric nurses; clarifying the definition of professional home-based family treatment; imposing criteria for admission, continued stays, and discharges for inpatient hospital and residential treatment; amending Minnesota Statutes 1990, sections 245.462, subdivisions 6 and 18; 245.472, by adding a subdivision; 245.473, by adding subdivisions; 245.484; 245.487, subdivision 4; 245.4871, subdivisions 27 and 31; 245.4873, subdivision 6; 245.4878; 245.4881, subdivision 1; 245.4882, by adding subdivisions; 245.4884, subdivision 1; 245.4885, subdivisions 1, 2, and by adding a subdivision; 253C.01, subdivisions 1 and 2; and 256B.431, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 245; repealing Minnesota Statutes 1990, section 245.476, subdivisions 1, 2, and 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Farrell, O'Connor, Munger, Boo and Jaros introduced:

H. F. No. 611, A bill for an act relating to retirement; Duluth and St. Paul fire department relief associations; providing a refund to a beneficiary or estate in the event of certain deaths.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Smith, Kalis, Kelso, Pauly and Lasley introduced:

H. F. No. 612, A bill for an act relating to railroads; allowing access over railroad right-of-way to landlocked adjoining properties; amending Minnesota Statutes 1990, section 219.35.

The bill was read for the first time and referred to the Committee on Transportation.

Dawkins introduced:

H. F. No. 613, A bill for an act relating to credit unions; setting the size of certain committees; amending Minnesota Statutes 1990, section 52.08.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Dawkins introduced:

H. F. No. 614, A bill for an act relating to state finance; permitting investments in all federally insured savings accounts; amending Minnesota Statutes 1990, section 11A.24, subdivision 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sviggum, Kinkel, Henry, Milbert and Welle introduced:

H. F. No. 615, A bill for an act relating to the military; providing for issuance of a state ribbon to certain participants in the Persian Gulf War; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 190.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Frederick, Osthoff, Henry, Kinkel and Waltman introduced:

H. F. No. 616, A bill for an act relating to veterans; clarifying rulemaking authority of the veterans homes board; changing language concerning payment of arrearages by veterans home residents; correcting certain references; amending Minnesota Statutes 1990, sections 198.003; 198.005; 198.03, subdivision 3; and 198.35.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Bauerly, McEachern, Winter, Brown and Wenzel introduced:

H. F. No. 617, A bill for an act relating to agriculture; authorizing expense reimbursement for the Minnesota education in agriculture council; appropriating money; amending Minnesota Statutes 1990, section 126.113, subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture.

Kalis and Olson, K., introduced:

H. F. No. 618, A bill for an act relating to education; providing for payments attributable to pupils from families receiving AFDC to be made to the district of residence; including resident pupils attending nonresident districts under district agreements in the pupils counted for fund balance reductions; amending Minnesota Statutes 1990, sections 124.17, subdivision 1b; 124.175; and 124A.26, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Pellow, Kalis, Davids, Lieder and Morrison introduced:

H. F. No. 619, A bill for an act relating to motor vehicles; abolishing requirement to impound vehicle registration certificates; making technical corrections; providing for reciprocal privileges relating to disabled parking certificates issued by foreign countries; amending Minnesota Statutes 1990, sections 168.041; 169.123, subdivision 5b; 169.346, subdivision 1; 169.795; and 171.29, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Battaglia and Begich introduced:

H. F. No. 620, A bill for an act relating to state lands; authorizing the sale of certain land in Cook county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Olsen, S.; Smith; Henry; Goodno and Frederick introduced:

H. F. No. 621, A bill for an act relating to insurance; accident and health; requiring the commissioner of commerce to administer health care plans for Minnesota residents who are not covered by other plans; establishing minimum benefits for these plans; allowing a tax credit for premiums paid for coverage; appropriating money; amending Minnesota Statutes 1990, sections 290.01, subdivision 19a; and 290.92, subdivisions 5 and 5a; proposing coding for new law in Minnesota Statutes, chapter 290; proposing coding for new law as Minnesota Statutes, chapter 62K.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Boo, O'Connor, Kalis, Kelso and Sviggum introduced:

H. F. No. 622, A bill for an act relating to transportation; establishing port improvement assistance program; proposing coding for new law as Minnesota Statutes, chapter 457A.

The bill was read for the first time and referred to the Committee on Transportation.

Hugoson and Olson, K., introduced:

H. F. No. 623, A bill for an act relating to Martin county; permitting the consolidation of the offices of auditor and treasurer.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Swenson, Marsh, Pugh, Vellenga and Macklin introduced:

H. F. No. 624, A bill for an act relating to sentencing; directing the sentencing guidelines commission to rank the crime of criminal vehicular homicide in its entirety in severity level VII of the sentencing guidelines; proposing coding for new law in Minnesota Statutes, chapter 244.

The bill was read for the first time and referred to the Committee on Judiciary.

Rukavina, Welle, Rice, Dille and Farrell introduced:

H. F. No. 625, A bill for an act relating to occupational safety and health; altering the scope of the occupational safety and health act of 1973 pertaining to railroads; amending Minnesota Statutes 1990, section 182.652, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Stanius, Ozment, Morrison, Newinski and Valento introduced:

H. F. No. 626, A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; amending Minnesota Statutes 1990, sections 103A.201; 103E.701, by adding a subdivision; 103G.005, subdivision 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 103G; repealing Minnesota Statutes 1990, sections 97A.145, subdivision 2; and 103G.221, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Brown, Kalis, Seaberg, Mariani and Pauly introduced:

H. F. No. 627, A bill for an act relating to traffic regulations; increasing the fine for violating seat belt requirements; amending Minnesota Statutes 1990, section 169.686, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Brown, Kalis, Seaberg, Mariani and Pauly introduced:

H. F. No. 628, A bill for an act relating to traffic regulations; increasing the fine for violating seat belt requirements; removing citation and recording restrictions; amending Minnesota Statutes 1990, section 169.686, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Stanius, Heir, Runbeck, Krinkie and Swenson introduced:

H. F. No. 629, A bill for an act relating to education; providing equity in general education revenue for all school districts; proposing coding for new law in Minnesota Statutes, chapter 124A.

The bill was read for the first time and referred to the Committee on Education.

Cooper; McEachern; Bauerly; Nelson, K., and Olson, K., introduced:

H. F. No. 630, A bill for an act relating to education; providing for operating fund deficits in certain cases involving certain cooperating and combining districts; amending Minnesota Statutes 1990, section 124.2725, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Dorn, Frederick, Bauerly, McEachern and Olson, K., introduced:

H. F. No. 631, A bill for an act relating to education; allowing the Mankato school district to conduct a referendum before November 1991.

The bill was read for the first time and referred to the Committee on Education.

Stanius, Reding and Gruenes introduced:

H. F. No. 632, A bill for an act relating to health; transferring the powers and duties of the commissioner of health relating to health maintenance organizations to the commissioner of commerce; proposing coding for new law in Minnesota Statutes, chapter 62D; repealing Minnesota Statutes 1990, section 62D.02, subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kinkel, Abrams, Smith, Munger and McGuire introduced:

H. F. No. 633, A bill for an act relating to watercraft; regulating the use and operation of personal watercraft; amending Minnesota Statutes 1990, section 86B.005, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 86B.

The bill was read for the first time and referred to the Committee on *Environment and Natural Resources*.

Rodosovich; Ogren; Welle; Olsen, S., and Knickerbocker introduced:

H. F. No. 634, A bill for an act relating to taxation; providing that levies to pay certain costs of redistricting are special levies; amending Minnesota Statutes 1990, section 275.50, subdivision 5.

The bill was read for the first time and referred to the Committee on *Taxes*.

Rodosovich, Osthoff, Jefferson, Knickerbocker and Hugoson introduced:

H. F. No. 635, A bill for an act relating to elections; setting certain redistricting goals and deadlines; authorizing certain actions by voters; amending Minnesota Statutes 1990, sections 204B.135; 204B.14, subdivision 3, and by adding a subdivision; and 375.025, subdivision 2.

The bill was read for the first time and referred to the Committee on *Redistricting*.

Stanius, Heir and Swenson introduced:

H. F. No. 636, A bill for an act relating to education; increasing training and experience revenue; equalizing referendum levies; increasing funding for early childhood family education programs; increasing the pupil unit weighting for first and second grade pupils; authorizing a parent education levy; amending Minnesota Statutes 1990, sections 124.17, subdivision 1; 124.2711, subdivision 1; 124A.22, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 124 and 124A; repealing Minnesota Statutes 1990, section 124A.03, subdivision 2.

The bill was read for the first time and referred to the Committee on *Education*.

Kahn; Munger; Johnson, V.; Sarna and Kalis introduced:

H. F. No. 637, A bill for an act relating to the environment; clarifying and correcting provisions relating to the legislative commission on Minnesota resources and the Minnesota environmental and natural resources trust fund; amending Minnesota Statutes 1990, sections 116P.05; 116P.06; 116P.07; 116P.08, subdivisions 3 and

4; 116P.09, subdivisions 2, 4, 5, and 7; repealing Minnesota Statutes 1990, section 116P.04, subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kinkel, Welle, Hasskamp, Rodosovich and Anderson, R., introduced:

H. F. No. 638, A bill for an act relating to health; authorizing an exception to the moratorium on nursing home beds; amending Minnesota Statutes 1990, section 144A.071, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Pugh, Vellenga, Bishop, Simoneau and Kahn introduced:

H. F. No. 639, A bill for an act relating to courts; increasing the number of district court judges authorized by law; adjusting the number of district court judges authorized by law to include the addition of district court judges as a result of trial court unification; amending Minnesota Statutes 1990, section 2.722, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Pugh, Carlson, Orenstein, Morrison and Dempsey introduced:

H. F. No. 640, A bill for an act relating to education; providing for prepaid tuition; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 135B.

The bill was read for the first time and referred to the Committee on Education.

Bertram, Omann, Uphus and Gruenes introduced:

H. F. No. 641, A bill for an act relating to tax-forfeited lands; requiring the commissioner of natural resources to pay assessments on certain lands; appropriating money; amending Minnesota Statutes 1990, section 282.018, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Runbeck; Simoneau; Olsen, S., and Heir introduced:

H. F. No. 642, A bill for an act relating to animals; making certain presumptions about manufactured home park rules that prohibit residents over 55 from keeping certain pets; amending Minnesota Statutes 1990, section 327C.05, subdivision 2.

The bill was read for the first time and referred to the Committee on Housing.

Segal, Long, Jefferson, Kahn and Orfield introduced:

H. F. No. 643, A bill for an act relating to natural resources; appropriating money for a grant to develop Cedar Lake Park.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hasskamp, Vellenga, McGuire, Thompson and Bishop introduced:

H. F. No. 644, A bill for an act relating to juvenile court; requiring that a juvenile be referred for adult prosecution if the juvenile has previously been referred to adult court for any delinquent act; amending Minnesota Statutes 1990, section 260.125, subdivision 3a.

The bill was read for the first time and referred to the Committee on Judiciary.

Marsh, Limmer, Solberg, Vellenga and Leppik introduced:

H. F. No. 645, A bill for an act relating to crimes; setting penalties for activities related to firearms; regulating the conduct of minors use of firearms; setting penalties for providing dangerous weapons; and setting conditions for arrests; amending Minnesota Statutes 1990, sections 609.11, by adding a subdivision; 609.52, subdivision 3; 609.66; and 629.34, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 152.

The bill was read for the first time and referred to the Committee on Judiciary.

Jaros, Hasskamp and Dauner introduced:

H. F. No. 646, A bill for an act relating to state government; purchases; amending the definition of "manufactured in the United States"; amending Minnesota Statutes 1990, section 16B.101, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Solberg; Anderson, I.; Battaglia; Marsh and Kinkel introduced:

H. F. No. 647, A bill for an act relating to crime; providing penalties for intentional damage to timber or wood processing, manufacturing, or transportation equipment; providing penalties for possessing certain devices to damage timber or wood processing, manufacturing, or transportation equipment; providing penalties for unlawful interference with timber harvests; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, R.; Osthoff; Beard; Kinkel and Solberg introduced:

H. F. No. 648, A bill for an act relating to veterans; providing for establishment of a veterans home in Fergus Falls; proposing coding for new law in Minnesota Statutes, chapter 198.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Pellow, Jennings, Stanius and Dauner introduced:

H. F. No. 649, A bill for an act relating to counties; limiting salaries, other compensation and conditions of service of county commissioners; amending Minnesota Statutes 1990, section 375.055, subdivision 1.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Ostrom, Frederick, Rodosovich and Dempsey introduced:

H. F. No. 650, A bill for an act relating to trade and economic development; appropriating money for a history center at Traverse des Sioux.

The bill was read for the first time and referred to the Committee on Economic Development.

Rodosovich and Vanasek introduced:

H. F. No. 651, A bill for an act relating to education; providing for addition of certain revenue by the state academies; amending Minnesota Statutes 1990, sections 120.17, subdivision 7a; and 124.32, subdivision 5.

The bill was read for the first time and referred to the Committee on Education.

Segal, Winter, Sparby, Bodahl and Thompson introduced:

H. F. No. 652, A bill for an act relating to economic development; appropriating money for grants to small businesses between phases of the federal Small Business Innovation Research Program.

The bill was read for the first time and referred to the Committee on Economic Development.

Lourey, Jefferson, Gruenes, Greenfield and Segal introduced:

H. F. No. 653, A bill for an act relating to human services; child care; establishing income eligibility levels for families with children with disabilities; amending Minnesota Statutes 1990, section 256H.10, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Jefferson, Lourey, Vellenga, Boo and Trimble introduced:

H. F. No. 654, A bill for an act relating to human services; child care; requiring initial and ongoing training in cultural diversity for all licensed child care providers; amending Minnesota Statutes 1990, section 245A.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Lasley, Lieder and Uphus introduced:

H. F. No. 655, A bill for an act relating to traffic regulations; establishing maximum height for rear bumpers of certain semitrailers; allowing certain equipment to be excluded from computing the maximum allowable length of a semitrailer or trailer used in a three-vehicle combination; providing an exception to the length limitation on certain vehicle combinations; limiting maximum

weight allowed on certain vehicle tires; conforming state highway weight limitations to federal requirements; imposing a cost-per-mile fee on certain overweight vehicles; amending Minnesota Statutes 1990, sections 169.73, subdivision 4a; 169.81, subdivisions 2 and 3; 169.825, subdivisions 8 and 10; and 169.86, subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation.

Bertram, Wenzel and Dille introduced:

H. F. No. 656, A bill for an act relating to employment; modifying definitions that apply to corporate officers; amending Minnesota Statutes 1990, section 268.04, subdivision 12.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Orenstein, Kalis, Garcia, Rice and Seaberg introduced:

H. F. No. 657, A bill for an act relating to motor vehicles; allowing personalized license plates for classic, pioneer, collector, and street rod vehicles; amending Minnesota Statutes 1990, sections 168.10, subdivisions 1a, 1b, 1c, and 1d; 168.105, subdivisions 2 and 3; and 168.12, subdivision 2a.

The bill was read for the first time and referred to the Committee on Transportation.

Krueger, Segal, Bishop, Simoneau and Vanasek introduced:

H. F. No. 658, A bill for an act relating to economic development; establishing a small business innovation research marketing and technical assistance program; appropriating money.

The bill was read for the first time and referred to the Committee on Economic Development.

CONSENT CALENDAR

S. F. No. 79, A bill for an act relating to the city of Mora; extending the deadline for negotiating certain contracts; amending Laws 1989, chapter 33, section 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Olsen, S.	Simoneau
Anderson, I.	Frerichs	Kinkel	Olson, E.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, K.	Smith
Anderson, R. H.	Girard	Krinkie	Omann	Solberg
Battaglia	Goodno	Krueger	Onnen	Sparby
Bauerly	Greenfield	Lasley	Orenstein	Stanius
Beard	Gruenes	Leppik	Orfield	Steensma
Begich	Gutknecht	Lieder	Osthoff	Sviggum
Bertram	Hanson	Limmer	Ostrom	Swenson
Bettermann	Hartle	Long	Ozment	Tompson
Bishop	Hasskamp	Lourey	Pauly	Tompkins
Blatz	Haukoos	Lynch	Pellow	Trimble
Bodahl	Hausman	Macklin	Pelowski	Tunheim
Boo	Heir	Mariani	Peterson	Uphus
Brown	Henry	Marsh	Pugh	Valento
Carlson	Hufnagle	McEachern	Reding	Vellenga
Carruthers	Hugoson	McGuire	Rest	Wagenius
Clark	Jacobs	McPherson	Rice	Waltman
Cooper	Janezich	Milbert	Rodosovich	Weaver
Dauner	Jaros	Morrison	Rukavina	Wejcmán
Davids	Jefferson	Munger	Runbeck	Welker
Dawkins	Jennings	Murphy	Sarna	Welle
Dempsey	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, R.	Nelson, S.	Scheid	Winter
Dorn	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kahn	O'Connor	Seaberg	
Farrell	Kalis	Ogren	Segal	

The bill was passed and its title agreed to.

H. F. No. 87, A bill for an act relating to highways; allowing county board of and appropriate town boards in Itasca county to establish and record certain public roads less than four rods in width until December 31, 1995.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Blatz	Dempsey	Gruenes	Jacobs
Anderson, I.	Bodahl	Dille	Gutknecht	Janezich
Anderson, R.	Boo	Dorn	Hanson	Jaros
Anderson, R. H.	Brown	Erhardt	Hartle	Jefferson
Battaglia	Carlson	Farrell	Hasskamp	Jennings
Bauerly	Carruthers	Frederick	Haukoos	Johnson, A.
Beard	Clark	Frerichs	Hausman	Johnson, R.
Begich	Cooper	Garcia	Heir	Johnson, V.
Bertram	Dauner	Girard	Henry	Kalis
Bettermann	Davids	Goodno	Hufnagle	Kelso
Bishop	Dawkins	Greenfield	Hugoson	Kinkel

Knickerbocker	Milbert	Osthoff	Scheid	Uphus
Krinkie	Morrison	Ostrom	Schreiber	Valento
Krueger	Munger	Ozment	Seaberg	Vellenga
Lasley	Murphy	Pauly	Segal	Wagenius
Leppik	Nelson, K.	Pellow	Simoneau	Waltman
Lieder	Nelson, S.	Pelowski	Skoglund	Weaver
Limmer	Newinski	Peterson	Smith	Wejeman
Long	O'Connor	Pugh	Solberg	Welker
Lourey	Ogren	Reding	Sparby	Welle
Lynch	Olsen, S.	Rest	Stanius	Wenzel
Macklin	Olson, E.	Rice	Steenasma	Winter
Mariani	Olson, K.	Rodosovich	Sviggum	Spk. Vanasek
Marsh	Omman	Rukavina	Swenson	
McEachern	Onnen	Runbeck	Tompkins	
McGuire	Orenstein	Sarna	Trimble	
McPherson	Orfield	Schafer	Tunheim	

The bill was passed and its title agreed to.

H. F. No. 275 was reported to the House.

Farrell moved that H. F. No. 275 be continued on the Consent Calendar. The motion prevailed.

Munger was excused for the remainder of today's session.

CALENDAR

H. F. No. 73, A bill for an act relating to education; eliminating the deduction for one year's interest payments from the proceeds of state bonds for maximum effort school loans; amending Minnesota Statutes 1990, sections 124.40, subdivision 1; 124.46, subdivision 3; and 124.477.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bodahl	Dorn	Hartle	Jennings
Anderson, I.	Boo	Erhardt	Hasskamp	Johnson, A.
Anderson, R.	Brown	Farrell	Haukoos	Johnson, R.
Anderson, R. H.	Carlson	Frederick	Hausman	Johnson, V.
Battaglia	Carruthers	Frerichs	Heir	Kahn
Bauerly	Clark	Garcia	Henry	Kalis
Beard	Cooper	Girard	Hufnagle	Kelso
Begich	Dauner	Goodno	Hugoson	Kinkel
Bertram	Davids	Greenfield	Jacobs	Knickerbocker
Bettermann	Dawkins	Gruenes	Janezich	Krinkie
Bishop	Dempsey	Gutknecht	Jaros	Krueger
Blatz	Dille	Hanson	Jefferson	Lasley

Leppik	Nelson, K.	Pauly	Seaberg	Uphus
Lieder	Nelson, S.	Pellow	Segal	Valento
Limmer	Newinski	Pelowski	Simoneau	Vellenga
Long	O'Connor	Peterson	Skoglund	Wagenius
Lourey	Ogren	Pugh	Smith	Waltman
Lynch	Olsen, S.	Reding	Solberg	Weaver
Macklin	Olson, E.	Rest	Sparby	Wejcmán
Mariani	Olson, K.	Rice	Stanius	Welker
Marsh	Omann	Rodosovich	Steenasma	Welle
McEachern	Onnen	Rukavina	Sviggum	Wenzel
McGuire	Orenstein	Runbeck	Swenson	Winter
McPherson	Orfield	Sarna	Thompson	Spk. Vanasek
Milbert	Osthoff	Schafer	Tompkins	
Morrison	Ostrom	Scheid	Trimble	
Murphy	Ozment	Schreiber	Tunheim	

The bill was passed and its title agreed to.

H. F. No. 90, A bill for an act relating to health; requiring geographic representation on the board of medical examiners; amending Minnesota Statutes 1990, section 147.01, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Limmer	Pelowski	Wagenius
Anderson, I.	Goodno	Long	Peterson	Waltman
Anderson, R.	Greenfield	Lourey	Pugh	Weaver
Anderson, R. H.	Gruenes	Lynch	Reding	Wejcmán
Battaglia	Gutknecht	Macklin	Rest	Welker
Bauerly	Hanson	Mariani	Rice	Welle
Beard	Hartle	Marsh	Rodosovich	Wenzel
Begich	Hasskamp	McEachern	Rukavina	Winter
Bertram	Haukoos	McGuire	Runbeck	Spk. Vanasek
Bettermann	Hausman	McPherson	Sarna	
Bishop	Heir	Milbert	Schafer	
Blatz	Henry	Morrison	Scheid	
Bodahl	Hugoson	Murphy	Schreiber	
Boo	Jacobs	Nelson, K.	Seaberg	
Brown	Janezich	Nelson, S.	Segal	
Carlson	Jaros	Newinski	Skoglund	
Carruthers	Jefferson	O'Connor	Smith	
Clark	Jennings	Ogren	Solberg	
Cooper	Johnson, A.	Olsen, S.	Sparby	
Dauner	Johnson, R.	Olson, E.	Stanius	
Davids	Johnson, V.	Olson, K.	Steenasma	
Dawkins	Kahn	Omann	Sviggum	
Dempsey	Kalis	Onnen	Swenson	
Dille	Kelso	Orenstein	Thompson	
Dorn	Kinkel	Orfield	Tompkins	
Erhardt	Knickerbocker	Osthoff	Trimble	
Farrell	Krinkie	Ostrom	Tunheim	
Frederick	Krueger	Ozment	Uphus	
Frerichs	Lasley	Pauly	Valento	
Garcia	Lieder	Pellow	Vellenga	

The bill was passed and its title agreed to.

H. F. No. 195, A resolution memorializing the Congress of the United States to continue funding of the POW/MIA special investigation that is being conducted by the United States Senate Foreign Relations Committee.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kalis	Ogren	Segal
Anderson, I.	Frerichs	Kelso	Olsen, S.	Simoneau
Anderson, R.	Garcia	Kinkel	Olson, E.	Skoglund
Anderson, R. H.	Girard	Knickerbocker	Omann	Smith
Battaglia	Goodno	Krinkie	Onnen	Solberg
Bauerly	Greenfield	Krueger	Orenstein	Sparby
Beard	Gruenes	Lasley	Orfield	Stanis
Begich	Gutknecht	Leppik	Osthoff	Steensma
Bertram	Hanson	Lieder	Ostrom	Sviggum
Bettermann	Hartle	Limmer	Ozment	Swenson
Bishop	Hasskamp	Long	Pauly	Thompson
Blatz	Haukoos	Lourey	Pellow	Tompkins
Bodahl	Hausman	Lynch	Pelowski	Trimble
Boo	Heir	Macklin	Peterson	Tunheim
Brown	Henry	Mariani	Pugh	Uphus
Carlson	Hufnagle	Marsh	Reding	Valento
Carruthers	Hugoson	McEachern	Rest	Vellenga
Clark	Jacobs	McGuire	Rice	Wagenius
Cooper	Janezich	McPherson	Rodosovich	Waltman
Dauner	Jaros	Milbert	Rukavina	Weaver
Dauids	Jefferson	Morrison	Runbeck	Wejzman
Dawkins	Jennings	Murphy	Sarna	Welker
Dille	Johnson, A.	Nelson, K.	Schafer	Welle
Dorn	Johnson, R.	Nelson, S.	Scheid	Wenzel
Erhardt	Johnson, V.	Newinski	Schreiber	Winter
Farrell	Kahn	O'Connor	Seaberg	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 196, A resolution memorializing the Congress of the United States to enact the POW/MIA truth bill, that relates to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea, and Vietnam.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kinkel	Olson, K.	Smith
Anderson, I.	Frerichs	Knickerbocker	Omann	Solberg
Anderson, R.	Garcia	Krinkie	Onnen	Sparby
Anderson, R. H.	Girard	Krueger	Orenstein	Stanius
Battaglia	Goodno	Lasley	Orfield	Steensma
Bauerly	Greenfield	Leppik	Osthoff	Sviggum
Beard	Gruenes	Lieder	Ostrom	Swenson
Begich	Gutknecht	Limmer	Ozment	Thompson
Bertram	Hanson	Long	Pauly	Tompkins
Bettermann	Hartle	Lourey	Pellow	Trimble
Bishop	Hasskamp	Lynch	Pelowski	Tunheim
Blatz	Haukoos	Macklin	Peterson	Uphus
Bodahl	Hausman	Mariani	Pugh	Valento
Boo	Heir	Marsh	Reding	Vellenga
Brown	Henry	McEachern	Rest	Wagenius
Carlson	Hufnagle	McGuire	Rice	Waltman
Carruthers	Hugoson	McPherson	Rodosovich	Weaver
Clark	Jacobs	Milbert	Rukavina	Wejeman
Cooper	Janezich	Morrison	Runbeck	Welker
Dauner	Jefferson	Murphy	Sarna	Welle
Dauids	Jennings	Nelson, K.	Schafer	Wenzel
Dawkins	Johnson, A.	Nelson, S.	Scheid	Winter
Dempsey	Johnson, R.	Newinski	Schreiber	Spk. Vanasek
Dille	Johnson, V.	O'Connor	Seaberg	
Dorn	Kahn	Ogren	Segal	
Erhardt	Kalis	Olsen, S.	Simoneau	
Farrell	Kelso	Olson, E.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 325, A resolution memorializing the President and Congress to increase funding for the low-income home energy assistance program and to maintain its operation in Minnesota.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark	Gruenes	Johnson, A.	Macklin
Anderson, I.	Cooper	Gutknecht	Johnson, R.	Mariani
Anderson, R.	Dauner	Hanson	Johnson, V.	Marsh
Battaglia	Dauids	Hartle	Kalis	McEachern
Bauerly	Dawkins	Hasskamp	Kelso	McGuire
Beard	Dempsey	Haukoos	Kinkel	McPherson
Begich	Dille	Hausman	Knickerbocker	Milbert
Bertram	Dorn	Heir	Krinkie	Morrison
Bettermann	Erhardt	Henry	Krueger	Murphy
Bishop	Farrell	Hufnagle	Lasley	Nelson, K.
Blatz	Frederick	Hugoson	Leppik	Nelson, S.
Bodahl	Frerichs	Jacobs	Lieder	Newinski
Boo	Garcia	Janezich	Limmer	O'Connor
Brown	Girard	Jaros	Long	Ogren
Carlson	Goodno	Jefferson	Lourey	Olsen, S.
Carruthers	Greenfield	Jennings	Lynch	Olson, E.

Olson, K.	Peterson	Scheid	Steensma	Waltman
Omann	Pugh	Schreiber	Sviggum	Weaver
Onnen	Reding	Seaberg	Swenson	Welker
Orenstein	Rest	Segal	Thompson	Welle
Orfield	Rice	Simoneau	Tompkins	Wenzel
Osthoff	Rodosovich	Skoglund	Tunheim	Winter
Ostrom	Rukavina	Smith	Uphus	Spk. Vanasek
Ozment	Runbeck	Solberg	Valento	
Pauly	Sarna	Sparby	Vellenga	
Pelowski	Schafer	Stanisus	Wagenius	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 36, 238 and 243 were recommended for passage.

H. F. No. 116 was recommended for progress retaining its place on General Orders.

H. F. No. 97 was recommended for re-referral to the Committee on Rules and Legislative Administration.

On the motion of Long the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Krueger moved that his name be stricken as an author on H. F. No. 110. The motion prevailed.

Pugh moved that the name of Orenstein be added as an author on H. F. No. 116. The motion prevailed.

Rukavina moved that the name of Hanson be added as an author on H. F. No. 202. The motion prevailed.

Blatz moved that the name of Clark be added as an author on H. F. No. 286. The motion prevailed.

Smith moved that the name of Newinski be added as an author on H. F. No. 439. The motion prevailed.

Valento moved that the name of Anderson, R. H., be added as an author on H. F. No. 440. The motion prevailed.

Dempsey moved that the name of Frederick be added as an author on H. F. No. 460. The motion prevailed.

Bertram moved that the name of Hasskamp be added as an author on H. F. No. 516. The motion prevailed.

Bertram moved that the names of Hasskamp and Kelso be added as authors on H. F. No. 517. The motion prevailed.

Omann moved that the name of Frerichs be added as an author on H. F. No. 550. The motion prevailed.

Bauerly moved that the name of Segal be added as an author on H. F. No. 563. The motion prevailed.

Vellenga moved that the name of Mariani be shown as chief author and her name be shown as second author on H. F. No. 581. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, March 7, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, March 7, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

TWENTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 7, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Becky Hebert, Lake Harriet Christian Church, Minneapolis, Minnesota.

The roll was called and the following members were present:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Girard	Koppendraye	Olson, K.	Smith
Battaglia	Goodno	Krinkie	Omann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Sviggum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Dauids	Jefferson	Morrison	Rukavina	Wejcmán
Dawkins	Jennings	Munger	Runbeck	Welker
Dempsey	Johnson, A.	Murphy	Sarna	Welle
Dille	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dorn	Johnson, V.	Nelson, S.	Scheid	Winter
Erhardt	Kahn	Newinski	Schreiber	Spk. Vanasek
Farrell	Kalis	O'Connor	Seaberg	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Bertram moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 9, A bill for an act relating to education; establishing a legislative commission on children, youth, and their families; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 98, A bill for an act relating to civil commitment; prohibiting ex parte judicial release orders during the emergency hold period; amending Minnesota Statutes 1990, section 253B.05, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 253B.05, subdivision 1, is amended to read:

Subdivision 1. [EMERGENCY HOLD.] (a) Any person may be admitted or held for emergency care and treatment in a treatment facility with the consent of the head of the treatment facility upon a written statement by an examiner that: (1) the examiner has examined the person not more than 15 days prior to admission, (2) the examiner is of the opinion, for stated reasons, that the person is mentally ill, mentally retarded or chemically dependent, and is in imminent danger of causing injury to self or others if not immediately restrained, and (3) an order of the court cannot be obtained in time to prevent the anticipated injury.

(b) The statement shall be: (1) sufficient authority for a peace or health officer to transport a patient to a treatment facility, (2) stated in behavioral terms and not in conclusory language, and (3) of sufficient specificity to provide an adequate record for review. If imminent danger to specific individuals is a basis for the emergency hold, the statement must include identifying information on those individuals, to the extent practicable. A copy of the statement shall be personally served on the person immediately upon admission. A copy of the statement shall be maintained by the treatment facility.

Sec. 2. Minnesota Statutes 1990, section 253B.05, subdivision 2, is amended to read:

Subd. 2. [PEACE OR HEALTH OFFICER HOLD.] (a) A peace or health officer may take a person into custody and transport the person to a licensed physician or treatment facility if the officer has reason to believe that the person is mentally ill or mentally retarded and in imminent danger of injuring self or others if not immediately restrained: A peace or health officer or a person working under such officer's supervision, may take a person who is believed to be chemically dependent or is intoxicated in public into custody and transport the person to a treatment facility. If the person is intoxicated in public or is believed to be chemically dependent and is not in danger of causing self-harm or harm to any person or property, the peace or health officer may transport the person home. Written application for admission of the person to a treatment facility shall be made by the peace or health officer. The application shall contain a statement given by the peace or health officer specifying the reasons for and circumstances under which the person was taken into custody. If imminent danger to specific individuals is a basis for the emergency hold, the statement must include identifying information on those individuals, to the extent practicable. A copy of the statement shall be made available to the person taken into custody.

(b) A person may be admitted to a treatment facility for emergency care and treatment under this subdivision with the consent of the head of the facility under the following circumstances: a written statement is made by the medical officer on duty at the facility that after preliminary examination the person has symptoms of mental illness or mental retardation and appears to be in imminent danger of harming self or others; or, a written statement is made by the institution program director or the director's designee on duty at the facility that after preliminary examination the person has symptoms of chemical dependency and appears to be in imminent danger of harming self or others or is intoxicated in public.

Sec. 3. Minnesota Statutes 1990, section 253B.05, subdivision 3, is amended to read:

Subd. 3. [DURATION OF HOLD.] (a) Any person held pursuant to this section may be held up to 72 hours, exclusive of Saturdays, Sundays, and legal holidays, after admission unless a petition for the commitment of the person has been filed in the probate court of the county of the person's residence or of the county in which the treatment facility is located and the court issues an order pursuant to section 253B.07, subdivision 6. If the head of the treatment facility believes that commitment is required and no petition has been filed, the head of the treatment facility shall file a petition for the commitment of the person. The hospitalized person may move to have the venue of the petition changed to the probate court of the

county of the person's residence, if the person is a resident of Minnesota.

(b) During the 72-hour hold period, a court may release a person held under this section only through a writ of habeas corpus under chapter 589. The court shall make written findings regarding its decision under chapter 589. Before releasing the person, the court shall make every reasonable effort to provide notice of the release to: (1) any specific individuals identified in a statement under subdivision 1 or 2 or in the record as individuals who might be endangered if the person was not held; and (2) the examiner whose written statement was a basis for a hold under subdivision 1 or the peace or health officer who applied for a hold under subdivision 2.

Delete the title and insert:

“A bill for an act relating to civil commitment; establishing requirements for judicial release orders during the emergency hold period; amending Minnesota Statutes 1990, section 253B.05, subdivisions 1, 2, and 3.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 100, A bill for an act relating to health; imposing a surcharge on health coverage; establishing the emergency medical services personnel account; establishing an incentive plan for ambulance service personnel; setting plan requirements; amending Minnesota Statutes 1990, section 60A.15, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 353E.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1

Page 2, line 12, delete “all funds” and insert “general fund appropriations”

Page 2, delete line 13

Page 2, line 14, delete everything before the comma

Page 3, lines 24 and 25, delete "money from the health coverage surcharge imposed by section 1" and insert "general fund appropriations"

Page 7, after line 26, insert:

"Sec. 11. [APPROPRIATION.]

\$..... is appropriated from the general fund to the emergency medical services personnel account for the biennium ending June 30, 1993."

Renumber the sections in sequence

Correct internal references

Delete the title and insert:

"A bill for an act relating to health; establishing the emergency medical services personnel account; establishing an incentive plan for ambulance service personnel; setting plan requirements; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 353E."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Transportation.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 146, A bill for an act relating to commerce; regulating real estate closings; prohibiting real estate brokers or salespersons from requiring the use of particular closing agents; requiring certain disclosures in listing agreements; amending Minnesota Statutes 1990, section 82.19, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 507.45, subdivision 4, is amended to read:

Subd. 4. (a) No financial institution or other person making a mortgage loan, real estate salesperson, broker, attorney, auctioneer,

builder, or title company may require a borrower person to use any particular licensed attorney, real estate broker, real estate salesperson, or real estate closing agent in connection with a residential real estate closing.

(b) The commissioner of commerce shall adopt rules under chapter 14 to implement, administer, and enforce this subdivision.

Sec. 2. [RULEMAKING.]

The department of commerce shall amend Minnesota Rules, part 2805.1200, pursuant to the rulemaking provisions of Minnesota Statutes, chapter 14. The amendments shall require all listing agreements to include a notice informing sellers of their rights under Minnesota Statutes, section 507.45, subdivision 4. The notice must require the seller to indicate in writing whether it is acceptable to the seller to have the licensee arrange for closing services or whether the seller wishes to arrange for others to conduct the closing. The amendments must also provide for the disclosure of any controlled business arrangement, as the term is defined in United States Code, title 12, section 1602, between the licensee and the real estate closing agent through which the licensee proposes to arrange closing services."

Delete the title and insert:

"A bill for an act relating to commerce; regulating real estate closings; prohibiting persons from requiring the use of particular closing agents; requiring the commissioner to adopt rules; amending Minnesota Statutes 1990, section 507.45, subdivision 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 148, A bill for an act relating to probate; increasing the limit on an estate subject to collection of personal property by affidavit; amending Minnesota Statutes 1990, section 524.3-1201.

Reported the same back with the following amendments:

Page 2, line 11, before the period insert "or 525.15"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 155, A bill for an act relating to traffic regulations; authorizing immediate towing of certain unlawfully parked vehicles; amending Minnesota Statutes 1990, section 169.041, subdivision 4.

Reported the same back with the following amendments:

Page 2, delete line 23

Page 2, line 24, delete everything before the period and insert:

“(15) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle”

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 160, A bill for an act relating to the environment; recognizing the hydrological cycle of water purification through the atmosphere; establishing a list of toxic air pollutants; requiring the pollution control agency to monitor toxic emissions and to require reductions of toxic air emissions; requiring mercury emission reductions; requiring reports to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“TOXIC EMISSIONS AND DEPOSITION

Section 1. [116.451] [LEGISLATIVE INTENT.]

The legislature recognizes that a natural process called the “hydrological cycle of water” that involves precipitation, evaporation, evapotranspiration, snow accumulation and runoff, and that purifies the water that recharges the rivers, lakes, and groundwater aquifers, is often prevented from purifying the water by continuing releases and discharges of toxic substances.

The legislature further recognizes that toxic release/discharge, ambient concentration, and deposition substantially resulting from the conduct of commercial, institutional, industrial and governmental operations, both within and without the state, pose a present and severe danger to the delicate integrity of the ecosystem within the state and threaten human health and welfare, and the failure to mitigate sources of toxic release/discharge into the air and deposition upon the waters, vegetation, and soils will soon result in untold and irreparable damage to the agricultural, water, forest, fish, and wildlife resources of the state. It is therefore the intent of the legislature in enacting sections 1 to 8 to protect the natural processes of atmospheric water purification by ensuring the hydrological cycle of water and the integrity of the ecosystem, and to support and encourage other states, the federal government, and the province of Ontario in doing likewise.

Sec. 2. [116.452] [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in sections 1 to 8, the terms defined in this section have the meanings given them.

Subd. 2. [AGENCY.] “Agency” means the pollution control agency.

Subd. 3. [INTEGRITY OF THE ECOSYSTEM.] “Integrity of the ecosystem” means the maintenance of mutually beneficial species of plants and animals and of other natural characteristics in order that the biological viability of the ecosystem is assured.

Sec. 3. [116.453] [LIST OF TOXIC AIR POLLUTANTS.]

By January 1, 1993, the agency must develop and establish by rule a list of toxic air pollutants. The list shall include toxic substances listed in the Minnesota toxic release inventory reported as required by the federal SARA law, United States Code, title 42, section 313; toxic substances listed as hazardous air pollutants in title III of the federal Clean Air Act, Public Law Number 101-549, as amended in 1990; and any other toxic substances that, based on reasonable medical or scientific theory, have the following characteristics:

(1) acute or chronic toxicity that could materially impair the health or development of humans, animals, plants, or aquatic organisms;

(2) genetic, reproductive, neurological, or developmental toxicity to humans or other animals either directly or indirectly through substantial alteration of ecosystems;

(3) bioaccumulation, biomagnification, biotransformation, or other effects in the food chain that directly or indirectly impair humans, aquatic organisms, or other animals; or

(4) effects that otherwise pose a significant threat to the integrity of aquatic or terrestrial ecosystems.

Sec. 4. [116.454] [MONITORING PROGRAM.]

By January 1, 1992, the agency must establish a statewide monitoring program for toxic release/discharge, ambient concentration, and deposition of toxic substances from the air. The monitoring program shall include the measurement of toxic substances accumulating in animals, water, fish, and sediments of lakes.

Sec. 5. [116.455] [EMISSION AND PROBABLE SOURCE INVENTORY.]

By January 1, 1993, the agency must establish an inventory of the emission sources of pollutants contained on the list of toxic air pollutants required in section 3. If, in the future, new substances are added to the list, the agency shall establish an emission sources inventory for the newly listed substances within one year after the new listing.

Sec. 6. [116.456] [EMISSION REDUCTION REQUIREMENTS.]

By January 1, 1993, the agency must establish rules governing the release or emission of toxic air pollutants that will ensure a 50 percent reduction, based on 1987 levels, in statewide emissions of toxic air pollutants by 1998. The rules must consider:

(1) acute or chronic effects that materially impair the health or development of humans, plants, aquatic organisms, or plants;

(2) genetic, reproductive, neurological, or developmental effects on humans or other animals either directly or indirectly through substantial alteration of the ecosystems;

(3) bioaccumulation, biomagnification, biotransformation, or other effects in the food chain that directly or indirectly impair humans, aquatic organisms, or other animals; or

(4) effects that otherwise pose a significant threat to the integrity of aquatic or terrestrial ecosystems.

In setting limits for specific pollutants, the agency shall use United States Environmental Protection Agency risk assessment methods and United States Environmental Protection Agency derived reference doses, unit risk factors, and potency slopes, whenever possible. If United States Environmental Protection Agency derived values are not available, the agency must develop a scientifically defensible method for deriving pollutant specific limits that will protect public health and the environment.

In establishing the emission reduction requirements, the agency must require pollution prevention over pollution control in situations where either pollution prevention or pollution control are able to achieve the emission reduction goals.

Sec. 7. [116.457] [MERCURY EMISSIONS REDUCTIONS.]

Subdivision 1. [TOYS OR GAMES.] Beginning July 1, 1991, a person may not sell in this state a toy or game that contains mercury or a toy or game that includes a battery that contains mercury and that is not removable.

Subd. 2. [LATEX PAINT.] (a) A manufacturer may not sell, distribute, or offer for sale in this state, any mercury-containing latex paint beginning January 1, 1992. A retailer may sell mercury-containing latex paint from the retailer's stock existing on the effective date of this section.

(b) A manufacturer who violates paragraph (a) is subject to a minimum fine of \$100 per gallon of latex paint in violation.

Subd. 3. [ELECTRONIC DEVICES AND APPLIANCES.] Beginning January 1, 1992, the mercury in thermostats, thermometers, electronic switches, and appliances being removed from service must be recycled or otherwise managed to ensure that the mercury is not placed in a solid waste composting, resource recovery, or disposal facility or a wastewater disposal system.

Beginning January 1, 1992, a person may not sell a thermostat, thermometer, electronic switch, or appliance that contains mercury unless the device or appliance is clearly labeled to inform the purchaser or consumer that:

(1) mercury is present in the device or appliance;

(2) it is illegal to put the device or appliance with the mercury in it in the garbage; and

(3) the mercury must be recycled or otherwise managed to ensure that it is not placed in a solid waste composting, resource recovery, or disposal facility or a wastewater disposal system.

A person who is in the business of installing or repairing thermostats, thermometers, electronic switches, or appliances containing mercury shall take custody of devices or appliances containing mercury that are no longer in use and shall remove the mercury for or shall otherwise manage the devices or appliances to ensure that the mercury is not placed in the solid waste stream or a wastewater disposal system.

Subd. 4. [VAPOR LAMPS; LIGHTING FIXTURES AND HARDWARE.] Beginning January 1, 1992, the mercury in a vapor lamp or lighting fixture or hardware that is being removed from service must be recycled or otherwise managed to ensure that the mercury is not placed in a solid waste composting, resource recovery, or disposal facility or a wastewater disposal system.

A person who installs or repairs lamps or lighting fixtures, or hardware shall take custody of lamps, fixtures, or hardware containing mercury that are no longer in use and shall remove the mercury for recycling or shall otherwise manage the lamps, fixtures, or hardware to ensure that the mercury is not placed in the solid waste stream or a wastewater disposal system.

Subd. 5. [FUNGICIDES.] On or after January 1, 1992, the use of mercury-containing fungicides on lawns and golf courses is prohibited.

Subd. 6. [MEDICAL AND SCIENTIFIC INSTRUMENTS.] Beginning January 1, 1992, the mercury contained in medical and scientific instruments that are discarded must be recycled or otherwise managed to ensure that the mercury is not placed in a solid waste composting, resource recovery, or disposal facility or a wastewater disposal system.

Subd. 7. [COMBUSTION SOURCES.] By July 1, 1992, petroleum refiners and electric utilities must test for emissions of mercury and must report emissions to the agency.

Sec. 8. [116.458] [REPORTS TO THE LEGISLATURE.]

By January 1, 1992, the commissioner shall submit to the legislative commission on waste management an inventory of products that contain mercury and recommend legislation to prohibit or otherwise restrict those products where appropriate.

Beginning January 1, 1993, the agency must submit reports to the legislature every two years regarding the progress toward meeting

the goals of sections 1 to 7, including progress in finding alternatives to mercury for use in thermostats, electronic devices, appliances, vapor lamps, and lighting fixtures and hardware. The report may include recommendations to the legislative committees on the environment and natural resources for further mercury emission reductions and management.

Sec. 9. [APPROPRIATION.]

\$1,800,000 is appropriated from the general fund to the commissioner of the pollution control agency for the biennium ending June 30, 1993, for the purposes of sections 1 to 8."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 192, A bill for an act relating to the Duluth transit authority; providing for the transportation of students; repealing Laws 1988, chapter 573, section 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 205, A bill for an act relating to insurance; life; prohibiting discrimination against American military personnel; amending Minnesota Statutes 72A.20, subdivision 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 72A.20, subdivision 8, is amended to read:

Subd. 8. [DISCRIMINATION.] (a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract or in making or permitting the rejection of an individual's application for life insurance coverage, as well as the determination of the rate class for such individual, on the basis of a disability, shall constitute an unfair method of competition and an unfair and deceptive act or practice, unless the claims experience and actuarial projections and other data establish significant and substantial differences in class rates because of the disability.

(b) Refusing to insure or refusing to continue to insure the life of a member of a reserve component of the armed forces of the United States, or the national guard due to that person's status as a member, or duty assignment while a member, of any of these military organizations constitutes an unfair method of competition and an unfair and deceptive act or practice.

(c) Refusing to reinstate coverage for the insured or any covered dependents under an individual or group life or health insurance policy or contract of a member of a reserve component of the armed forces of the United States that was terminated, canceled, or nonrenewed while that person was on active duty constitutes an unfair method of competition and an unfair and deceptive act or practice.

For purposes of reinstatement of an individual policy, the person shall apply for reinstatement within 120 days after removal from active duty.

The reinstated coverage must not contain any new preexisting condition or other exclusion or limitation, except a condition determined by the Veterans Administration to be a disability incurred or aggravated in the line of duty. The remainder of a preexisting condition limitation that was not satisfied before the coverage was terminated may be applied once the person returns and coverage is reinstated.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "life;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 246, A bill for an act relating to alcoholic beverages; allowing proof of age by means of a Canadian consumption card; amending Minnesota Statutes 1990, section 340A.503, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 340A.503, subdivision 6, is amended to read:

Subd. 6. [PROOF OF AGE; DEFENSE.] (a) Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:

(1) a valid ~~drivers~~ driver's license ~~or issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;~~

(2) a valid Minnesota identification card;

(3) a valid Canadian identification card with the photograph and date of birth of the person, issued by a Canadian province; or

(4) in the case of a foreign national, by a valid passport.

(b) In a prosecution under subdivision 2, clause (1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (a) in selling, bartering, furnishing, or giving the alcoholic beverage.”

Amend the title as follows:

Page 1, line 3, delete “consumption” and insert “identification”

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 260, A bill for an act relating to civil procedure; providing for security for costs in certiorari matters; amending Minnesota Statutes 1990, section 606.03.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 276, A bill for an act relating to insurance; accident and health; prohibiting the nondiagnostic use of X-rays; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reported the same back with the following amendments:

Page 1, line 8, delete "accident and health" and insert "dental"

Page 1, line 9, after "insurance" insert "offered for sale to a Minnesota resident by an insurer"

Page 1, line 11, after the comma insert "or"

Page 1, line 12, delete "or"

Page 1, delete line 13

Page 1, line 14, delete "state"

Page 1, delete lines 24 and 25

Page 2, delete lines 1 to 4 and insert "Nothing in this section prohibits requests for X-rays or other diagnostic aids routinely taken in conjunction with the diagnosis and treatment of injury or disease, or routinely required by the insurer for preapproval or predetermination of treatment. An insurer may not retroactively

request new X-rays not taken in conjunction with the diagnosis or treatment of injury or disease."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 279, A bill for an act relating to the environment; authorizing the city of Hopkins to issue bonds to pay for environmental response costs at a landfill; authorizing the city to impose a solid waste collection surcharge; authorizing a landfill cleanup assessment against property; authorizing a service charge; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 319, A bill for an act relating to court fees; waiving filing fees for a person or person's spouse or children seeking protection under the Soldiers' and Sailors' Civil Relief Act of 1940; amending Minnesota Statutes 1990, section 357.021, subdivision 1a.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 320, A bill for an act relating to occupations and professions; modifying an auctioneer's exemption from real estate brokers and salespersons licensing; amending Minnesota Statutes 1990, section 82.18.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 430, A bill for an act relating to intoxicating liquor; specifying the number of on-sale licenses which may be issued in the city of Virginia; repealing Laws 1974, chapter 501, section 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 598, A bill for an act relating to insurance; regulating agent rehabilitations and cancellations of agency contracts by fire and casualty companies; amending Minnesota Statutes 1990, sections 60A.171; and 60A.175.

Reported the same back with the following amendments:

Page 4, after line 33, insert:

“Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 apply to all agency contracts or written agreements in existence on or after August 1, 1991.”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 98, 146, 148, 155, 192, 205, 246, 260, 276, 320, 430 and 598 were read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Dempsey introduced:

H. F. No. 659, A bill for an act relating to state government; requiring the supreme court to prepare fiscal notes in certain circumstances; amending Minnesota Statutes 1990, sections 3.98, subdivision 1; and 3.982.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Peterson, Reding, Simoneau, Ozment and Vanasek introduced:

H. F. No. 660, A bill for an act relating to public safety; requiring commissioner of public safety to implement a state hazardous materials incident response plan; creating the hazardous materials incident response account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, I.; Tunheim and Battaglia introduced:

H. F. No. 661, A resolution memorializing Canada to correct the new permit regulations for the Canada-Minnesota border, and to encourage federal, state, and provincial governments to resolve differences to the mutual benefit and satisfaction of the citizens of both countries.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Simoneau introduced:

H. F. No. 662, A bill for an act relating to crime; providing penalties for residential tenants who intentionally abscond without paying current or past rent due; providing defenses; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Housing.

Milbert, Ostrom, Waltman, Blatz and Kalis introduced:

H. F. No. 663, A bill for an act relating to occupations and professions; regulating athletic trainers; creating an advisory committee; providing for registration; establishing fees; requiring rule-making; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 148.

The bill was read for the first time and referred to the Committee on Commerce.

Brown, Sarna, Dille, Reding and Wagenius introduced:

H. F. No. 664, A bill for an act relating to commerce; requiring accessibility specialists; requiring certification by building officials; amending Minnesota Statutes 1990, sections 16B.63, by adding a subdivision; and 16B.65, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna introduced:

H. F. No. 665, A bill for an act relating to metropolitan government; providing for senate confirmation of the chair of the metropolitan airports commission; removing certain members from the commission; amending Minnesota Statutes 1990, section 473.604, subdivision 1.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Carruthers, Wagenius, Swenson, Vellenga and Blatz introduced:

H. F. No. 666, A bill for an act relating to crimes; imposing a felony penalty for a fifth or subsequent violation of the laws prohibiting driving while intoxicated; amending Minnesota Statutes 1990, section 169.121, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

O'Connor, Sarna, Erhardt, Newinski and Farrell introduced:

H. F. No. 667, A bill for an act relating to public safety; authorizing certain departmental employees to donate vacation time to

bargaining representatives; proposing coding for new law in Minnesota Statutes, chapter 299A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McGuire, Greenfield, Battaglia, Rodosovich and Boo introduced:

H. F. No. 668, A bill for an act relating to occupations and professions; creating the state board of examiners for speech-language pathology and audiology and providing for its powers and duties; providing for the licensure and regulation of speech-language pathologists and audiologists; authorizing rulemaking; appropriating money; amending Minnesota Statutes 1990, sections 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 153B.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Krueger, Wenzel, Bauerly, Omann and Kahn introduced:

H. F. No. 669, A bill for an act relating to agriculture; providing a "Minnesota pure" category of dairy products; proposing coding for new law in Minnesota Statutes, chapter 32.

The bill was read for the first time and referred to the Committee on Agriculture.

Clark; Nelson, K.; Kelso; Bauerly and Kinkel introduced:

H. F. No. 670, A bill for an act relating to education; establishing a grant program for home-based programs to prepare American Indian children for school; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124C.

The bill was read for the first time and referred to the Committee on Education.

Lynch, Jefferson, Girard, Welle and Heir introduced:

H. F. No. 671, A bill for an act relating to human services; child care providers; allowing an extension for installing interior vertical access in child care facilities in churches; amending Minnesota Statutes 1990, section 16B.61, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Segal introduced:

H. F. No. 672, A bill for an act relating to health; providing additional funding for family planning grants; establishing an outreach program for pregnant women eligible for medical assistance; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carruthers and Scheid introduced:

H. F. No. 673, A bill for an act relating to the Brooklyn Center housing and redevelopment authority; providing for authority to increase levy.

The bill was read for the first time and referred to the Committee on Taxes.

Brown; Cooper; Anderson, R.; Sarna and Jaros introduced:

H. F. No. 674, A bill for an act relating to commerce; regulating irrevocable funeral trusts; excluding certain trusts from the asset limitation requirements for medical assistance; amending Minnesota Statutes 1990, sections 149.11; and 256B.056, subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce.

Brown, Bishop, Pugh, Segal and Thompson introduced:

H. F. No. 675, A bill for an act relating to court actions; providing immunity from liability arising out of the use of breathalyzers in liquor establishments; prohibiting the use of the breathalyzer test as evidence; proposing coding for new law in Minnesota Statutes, chapter 604.

The bill was read for the first time and referred to the Committee on Judiciary.

Brown, Kalis, Pellow, Frerichs and Johnson, A., introduced:

H. F. No. 676, A bill for an act relating to transportation; requiring

a study and report by the commissioner of transportation on the effect of allowing the use of 110-foot, triple-trailer vehicle combinations; appropriating money.

The bill was read for the first time and referred to the Committee on Transportation.

Reding; Johnson, R.; O'Connor; Jefferson and Knickerbocker introduced:

H. F. No. 677, A bill for an act relating to retirement; Minnesota state retirement system; directing payment of Medicare Plan B supplemental medical coverage costs for designated retirees receiving annuities from the system; proposing coding for new law in Minnesota Statutes, chapter 352.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Vellenga, Skoglund, Carruthers, Rest and Swenson introduced:

H. F. No. 678, A bill for an act relating to juveniles; requiring a study of the juvenile certification process.

The bill was read for the first time and referred to the Committee on Judiciary.

Garcia, Wejcman, Lieder, Pellow and Pauly introduced:

H. F. No. 679, A bill for an act relating to public safety; clarifying requirement of "MN" designation within a school bus body identification number; allowing state patrol to enforce certain school bus requirements regarding operation and construction; providing penalties; amending Minnesota Statutes 1990, sections 169.44, subdivision 17; 169.45; and 169.451.

The bill was read for the first time and referred to the Committee on Transportation.

Osthoff and Scheid introduced:

H. F. No. 680, A bill for an act relating to taxation; imposing the sales tax on sales of new clothing; amending Minnesota Statutes 1990, section 297A.25, subdivision 8, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Garcia, Wejcman, Lieder, Pellow and Pauly introduced:

H. F. No. 681, A bill for an act relating to traffic regulations; defining school bus to include the transportation of pre-elementary students; amending Minnesota Statutes 1990, section 169.01, subdivision 6.

The bill was read for the first time and referred to the Committee on Transportation.

Clark, Jefferson, Wejcman and Mariani introduced:

H. F. No. 682, A bill for an act relating to housing; changing filing fees for unlawful detainer actions; amending Minnesota Statutes 1990, section 357.021, subdivision 2.

The bill was read for the first time and referred to the Committee on Housing.

Jacobs, Beard, Osthoff, Stanius and O'Connor introduced:

H. F. No. 683, A bill for an act relating to alcoholic beverages; prohibiting a retailer from having an interest in a manufacturer, brewer, or wholesaler; prohibiting a retailer from renting space to a manufacturer, brewer, or wholesaler; providing that brand registration is for a three-year period; specifying that club on-sale licenses are subject to approval of the commissioner of public safety; consolidating provisions of law relating to seasonal on-sale licenses; providing extended duration of seasonal licenses in certain counties; clarifying law on issuance of off-sale licenses by counties; allowing gambling on licensed premises when governed by tribal ordinance or a tribal-state compact; clarifying language on certain prohibitions on issuance of multiple licenses and repealing obsolete provisions relating thereto; prohibiting off-site storage of intoxicating liquor; specifying applicability of license limits to certain fourth-class cities; changing the expiration date for consumption and display permits; raising the minimum age for keeping intoxicating liquor in bottle clubs; authorizing commissioner of public safety to impose civil penalties for conducting or permitting unlawful gambling on licensed premises, or for failure to remove impure products; specifying applicability to municipal liquor stores of prohibitions against permitting consumption of alcoholic beverages by underage persons; clarifying language on sales of intoxicating liquor on Christmas day; providing for Sunday liquor elections in counties; prohibiting sale of certain beverages of more than 50 percent alcohol content; authorizing commissioner of public safety to inspect alcoholic beverages for purity of contents, and to order the removal of impure products; specifying that a split liquor referendum is not required for issuance of club licenses; authorizing the seizure and disposition of unlaw-

fully purchased alcoholic beverages; repealing restrictions on rules of the commissioner of public safety and wine sales at Twin Cities International Airport; amending Minnesota Statutes 1990, sections 340A.301, subdivision 7; 340A.311; 340A.402; 340A.404, subdivisions 1 and 6; 340A.405, subdivisions 2 and 6; 340A.408, subdivision 2; 340A.410, subdivision 5; 340A.412, subdivisions 2, 3, and by adding a subdivision; 340A.413, subdivision 1; 340A.414, subdivisions 4 and 8; 340A.415; 340A.503, subdivision 1; 340A.504, subdivisions 2 and 3; 340A.506; 340A.508, by adding a subdivision; 340A.601, subdivision 5; 340A.604; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 1990, sections 340A.314; 340A.404, subdivision 6a; and 340A.903.

The bill was read for the first time and referred to the Committee on Regulated Industries.

O'Connor; Jaros; Boo; Johnson, R., and Dawkins introduced:

H. F. No. 684, A bill for an act relating to retirement; Duluth teachers retirement fund association and St. Paul teachers retirement fund association; proposing coding for new law in Minnesota Statutes, chapter 354A; repealing Laws 1985, chapter 259, sections 2 and 3; and Laws 1990, chapter 570, article 7, section 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Segal, Scheid and Abrams introduced:

H. F. No. 685, A bill for an act relating to gambling; requiring posting of the compulsive gambling hotline number; imposing surcharges on gambling permits and licenses; appropriating money; amending Minnesota Statutes 1990, sections 240.13, subdivision 2; 349.172; and 349A.06, subdivision 5.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Krueger introduced:

H. F. No. 686, A bill for an act relating to economic development; establishing the legislative commission on economic development; abolishing the Greater Minnesota Corporation; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1990, sections 1160.01 to 1160.20.

The bill was read for the first time and referred to the Committee on Economic Development.

Krueger introduced:

H. F. No. 687, A bill for an act relating to economic development; transferring the Greater Minnesota Corporation to four successor corporations; amending Minnesota Statutes 1990, sections 116O.02, subdivisions 2 and 3; 116O.03; 116O.04; 116O.05; 116O.06; 116O.07; 116O.10; 116O.11; and 116O.12; repealing Minnesota Statutes 1990, sections 116O.06, subdivision 3; 116O.08; and 116O.09.

The bill was read for the first time and referred to the Committee on Economic Development.

Skoglund, Solberg, Vellenga and Limmer introduced:

H. F. No. 688, A bill for an act relating to corrections; requiring county boards to provide medical aid for prisoners in jail; amending Minnesota Statutes 1990, section 641.15.

The bill was read for the first time and referred to the Committee on Judiciary.

Ozment; Stanius; Johnson, A.; Rest and Weaver introduced:

H. F. No. 689, A bill for an act relating to education; changing intermediate school district levy limits; amending Minnesota Statutes 1990, sections 136D.27, subdivision 1; 136D.74, subdivision 2; and 136D.87, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Onnen and Pauly introduced:

H. F. No. 690, A bill for an act relating to taxation; updating references to the Internal Revenue Code; increasing the taxes on cigarettes; changing the computation of alcoholic beverage taxes; amending Minnesota Statutes 1990, sections 290.01, subdivisions 19, 19a, and 19d; 290.067, subdivision 1; 290.92, subdivision 1; 297.02, subdivision 1; 297.03, subdivision 5; 297C.01, by adding subdivisions; and 297C.02.

The bill was read for the first time and referred to the Committee on Taxes.

Rodosovich, Welle and Greenfield introduced:

H. F. No. 691, A bill for an act relating to health; increasing

funding for the nutritional supplement program known as WIC to expand services; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Rodosovich, Welle, Greenfield and Gruenes introduced:

H. F. No. 692, A bill for an act relating to human services; increasing funding for home delivered meals; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carruthers, Limmer, Pugh, Segal and Abrams introduced:

H. F. No. 693, A bill for an act relating to the collection and dissemination of data; authorizing child protective service agencies and family court service agencies to share information about cases relating to child abuse when they involve common clients; amending Minnesota Statutes 1990, sections 13.46, by adding a subdivision; and 13.84, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Long, Munger, Orenstein, Orfield and Vellenga introduced:

H. F. No. 694, A bill for an act relating to the environment; establishing an environmental enforcement account; establishing a field citation pilot project for unauthorized disposal of solid waste; authorizing background investigations of environmental permit applicants; expanding current authority to impose administrative penalties for air and water pollution and solid waste management violations; imposing criminal penalties for knowing violations of standards related to hazardous air pollutants and toxic pollutants in water; providing that certain property is subject to forfeiture in connection with convictions for water pollution and air pollution violations; imposing criminal penalties for unauthorized disposal of solid waste; authorizing prosecution of environmental crimes by the attorney general; providing for environmental restitution as part of a sentence; increasing criminal penalties for false statements on documents related to permits and record keeping; requiring reports; amending Minnesota Statutes 1990, sections 18D.331, subdivision 4; 115.071, by adding a subdivision; 115.072; 115C.05; 116.07, subdivision 4d; 116.072, subdivisions 1, 2, and 6; 609.531, subdivision 1; and 609.671; proposing coding for new law in Minnesota Statutes, chapter 115.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rest, Vellenga, Seaberg and Bishop introduced:

H. F. No. 695, A bill for an act relating to battered women's programs; clarifying and expanding the role of the battered women's advisory council; updating and correcting certain statutory provisions; amending Minnesota Statutes 1990, sections 611A.31, subdivision 2; 611A.32, subdivisions 1 and 2; 611A.33; 611A.34; 611A.35; and 611A.36, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1990, section 611A.32, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Steensma, Krueger, Frerichs, Dorn and Hasskamp introduced:

H. F. No. 696, A bill for an act relating to education; revising membership requirements for joint vocational technical boards; authorizing joint vocational technical boards to appoint additional members; amending Minnesota Statutes 1990, section 136C.61, subdivision 1; and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Reding, Simoneau and Boo introduced:

H. F. No. 697, A bill for an act relating to credit unions; providing that credit unions may be designated as depositories of state funds; providing for the election of a supervisory committee; clarifying investment authority of board of directors; amending Minnesota Statutes 1990, sections 9.031, subdivision 1; 52.08; and 52.09, subdivision 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Bertram, Simoneau, Boo and Brown introduced:

H. F. No. 698, A bill for an act relating to credit unions; providing for the appointment of a deputy commerce commissioner for credit unions; providing for the appointment of a credit union advisory task force; amending Minnesota Statutes 1990, sections 45.013 and 52.061.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Reding, O'Connor, Jefferson, Knickerbocker and Johnson, R., introduced:

H. F. No. 699, A bill for an act relating to retirement; judges retirement fund; eliminating the offset for a portion of Social Security benefits; amending Minnesota Statutes 1990, sections 355.391, subdivision 1; and 490.123, subdivision 1; repealing Minnesota Statutes 1990, section 490.129.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Nelson, K.; McEachern; Bauerly; Kelso and Ozment introduced:

H. F. No. 700, A bill for an act relating to education; providing for supplemental revenue and minimum allowance revenue in certain cases; amending Minnesota Statutes 1990, section 122.531, by adding a subdivision; repealing Minnesota Statutes 1990, section 122.531, subdivision 5.

The bill was read for the first time and referred to the Committee on Education.

Trimble, Greenfield, Ostrom, Rodosovich and Bishop introduced:

H. F. No. 701, A bill for an act relating to occupations and professions; establishing a board of nutrition and dietetics practice; requiring nutritionists and dietitians to be licensed; establishing licensing requirements and exemptions; authorizing rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Sparby; Nelson, S.; Frederick and Dille introduced:

H. F. No. 702, A bill for an act relating to agriculture; providing for an agricultural development bond program; proposing coding for new law as Minnesota Statutes, chapter 41C.

The bill was read for the first time and referred to the Committee on Agriculture.

Carruthers; Johnson, A.; Anderson, I.; Garcia and Weaver introduced:

H. F. No. 703; A bill for an act relating to metropolitan government; setting conditions for the party affiliation of the metropolitan council and agencies; amending Minnesota Statutes 1990, sections 473.123, subdivision 3; and 473.141, subdivision 2.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Sarna, Jefferson, Reding, Knickerbocker and Anderson, I., introduced:

H. F. No. 704, A bill for an act relating to retirement; giving employing units an option on the rule of 85; proposing coding for new law in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1990, section 356.70.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Hanson, Garcia, Lieder, Runbeck and Swenson introduced:

H. F. No. 705, A bill for an act relating to drivers' licenses; increasing fees for reinstatement of licenses after an alcohol-related revocation; amending Minnesota Statutes 1990, section 171.29, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Dawkins introduced:

H. F. No. 706, A bill for an act relating to taxation; reducing the class rate that applies to certain rental residential property; amending Minnesota Statutes 1990, section 273.13, subdivision 25.

The bill was read for the first time and referred to the Committee on Taxes.

Gruenes, Clark, Runbeck, Jefferson and Henry introduced:

H. F. No. 707, A bill for an act relating to housing; public assistance; establishing a rent assistance demonstration project for family stabilization for certain families receiving public assistance; appropriating money; amending Minnesota Statutes 1990, section 462A.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462A.

The bill was read for the first time and referred to the Committee on Housing.

Abrams, Osthoff, Knickerbocker, Scheid and Milbert introduced:

H. F. No. 708, A bill for an act relating to horse racing; increasing per diem rate for members of the racing commission; requiring that pari-mutuel clerks at county fairs be licensed; specifying apportionment and uses of the Minnesota breeders fund; specifying person who may supervise administration of certain medications; reducing state tax withholding on pari-mutuel winnings; amending Minnesota Statutes 1990, sections 240.02, subdivision 3; 240.09, subdivision 2; 240.18; 240.24, subdivision 2; and 290.92, subdivision 27.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Johnson, V., and Anderson, I., introduced:

H. F. No. 709, A bill for an act relating to motor vehicles; requiring the appointment of officers of statutory and home rule charter cities as deputy registrars in certain circumstances; amending Minnesota Statutes 1990, section 168.33, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Winter; Ogren; Steensma; Olson, K., and Hugoson introduced:

H. F. No. 710, A bill for an act relating to economic development; authorizing the establishment of rural development zones; proposing coding for new law in Minnesota Statutes, chapter 469.

The bill was read for the first time and referred to the Committee on Economic Development.

Weaver, Macklin, Osthoff, Carruthers and Krinkie introduced:

H. F. No. 711, A bill for an act relating to elections; providing directions for the preparation of ballot instructions; amending Minnesota Statutes 1990, section 204B.36, subdivision 2.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Cooper and Ogren introduced:

H. F. No. 712, A bill for an act relating to taxation; sales; clarifying the exemption for purchases of capital equipment in distressed counties; amending Minnesota Statutes 1990, section 297A.257, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Solberg, Vellenga, Bishop and Pugh introduced:

H. F. No. 713, A bill for an act relating to the justice system; making various technical corrections and minor changes to the public defender law; providing for payment of travel fees for defense witnesses; allowing persons in custody reasonable telephone access to their attorneys without charge; providing for certain compensation increases for district public defenders and assistant public defenders; providing who is eligible to be represented by the public defender; making the eighth judicial district court financing pilot project permanent; providing for a county aid offset if certain court costs are assumed by the state; requiring the supreme court to study the costs and prepare a budget; appropriating money; amending Minnesota Statutes 1990, sections 357.24; 477A.012, by adding a subdivision; 481.10; 611.215, subdivision 2; and 611.26, subdivision 6, and by adding subdivisions; and Laws 1989, chapter 335, article 3, section 44, as amended; repealing Minnesota Statutes 1990, sections 611.215, subdivision 4; 611.261; 611.28; and 611.29; and Laws 1989, chapter 335, article 3, section 54, as amended.

The bill was read for the first time and referred to the Committee on Judiciary.

Clark, Wejeman, Mariani and Dawkins introduced:

H. F. No. 714, A bill for an act relating to housing; modifying procedures relating to rent escrow actions; modifying procedures relating to the tenant's loss of essential services; modifying provisions relating to tenant remedy actions, retaliatory eviction proceed-

ings, and receivership proceedings; modifying provisions relating to Minnesota housing finance agency low- and moderate-income housing programs; providing for an emergency mortgage and rental assistance pilot project; modifying certain receivership, assignment of rents and profits, and landlord and tenant provisions; modifying provisions relating to housing and redevelopment authorities; providing for the issuance of general obligation bonds for housing by the cities of Minneapolis and St. Paul; authorizing the city of Minneapolis to make small business loans; modifying the property tax classification of certain residential real estate; excluding housing districts from the calculation of local government aid reductions; modifying the interest rate reduction program; changing the definition of mentally ill person; consolidating special needs housing programs; clarifying and amending biennial reporting requirement; authorizing new construction of accessible housing; authorizing off-reservation home improvement program; appropriating money; amending Minnesota Statutes 1990, sections 268.39; 273.124, subdivisions 1 and 11; 273.13, subdivision 25; 273.1399, subdivision 1; 462A.03, subdivisions 10 and 16; 462A.05, subdivision 20, and by adding a subdivision; 462A.21, subdivisions 4k, 12a, and 14; 462A.22, subdivision 9; 462A.222, subdivision 3; 462C.03, subdivision 10; 469.011, subdivision 4; 469.012, subdivision 1; 469.015, subdivisions 3, 4, and by adding a subdivision; 469.176, subdivision 4f; 474A.048, subdivision 2; 481.02, subdivision 3; 504.02; 504.185, subdivision 2; 504.20, subdivisions 3, 4, 5, and 7; 504.27; 559.17, subdivision 2; 566.03, subdivision 1; 566.17, subdivisions 1, 2, and by adding a subdivision; 566.175, subdivision 6; 566.18, subdivision 9; 566.29, subdivisions 2 and 4; and 576.01, subdivision 2; Laws 1974, chapter 285, section 4, as amended; Laws 1987, chapter 404, section 28, subdivision 1; Laws 1988, chapter 594, section 6; Laws 1989, chapter 335, article 1, section 27, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapters 268 and 609; repealing Minnesota Statutes 1990, section 462A.05, subdivisions 28 and 29.

The bill was read for the first time and referred to the Committee on Housing.

Clark, Mariani, Wejcman and Dawkins introduced:

H. F. No. 715, A bill for an act relating to health; providing additional funding for family planning grants; establishing an outreach program for pregnant women eligible for medical assistance; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Seaberg, Vellenga, Milbert, Greenfield and Bettermann introduced:

H. F. No. 716, A bill for an act relating to crime victims; requiring victims to be notified of offender's escape; requiring notification to victim of final disposition of case; waiving fees necessary to obtain a temporary restraining order for harassment if petitioner is indigent; amending Minnesota Statutes 1990, sections 609.748, subdivisions 3, 4, and 6; 611A.02, subdivision 2; and 611A.06; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the first time and referred to the Committee on Judiciary.

Begich, Jacobs, Battaglia, Rukavina and Johnson, R., introduced:

H. F. No. 717, A bill for an act relating to taxation; property; providing for homestead treatment of one-half the value of certain recreational property owned by persons maintaining a homestead in the state; amending Minnesota Statutes 1990, section 273.13, subdivision 25.

The bill was read for the first time and referred to the Committee on Taxes.

Tompkins, Pugh, Rice, Murphy and Rodosovich introduced:

H. F. No. 718, A bill for an act relating to the state lottery; providing for the distribution of a portion of net proceeds from the state lottery in fiscal years 1992 and 1993 to the housing trust fund account and a head start account; amending Minnesota Statutes 1990, section 349A.10, subdivision 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Greenfield; Welle; Anderson, R.; Johnson, R., and Clark introduced:

H. F. No. 719, A bill for an act relating to human services; clarifying and establishing requirements for implementing the Minnesota family investment plan; amending Minnesota Statutes 1990, sections 256.031; 256.032; 256.033; 256.034; 256.035; and 256.036, subdivisions 1, 2, 4, and 5; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1990, sections 256.032, subdivisions 5 and 9; 256.035, subdivisions 6

and 7; 256.036, subdivision 10; Laws 1989, chapter 282, article 5, section 130.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Tompkins, Pugh, Morrison and Ozment introduced:

H. F. No. 720, A bill for an act relating to health; chemical dependency; requiring the commissioner of public safety to establish a pilot juvenile diversion program and a pilot chemical abuse prevention program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Winter, Ostrom, Steensma, Waltman and Olson, K., introduced:

H. F. No. 721, A bill for an act relating to lawful gambling; making certain expenditures for maintenance and utilities for premises owned or leased by a licensed organization a lawful purpose; making organization licenses and premises permits valid for two years; repealing the requirement for an annual audit of lawful gambling activities and funds; reducing the rate of tax on the ideal gross from pull-tabs and tipboards; requiring the director of lawful gambling and the commissioner of revenue to jointly adopt a single form for organizations' monthly reporting; amending Minnesota Statutes 1990, sections 349.12, subdivision 25; 349.15; 349.16, subdivision 3; 349.165, subdivision 3; and 349.212, subdivision 4; repealing Minnesota Statutes 1990, section 349.19, subdivision 9.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Waltman, Osthoff, Beard, Frederick and Abrams introduced:

H. F. No. 722, A bill for an act relating to the military; clarifying language about certain money appropriated for land acquisition; amending Minnesota Statutes 1990, section 190.25, subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Kalis, Lieder, Pauly, Lasley and Uphus introduced:

H. F. No. 723, A bill for an act relating to transportation; estab-

lishing state transportation goals and requiring periodic revisions of the state transportation plan; establishing a Minnesota highway board and prescribing its powers and duties; directing a study of rail-highway grade crossings and requiring a report; authorizing the commissioner of transportation to make grants for the improvement of commercial navigation facilities; authorizing local units of government to advance funds for the completion of trunk highway projects; authorizing cities to assess up to 35 percent of a street improvement without regard to benefits conferred; authorizing cities to impose street access charges on building permits; authorizing road authorities to enter into agreements for the construction, maintenance, and operation of toll roads and bridges; creating a transportation services fund and providing for its uses; specifying percentage of unrefunded motor fuel tax revenue that is attributable to use on forest roads; authorizing the commissioner of transportation to plan, acquire, construct and equip light rail transit facilities, and restricting authority of regional rail authorities; directing a study of highway corridors; creating a legislative advisory commission on transportation and directing it to conduct certain studies; amending Minnesota Statutes 1990, sections 162.02, subdivision 3a; 168.54, subdivisions 5 and 6; 169.09, subdivision 13; 169.86, subdivision 5; 169.862; 170.23; 171.185; 171.26; 171.36; 173.13, subdivision 4; 173.231; 174.01; 174.03, subdivision 2, and by adding a subdivision; 221.036, subdivision 14; 296.16, subdivision 1a; 296.421, subdivision 8; 299D.03, subdivision 5; 398A.04, subdivision 8; 473.399, by adding a subdivision; 473.3993, subdivisions 2, 3, and by adding a subdivision; 473.3994; 473.3996; proposing coding for new law in Minnesota Statutes, chapters 3; 160; 161; 162; 174; 221; 471; and 473; proposing coding for new law as Minnesota Statutes, chapter 457A; repealing Minnesota Statutes 1990, section 473.3994, subdivision 6; and Laws 1989, chapter 339, section 21.

The bill was read for the first time and referred to the Committee on Transportation.

Clark, Ogren, Rest and Ostrom introduced:

H. F. No. 724, A bill for an act relating to taxation; expanding eligibility for the child care credit; amending Minnesota Statutes 1990, section 290.067, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Gruenes, Gutknecht, Stanius, Goodno and Johnson, V., introduced:

H. F. No. 725, A bill for an act relating to insurance; regulating the comprehensive health insurance plan; increasing access to the plan;

providing tax credits to certain employers who provide qualified health insurance; establishing requirements for minimum benefits plans; requiring offers of additional coverages; amending Minnesota Statutes 1990, sections 62E.03; 62E.14, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 62A; 62C; 62D; 62E; and 290.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Swenson, Pugh, Vellenga, Bishop and Dempsey introduced:

H. F. No. 726, A bill for an act relating to real property; providing for cause of action on an interest in real property of a married person when the property was conveyed by the person's spouse before March 1, 1977; amending Minnesota Statutes 1990, section 519.101.

The bill was read for the first time and referred to the Committee on Judiciary.

Krueger, Kahn and Dille introduced:

H. F. No. 727, A bill for an act relating to economic development; transferring the Greater Minnesota Corporation to the University of Minnesota; amending Minnesota Statutes 1990, sections 116O.02, subdivision 3; 116O.03, subdivisions 1, 2, and 8; 116O.04, subdivisions 1 and 3; and 116O.05, subdivisions 2 and 5; repealing Minnesota Statutes 1990, sections 116O.03, subdivisions 2a and 3; 116O.04, subdivision 2; and 116O.05, subdivision 1.

The bill was read for the first time and referred to the Committee on Economic Development.

O'Connor, Farrell, Simoneau, Trimble and Boo introduced:

H. F. No. 728, A bill for an act relating to drivers' licenses; requiring certain notice on uniform traffic ticket; providing penalty for failure to respond to summons and complaint on uniform traffic ticket; prohibiting issuance of warrant on person failing to pay fine for parking violation; establishing system for collecting unpaid fines; allocating driver's license reinstatement fees; amending Minnesota Statutes 1990, sections 169.99, by adding a subdivision; 171.16, subdivision 3, and by adding subdivisions; 171.20, subdivision 1; and 171.29, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Transportation.

O'Connor, McEachern and Bishop introduced:

H. F. No. 729, A bill for an act relating to consumer protection; requiring certain creditors to file credit card disclosure reports with the state treasurer; providing rulemaking authority; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 325G.

The bill was read for the first time and referred to the Committee on Commerce.

Johnson, A.; Ozment; Tunheim; Jaros and Nelson, K., introduced:

H. F. No. 730, A bill for an act relating to education; authorizing an aid and levy for teacher centers; proposing coding for new law in Minnesota Statutes, chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Anderson, R., introduced:

H. F. No. 731, A bill for an act relating to highways; changing description of route in the state highway system.

The bill was read for the first time and referred to the Committee on Transportation.

Dauner and Thompson introduced:

H. F. No. 732, A bill for an act relating to taxation; property; providing for a levy limit base adjustment for Becker county; delaying a penalty for one year; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

The bill was read for the first time and referred to the Committee on Taxes.

Orenstein, Greenfield, Segal, Sviggum and Vanasek introduced:

H. F. No. 733, A bill for an act relating to human services; adjusting requirements for parental contributions for the costs of certain services to children; amending Minnesota Statutes 1990, section 252.27, subdivisions 2 and 2a.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Lieder, Uphus and Jaros introduced:

H. F. No. 734, A bill for an act relating to public safety; regulating limousine drivers; adding identification to license plates; providing for limousine driver endorsement on drivers licenses; providing for payment of fees for limousine drivers licenses; requiring the commissioner of public safety to adopt rules relating to limousine permits; appropriating money; amending Minnesota Statutes 1990, sections 168.128, subdivisions 2 and 3; 171.01, by adding a subdivision; 171.02, subdivision 2; 171.10, subdivision 2; 171.13, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 171.

The bill was read for the first time and referred to the Committee on Transportation.

Greenfield and Clark introduced:

H. F. No. 735, A bill for an act relating to health; maternal and child health; clarifying eligibility for maternal and child health services; requiring birth or death certificate medical supplements to report prenatal exposure to controlled substances; amending Minnesota Statutes 1990, sections 145.883, subdivision 5; and 626.5562, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield, Welle, Rest, Clark and Anderson, R., introduced:

H. F. No. 736, A bill for an act relating to alcohol and drug abuse; establishing statewide and local prevention programs; establishing family resource center pilot projects; requiring plans and studies; requiring children to attend school through age 17; establishing school prevention programs; providing for research and evaluation; expanding the definition of drug free zones to include post-secondary and technical colleges and public housing property; requiring the sentencing guidelines commission to develop a model set of local correctional guidelines; authorizing special levies for local correctional services that do not involve incarceration; changing the name and duties of the drug abuse prevention resource council; providing incentives for judicial districts to adopt local correctional guidelines; requiring reporting of felony convictions; requiring chemical use assessments of persons convicted of felonies; requiring studies; appropriating money; amending Minnesota Statutes 1990, sections 120.101, subdivisions 5 and 9; 120.105; 123.35, subdivision 8; 124.26, subdivision 1b; 126.031, subdivision 1; 145.924; 152.01, subdivision 14a, and by adding a subdivision; 152.022, subdivision 1; 152.023, subdivision 2; 244.095, subdivisions 1 and 2; 254A.16, by

adding subdivisions; 254A.17, subdivision 1, and by adding a subdivision; 260.015, subdivision 19; 275.50, subdivision 5; 275.51, subdivision 3f; 299A.30; 299A.31, subdivision 1; 299A.32; 401.14, by adding a subdivision; 485.16; and 609.115, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 144, 244, and 245; repealing Minnesota Statutes 1990, sections 244.095, subdivision 3; 299A.29; and 299A.30.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Smith and Dawkins introduced:

H. F. No. 737, A bill for an act relating to courts; requiring a plaintiff in a civil action to pay an assessed judicial administrative cost before a judgment will be docketed; proposing coding for new law in Minnesota Statutes, chapter 548.

The bill was read for the first time and referred to the Committee on Judiciary.

Smith introduced:

H. F. No. 738, A bill for an act relating to taxation; property; reducing the class rate applied to certain homesteads; amending Minnesota Statutes 1990, section 273.13, subdivision 22.

The bill was read for the first time and referred to the Committee on Taxes.

Simoneau and Sarna introduced:

H. F. No. 739, A bill for an act relating to corporations; deleting consideration of the effect of insurance company takeovers on shareholders and creditors; limiting application of fair price provisions to domestic corporations; deleting nexus requirements for application of control share acquisition and business combination statutes; exempting employee stock ownership plans from takeover statutes; modifying limitations on corporate share purchases above market value; amending Minnesota Statutes 1990, sections 60D.02, subdivisions 1, 2, and 4; 60D.06; 60D.08, subdivisions 1 and 2; 60D.11; 60D.12, subdivision 2; 302A.011, subdivisions 38, 39, 49, and by adding subdivisions; and 302A.553, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1990, sections 60D.02, subdivision 5; and 80B.06, subdivision 7.

The bill was read for the first time and referred to the Committee on Commerce.

Simoneau and Johnson, A., introduced:

H. F. No. 740, A bill for an act relating to libraries; allowing an exception to the maintenance of effort required for regional library basic system support grants; amending Minnesota Statutes 1990, section 134.34, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Scheid, Abrams, Segal, Garcia and Limmer introduced:

H. F. No. 741, A bill for an act relating to education; designating a portion of state head start appropriations for grants to establish new early childhood education programs; amending Minnesota Statutes 1990, section 268.914.

The bill was read for the first time and referred to the Committee on Education.

HOUSE ADVISORIES

The following House Advisory was introduced:

Sparby, Boo, Bertram, Abrams and Vanasek introduced:

H. A. No. 4, A proposal to review and make recommendations on recent federal banking initiatives.

The advisory was referred to the Committee on Financial Institutions and Insurance.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 245, A bill for an act relating to education; providing for school consolidation in Kittson and Marshall counties in certain circumstances.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONSENT CALENDAR

H. F. No. 275, A bill for an act relating to commerce; prohibiting the unlawful assignment of certain motor vehicle contracts; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kalis	Olson, E.	Simoneau
Anderson, I.	Frerichs	Kelso	Olson, K.	Skoglund
Anderson, R.	Garcia	Kinkel	Omann	Smith
Anderson, R. H.	Girard	Koppendrayner	Onnen	Solberg
Battaglia	Goodno	Krinkie	Orenstein	Sparby
Bauerly	Greenfield	Krueger	Orfield	Stanius
Beard	Gruenes	Lasley	Osthoff	Steensma
Begich	Gutknecht	Leppik	Ostrom	Sviggum
Bertram	Hanson	Limmer	Ozment	Swenson
Bettermann	Hartle	Long	Pauly	Tompkins
Blatz	Hasskamp	Lynch	Pellow	Trimble
Bodahl	Haukoos	Macklin	Pelowski	Tunheim
Boo	Hausman	Mariani	Peterson	Uphus
Brown	Heir	Marsh	Pugh	Valento
Carlson	Henry	McEachern	Reding	Vellenga
Carruthers	Hufnagle	McGuire	Rest	Wagenius
Clark	Hugoson	McPherson	Rice	Waltman
Cooper	Jacobs	Milbert	Rodosovich	Weaver
Dauner	Janezich	Morrison	Rukavina	Wejcman
Davids	Jaros	Munger	Runbeck	Welker
Dawkins	Jefferson	Murphy	Sarna	Welle
Dempsey	Jennings	Nelson, K.	Schafer	Wenzel
Dille	Johnson, A.	Nelson, S.	Scheid	Spk. Vanasek
Dorn	Johnson, R.	Newinski	Schreiber	
Erhardt	Johnson, V.	O'Connor	Seaberg	
Farrell	Kahn	Olsen, S.	Segal	

The bill was passed and its title agreed to.

H. F. No. 277, A bill for an act relating to education; permitting a fund transfer in independent school district No. 653.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, I.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R.	Girard	Koppendrayer	Olson, K.	Smith
Anderson, R. H.	Goodno	Krinkie	Omann	Solberg
Battaglia	Greenfield	Krueger	Onnen	Sparby
Bauerly	Gruenes	Lasley	Orenstein	Stanius
Beard	Gutknecht	Leppik	Orfield	Steensma
Begich	Hanson	Lieder	Osthoff	Sviggum
Bertram	Hartle	Limmer	Ostrom	Swenson
Bettermann	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Davids	Jefferson	Morrison	Rukavina	Wejman
Dawkins	Jennings	Munger	Runbeck	Welker
Dempsey	Johnson, A.	Murphy	Sarna	Welle
Dille	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dorn	Johnson, V.	Nelson, S.	Scheid	Winter
Erhardt	Kahn	Newinski	Schreiber	Spk. Vanasek
Farrell	Kalis	O'Connor	Seaberg	
Frederick	Kelso	Ogren	Segal	

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 36, A bill for an act relating to occupations and professions; changing requirements for reciprocal licensing of physicians from other states and foreign medical school graduates; authorizing physicians to cancel licenses in good standing; requiring the cancellation of physicians' licenses for nonrenewal; changing licensing requirements for midwifery; changing the name of the board of medical examiners; amending Minnesota Statutes 1990, sections 147.03; 147.037, subdivision 1; and 148.31; proposing coding for new law in Minnesota Statutes, chapter 147.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, I.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R.	Girard	Koppendraye	Olson, K.	Smith
Anderson, R. H.	Goodno	Krinkie	Omann	Solberg
Battaglia	Greenfield	Krueger	Onnen	Sparby
Bauerly	Gruenes	Lasley	Orenstein	Stanis
Beard	Gutknecht	Leppik	Orfield	Steensma
Begich	Hanson	Lieder	Osthoff	Sviggum
Bertram	Hartle	Limmer	Ostrom	Swenson
Bettermann	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejzman
Dauids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Schreiber	
Farrell	Kalis	O'Connor	Seaberg	
Frederick	Kelso	Ogren	Segal	

The bill was passed and its title agreed to.

H. F. No. 238, A bill for an act relating to consumer protection; prohibiting the provision of a credit card number as a condition of check cashing or acceptance; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carlson	Garcia	Hugoson	Koppendraye
Anderson, I.	Carruthers	Girard	Jacobs	Krinkie
Anderson, R.	Clark	Goodno	Janezich	Krueger
Anderson, R. H.	Cooper	Greenfield	Jaros	Lasley
Battaglia	Dauner	Gruenes	Jefferson	Leppik
Bauerly	Dauids	Gutknecht	Jennings	Lieder
Beard	Dawkins	Hanson	Johnson, A.	Limmer
Begich	Dempsey	Hartle	Johnson, R.	Long
Bertram	Dille	Hasskamp	Johnson, V.	Lourey
Bettermann	Dorn	Haukoos	Kahn	Lynch
Blatz	Erhardt	Hausman	Kalis	Macklin
Bodahl	Farrell	Heir	Kelso	Mariani
Boo	Frederick	Henry	Kinkel	Marsh
Brown	Frerichs	Hufnagle	Knickerbocker	McEachern

McGuire	Olson, K.	Reding	Skoglund	Valento
McPherson	Omann	Rest	Smith	Vellenga
Milbert	Onnen	Rice	Solberg	Wagenius
Morrison	Orenstein	Rodosovich	Sparby	Waltman
Munger	Orfield	Rukavina	Stanius	Weaver
Murphy	Osthoff	Runbeck	Steensma	Wejcman
Nelson, K.	Ostrom	Sarna	Sviggum	Welker
Nelson, S.	Ozment	Schafer	Swenson	Welle
Newinski	Pauly	Scheid	Thompson	Wenzel
O'Connor	Pellow	Schreiber	Tompkins	Winter
Ogren	Pelowski	Seaberg	Trimble	Spk. Vanasek
Olsen, S.	Peterson	Segal	Tunheim	
Olson, E.	Pugh	Simoneau	Uphus	

The bill was passed and its title agreed to.

H. F. No. 243, A bill for an act relating to highways; allowing specific service signs to be erected at intersections of trunk highways with interstate highways; amending Minnesota Statutes 1990, section 160.293, subdivisions 2 and 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, I.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R.	Girard	Koppendrayner	Olson, K.	Smith
Anderson, R. H.	Goodno	Krinkie	Omann	Solberg
Battaglia	Greenfield	Krueger	Onnen	Sparby
Bauerly	Gruenes	Lasley	Orenstein	Stanius
Beard	Gutknecht	Leppik	Orfield	Steensma
Begich	Hanson	Lieder	Osthoff	Sviggum
Bertram	Hartle	Limmer	Ostrom	Swenson
Bettermann	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Dauids	Jefferson	Morrison	Rukavina	Wejcman
Dawkins	Jennings	Munger	Runbeck	Welker
Dempsey	Johnson, A.	Murphy	Sarna	Welle
Dille	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dorn	Johnson, V.	Nelson, S.	Scheid	Winter
Erhardt	Kahn	Newinski	Schreiber	Spk. Vanasek
Farrell	Kalis	O'Connor	Seaberg	
Frederick	Kelso	Ogren	Segal	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 282 and 324 were recommended to pass.

H. F. Nos. 116 and 304 were recommended for progress.

H. F. No. 353 was recommended for progress until Monday, March 18, 1991.

On the motion of Long the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Dawkins moved that the name of Blatz be added as an author on H. F. No. 148. The motion prevailed.

Bertram moved that the name of Bauerly be added as an author on H. F. No. 516. The motion prevailed.

Begich moved that the name of Limmer be added as an author on H. F. No. 602. The motion prevailed.

Johnson, R., moved that his name be stricken as an author on H. F. No. 605. The motion prevailed.

Anderson, I., moved that H. F. No. 249 be returned to its author. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, March 11, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, March 11, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

TWENTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 11, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Robert W. Burmeister, Associate Pastor, North Heights Lutheran Church, Roseville, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frederick	Kinkel	Olsen, S.	Simoneau
Anderson, I.	Frerichs	Knickerbocker	Olson, E.	Skoglund
Anderson, R.	Garcia	Koppendrayner	Olson, K.	Smith
Anderson, R. H.	Girard	Krinkie	Omann	Solberg
Battaglia	Goodno	Krueger	Onnen	Sparby
Bauerly	Greenfield	Lasley	Orenstein	Stanius
Beard	Gruenes	Leppik	Orfield	Steensma
Begich	Gutknecht	Lieder	Osthoff	Sviggum
Bertram	Hanson	Limmer	Ostrom	Swenson
Bettermann	Hartle	Long	Ozment	Thompson
Bishop	Hasskamp	Lourey	Pauly	Tompkins
Blatz	Haukoos	Lynch	Pellow	Trimble
Bodahl	Hausman	Macklin	Pelowski	Tunheim
Boo	Heir	Mariani	Peterson	Uphus
Brown	Henry	Marsh	Pugh	Valento
Carlson	Hufnagle	McEachern	Reding	Vellenga
Carruthers	Hugoson	McGuire	Rest	Wagenius
Clark	Jacobs	McPherson	Rice	Waltman
Cooper	Janezich	Milbert	Rodosovich	Weaver
Dauner	Jaros	Morrison	Rukavina	Wejcman
Davids	Jefferson	Munger	Runbeck	Welker
Dawkins	Jennings	Murphy	Sarna	Welle
Dempsey	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, R.	Nelson, S.	Scheid	Winter
Dorn	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kahn	O'Connor	Seaberg	
Farrell	Kelso	Ogren	Segal	

A quorum was present.

Kalis was excused until 3:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding

day. Skoglund moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 6, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Representative Vanasek:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 245, relating to education; providing for school consolidation in Kittson and Marshall counties in certain circumstances.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the

Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1991</i>	<i>Date Filed 1991</i>
106		4	4:25 p.m. March 6	March 7
	245	5	4:25 p.m. March 6	March 7
79		6	4:25 p.m. March 6	March 7

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 59, A bill for an act relating to state employees; providing payment of the difference between state and military salaries for certain state employees called to active duty in the United States armed forces; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 43A.

Reported the same back with the following amendments:

Page 1, line 13, after “member’s” insert “basic”

Page 1, line 16, after the period insert “This payment may be made only to a person whose basic active duty military salary is less than the salary the person would be paid as an active state employee.”

Page 2, after line 12, insert:

“Sec. 2. [471.975] [PAYMENT OF SALARY DIFFERENTIAL FOR RESERVE FORCES ON ACTIVE DUTY.]

A statutory or home rule charter city, county, town, school district, or other political subdivision may pay to each eligible member of the reserve components of the armed forces of the United States an amount equal to the difference between the member's active duty military salary and the salary the member would be paid as an active political subdivision employee, including any adjustments the member would have received if not on leave of absence. Payments must be made at the intervals at which the

member received pay as a political subdivision employee. Back pay authorized by this section may be paid in a lump sum. Such pay shall not extend beyond four years from the date the employee was called to active duty plus such additional time in each case as such employee may be required to serve pursuant to law.

An eligible member of the reserve components of the armed forces of the United States is a reservist or National Guard member who was an employee of a political subdivision at the time the member was called to active duty and who was or is called to active duty after August 1, 1990, because of Operation Desert Shield, Operation Desert Storm, or any other action taken by the armed forces relating to hostilities between the United States and the Republic of Iraq."

Page 2, line 13, delete "2" and insert "3"

Page 2, line 17, delete "3" and insert "4"

Page 2, line 18, delete "and 2" and insert "to 3"

Amend the title as follows:

Page 1, line 2, delete "state" and insert "public"

Page 1, line 3, delete "state" and insert "public employment"

Page 1, line 4, delete "state"

Page 1, line 7, delete "chapter 43A" and insert "chapters 43A and 471".

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 291, A bill for an act relating to local government; authorizing the city of Minneapolis and special school district No. 1 to impose residency requirements.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [CITY OF MINNEAPOLIS; RESIDENCY REQUIREMENTS.]

Notwithstanding Minnesota Statutes, section 415.16, or provision of other law, home rule charter, ordinance, resolution, or rule to the contrary, the city of Minneapolis may require residency within the city's territorial limits as a condition of employment by the city. The residency requirement may apply only to persons hired after the date the requirement is imposed.

Sec. 2. [SPECIAL SCHOOL DISTRICT NO. 1; RESIDENCY REQUIREMENTS.]

Special school district No. 1 may require residency within the school district's territorial limits as a condition of employment by the school district. The residency requirement may apply only to persons hired after the date the requirement is imposed.

Sec. 3. [CITY LIBRARY BOARD; RESIDENCY REQUIREMENTS.]

The library board of the city of Minneapolis may require residency within the territorial limits of the city of Minneapolis as a condition of employment by the board. The residency requirement may apply only to persons hired after the date the requirement is imposed.

Sec. 4. [CITY PARK AND RECREATION BOARD; RESIDENCY REQUIREMENTS.]

The park and recreation board of the city of Minneapolis may require residency within the territorial limits of the city of Minneapolis as a condition of employment by the board. The residency requirement may apply only to persons hired after the date the requirement is imposed.

Sec. 5. [LOCAL APPROVAL.]

Section 1 takes effect the day after the governing body of the city of Minneapolis complies with Minnesota Statutes, section 645.021, subdivision 3.

Section 2 takes effect the day after the governing body of special school district No. 1 complies with Minnesota Statutes, section 645.021, subdivision 3.

Section 3 takes effect the day after the governing body of the library board of the city of Minneapolis complies with Minnesota Statutes, section 645.021, subdivision 3.

Section 4 takes effect the day after the governing body of the park and recreation board of the city of Minneapolis complies with Minnesota Statutes, section 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to local government; authorizing the city of Minneapolis, special school district No. 1, the Minneapolis library board, and the Minneapolis park and recreation board to impose residency requirements as a condition of employment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 575, A bill for an act relating to employment; changing the date for submission of recommendations by the compensation council; amending Minnesota Statutes 1990, section 15A.082, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 646, A bill for an act relating to state government; purchases; amending the definition of "manufactured in the United States"; amending Minnesota Statutes 1990, section 16B.101, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 24, delete everything after the period and insert "Salt mined in Canada is"

Page 2, after line 2, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

S. F. No. 141, A bill for an act relating to human services; delaying the effective date of the moratorium on new negotiated rate facility agreements.

Reported the same back with the following amendments:

Page 1, line 10, delete "1" and insert "15"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 291, 575 and 646 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 141 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Uphus introduced:

H. F. No. 742, A bill for an act relating to individual income taxation; increasing the tax rates on high income individuals; amending Minnesota Statutes 1990, section 290.06, subdivisions 2c and 2d.

The bill was read for the first time and referred to the Committee on Taxes.

Lieder, Tunheim and Olson, E., introduced:

H. F. No. 743, A bill for an act relating to the Red River watershed management board; changing the description of the area subject to special authority of watershed districts; requiring the board to adopt criteria for funding applications; clarifying the uses of levy proceeds; expanding the board's authority to cooperate with other entities; amending Laws 1976, chapter 162, sections 1 and 2, as amended, and 3.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Sparby; Johnson, V.; Brown; Cooper and Vanasek introduced:

H. F. No. 744, A bill for an act relating to the environment; petrofund; amending Minnesota Statutes 1990, sections 115C.09, subdivisions 1, 2, 3, and 5; 116.46, subdivision 7; 116.491, subdivision 1; and 116.50; proposing coding for new law in Minnesota Statutes, chapter 115C.

The bill was read for the first time and referred to the Committee on Energy.

Janezich, Begich, Munger, Boo and Rukavina introduced:

H. F. No. 745, A bill for an act relating to counties; permitting counties to establish economic development revolving funds; permitting St. Louis county to establish subordinate service districts; removing a St. Louis county purchasing law; amending Minnesota Statutes 1990, sections 375B.03; 471.562, subdivision 3; and 471.563; repealing Minnesota Statutes 1990, sections 383C.33 to 383C.34.

The bill was read for the first time and referred to the Committee on Economic Development.

Tompkins, Hufnagle, Omann and Hugoson introduced:

H. F. No. 746, A bill for an act relating to taxation; repealing the political contribution credit; amending Minnesota Statutes 1990, section 290.01, subdivision 6; repealing Minnesota Statutes 1990, sections 10A.322, subdivision 4; 10A.43, subdivision 5; and 290.06, subdivision 23.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Johnson, R.; Anderson, I.; Johnson, V.; Hasskamp and Rukavina introduced:

H. F. No. 747, A bill for an act relating to state lands; offering an alternative to bond or deposit requirements on contracts for cutting timber; proposing coding for new law in Minnesota Statutes, chapter 90.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Osthoff, Scheid, Rice, Kinkel and Gutknecht introduced:

H. F. No. 748, A bill for an act relating to public safety; regulating amusement rides; requiring insurance and inspections; providing penalties; proposing coding for new law as Minnesota Statutes, chapter 184B.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Pugh and Vellenga introduced:

H. F. No. 749, A bill for an act relating to government data practices; prohibiting the release of motor vehicle or driver's license data lists for commercial purposes; amending Minnesota Statutes 1990, section 13.69, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Pugh, Farrell, Swenson and Macklin introduced:

H. F. No. 750, A bill for an act relating to courts; conciliation court; merging court rules and statutes for the second and fourth judicial districts and other judicial districts into one statute; amending Minnesota Statutes 1990, section 549.01, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 484; repealing Minnesota Statutes 1990, sections 357.022; 487.30; 488A.12; 488A.13; 488A.14; 488A.15; 488A.16; 488A.17; 488A.29; 488A.30; 488A.31; 488A.32; 488A.33; and 488A.34.

The bill was read for the first time and referred to the Committee on Judiciary.

Pugh, Farrell, Macklin, Carruthers and Vellenga introduced:

H. F. No. 751, A bill for an act relating to the collection and dissemination of data; providing that certain law enforcement data under subpoena by the commissioner of human rights shall be provided by a law enforcement agency only after a court hearing; amending Minnesota Statutes 1990, section 363.05, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Tunheim introduced:

H. F. No. 752, A bill for an act relating to education; providing for school consolidation in certain circumstances.

The bill was read for the first time and referred to the Committee on Education.

Clark, Greenfield and Vellenga introduced:

H. F. No. 753, A bill for an act relating to controlled substances; medical care; allowing physicians to prescribe marijuana and Tetrahydrocannabinols for the treatment of cancer or glaucoma; amending Minnesota Statutes 1990, sections 152.02, subdivisions 2 and 3; and 152.21, subdivision 6; repealing Minnesota Statutes 1990, section 152.21, subdivisions 1 to 5 and 7.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Clark, Greenfield, Jefferson and Mariani introduced:

H. F. No. 754, A bill for an act relating to health; establishing an AIDS prevention grant program for communities of color; appropriating money; amending Minnesota Statutes 1990, section 145.924.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Trimble, Farrell and Clark introduced:

H. F. No. 755, A bill for an act relating to occupational safety and health; providing a comprehensive system of regulation and enforcement of video display terminal working conditions; establishing remedies; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 182.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Rukavina; Anderson, I.; Rice; Begich and Osthoff introduced:

H. F. No. 756, A bill for an act relating to labor; establishing rights and duties in relation to union organization; providing that certain acts are an unfair labor practice; proposing penalties; amending Minnesota Statutes 1990, section 179.12; 179A.07, by adding a subdivision; and 179A.13, subdivision 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Lourey; Johnson, R.; Bauerly; Cooper and Uphus introduced:

H. F. No. 757, A bill for an act relating to retirement; allowing an optional annuity based upon statewide average salaries for members of the teachers retirement association; amending Minnesota Statutes 1990, section 354.44, subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Hausman; Johnson, A.; Mariani; Nelson, K., and McEachern introduced:

H. F. No. 758, A bill for an act relating to education; authorizing revenue for early childhood family education programs for families of limited English proficiency; appropriating money; amending Minnesota Statutes 1990, section 121.882, subdivision 6, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Hausman; Nelson, K.; Mariani and McEachern introduced:

H. F. No. 759, A bill for an act relating to education; increasing the number of required days of school in steps; amending Minnesota Statutes 1990, sections 120.101, subdivision 5, and by adding subdivisions; 120.64, subdivision 4; 124.17, subdivision 1; and 124.19, subdivisions 1, 4, and 7.

The bill was read for the first time and referred to the Committee on Education.

Lourey, Wejman, Dille, Lasley and Ogren introduced:

H. F. No. 760, A bill for an act relating to health; modifying the physician loan forgiveness program; providing an increase in medical assistance reimbursement to physicians; requiring a study of obstetrical access; appropriating money; amending Minnesota Statutes 1990, section 136A.1355, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Mariani, Carlson, Garcia, Runbeck and Jaros introduced:

H. F. No. 761, A bill for an act relating to education; establishing the Minnesota training institute to ensure quality services to persons with developmental disabilities; requiring the institute to ensure appropriate training programs and materials; establishing a board to govern the training institute; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 252.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Segal and Olsen, S., introduced:

H. F. No. 762, A bill for an act relating to taxation; providing for a maximum fiscal disparities areawide tax capacity; amending Minnesota Statutes 1990, sections 473F.07, subdivision 1; and 473F.08, subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on Taxes.

Macklin, Ozment, Pugh and Schreiber introduced:

H. F. No. 763, A bill for an act relating to education; providing for special education levies in intermediate districts; amending Minnesota Statutes 1990, section 275.125, subdivision 8c.

The bill was read for the first time and referred to the Committee on Education.

Macklin, Ozment, Pugh and Schreiber introduced:

H. F. No. 764, A bill for an act relating to education; allowing intermediate school districts to levy for certain retirement costs; amending Minnesota Statutes 1990, sections 136D.27, by adding a

subdivision; 136D.74, by adding a subdivision; and 136D.87, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

McGuire introduced:

H. F. No. 765, A bill for an act relating to certain state employees; establishing eligibility for state-paid insurance after retirement in certain circumstances.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McGuire, Vellenga, Solberg and Seaberg introduced:

H. F. No. 766, A bill for an act relating to crime; sentencing; clarifying and revising the intensive community supervision program; amending Minnesota Statutes 1990, sections 244.05, subdivision 6; 244.12; 244.13; 244.14; and 244.15.

The bill was read for the first time and referred to the Committee on Judiciary.

McGuire, Winter and Peterson introduced:

H. F. No. 767, A bill for an act relating to the environment; regulating the distribution of copies of reports to the legislature; requiring public entities to conform to certain printing requirements; amending Minnesota Statutes 1990, sections 3.195, subdivision 1; and 16B.122; repealing Minnesota Statutes 1990, section 16B.125.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rest; McGuire; Olsen, S., and Bishop introduced:

H. F. No. 768, A bill for an act relating to domestic abuse; increasing the penalty for violation of an order for protection after a previous conviction; clarifying and conforming arrest provisions; authorizing arrests without a warrant for violation of orders for protection relating to the petitioner's place of employment; increasing the period of probation for misdemeanor domestic assaults; appropriating money; amending Minnesota Statutes 1990, sections 518B.01, subdivision 14; and 609.135, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Krueger, Sparby, Hugoson, Girard and Bauerly introduced:

H. F. No. 769, A bill for an act relating to commerce; providing a computerized system for notification of security interests in farm products; imposing a penalty; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 336A.

The bill was read for the first time and referred to the Committee on Agriculture.

Carlson; Krinkie; Johnson, A.; Runbeck and Pellow introduced:

H. F. No. 770, A bill for an act relating to education; increasing special education funding formulas; amending Minnesota Statutes 1990, sections 124.32, subdivision 1b; and 275.125, subdivision 8c.

The bill was read for the first time and referred to the Committee on Education.

Gruenes; Johnson, V., and Anderson, I., introduced:

H. F. No. 771, A bill for an act relating to local government; permitting public officers to rent space in public facilities; amending Minnesota Statutes 1990, section 471.88, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

McPherson, Steensma and Wenzel introduced:

H. F. No. 772, A bill for an act relating to agriculture; changing the composition of county extension committees; amending Minnesota Statutes 1990, section 38.36, subdivision 1.

The bill was read for the first time and referred to the Committee on Agriculture.

Kelso; Nelson, K.; Hausman; Vellenga and Weaver introduced:

H. F. No. 773, A bill for an act relating to education; authorizing outcome-based schools; proposing coding for new law in Minnesota Statutes, chapters 120 and 124.

The bill was read for the first time and referred to the Committee on Education.

Vellenga, Jefferson, Mariani, Garcia and Stanius introduced:

H. F. No. 774, A bill for an act relating to children; child protection and placement; establishing an office of ombudsperson for families of color; authorizing additional placement reviews for children of color; amending Minnesota Statutes 1990, sections 257.071, subdivision 1a; and 257.352, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 257.

The bill was read for the first time and referred to the Committee on Judiciary.

Haukoos, Uphus, Koppendray, Bettermann and Hartle introduced:

H. F. No. 775, A bill for an act relating to taxation; allowing notice of truth in taxation hearings to be posted in cities with a population of 1,000 or less; amending Minnesota Statutes 1990, section 275.065, subdivision 5a.

The bill was read for the first time and referred to the Committee on Taxes.

Haukoos, Koppendray and Hartle introduced:

H. F. No. 776, A bill for an act relating to the legislature; providing for unlimited bill authorship; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Haukoos, Frerichs, Boo and Hartle introduced:

H. F. No. 777, A bill for an act relating to education; changing the appointing authority for the executive director of the higher education coordinating board; amending Minnesota Statutes 1990, sections 15A.081, subdivision 7b; and 136A.03.

The bill was read for the first time and referred to the Committee on Education.

Haukoos; Frerichs; Anderson, R. H.; Boo and Hartle introduced:

H. F. No. 778, A bill for an act relating to education; establishing a state system of technical colleges; amending Minnesota Statutes 1990, sections 43A.08, subdivision 1; 136C.04, subdivisions 3, 5, 12, 13, 14, 18, and by adding a subdivision; 136C.08, subdivision 1; 136C.15; 136C.31, subdivision 1; 136C.41, by adding a subdivision; 136C.44; 136D.21; 136D.30; 136D.73, subdivisions 2 and 4a; 136D.75; 136D.81, subdivision 1; 179A.10, subdivisions 1 and 2; and 275.125, subdivision 14a; proposing coding for new law in Minnesota Statutes, chapter 136C; repealing Minnesota Statutes 1990, sections 136C.02, subdivisions 6 to 9; 136C.04, subdivision 16; 136C.041; 136C.05; 136C.07, subdivisions 4, 5, and 5a; 136C.36; 136C.60 to 136C.69; 136D.77; 136D.81, subdivision 2; and 136D.91, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Munger; Wagenius; Bauerly; Johnson, R., and Weaver introduced:

H. F. No. 779, A bill for an act relating to solid waste; regulating packaging and toxic materials in packaging and products; defining packaging; preempting local regulations relating to packaging; establishing a packaging advisory council; establishing a goal for reduction of packaging in the solid waste stream; establishing goals for reduction in the solid waste stream of specific classifications of packaging materials; imposing a future fee for failure to meet the reduction goal for a classification of packaging material; requiring counties to ensure recycling of commonly used packaging materials; requiring registration of and payment of a fee for use of priority toxic materials in products and packaging; requiring reduction of the use of toxic materials in packaging; requiring various reports and research; authorizing rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 115A.02; 115A.03, by adding a subdivision; 115A.072, subdivision 2; 115A.12, subdivision 1, and by adding a subdivision; 115A.552, by adding a subdivision; 115A.557, by adding a subdivision; 115A.558; 115A.93, subdivision 3, and by adding a subdivision; 325E.042, subdivision 3, and by adding a subdivision; and 400.08, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1990, section 115A.953.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hartle; Olson, E.; Dempsey; Bodahl and Goodno introduced:

H. F. No. 780, A bill for an act relating to tax increment financing;

exempting certain districts from the reduction in state tax increment financing aid; amending Minnesota Statutes 1990, section 273.1399, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Dille, Cooper, Kahn, Welle and Munger introduced:

H. F. No. 781, A bill for an act relating to health; infectious waste control; clarifying that veterinarians are also covered by the act; clarifying requirements for management and generators' plans; amending Minnesota Statutes 1990, sections 116.77; and 116.79, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Pauly, Garcia, Bodahl, Tunheim and Waltman introduced:

H. F. No. 782, A bill for an act relating to motor vehicles; requiring applications for registration of and certificates of title to vehicles to be delivered by specific time after date of vehicle's transfer; authorizing registrar to refuse to issue certificate of title to nonresident under certain conditions; amending Minnesota Statutes 1990, sections 168.10, subdivision 3; 168.101, subdivision 2; 168A.08; and 168A.30, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Bishop, Munger, Battaglia, Hanson and Dille introduced:

H. F. No. 783, A bill for an act relating to health; modifying requirements for drilling, sealing, and construction of wells, borings, and elevator shafts; amending Minnesota Statutes 1990, sections 103I.005, subdivisions 2, 22, and by adding a subdivision; 103I.101, subdivisions 2, 4, 5, and 6; 103I.205, subdivisions 3, 4, 7, 8, and 9; 103I.208, subdivision 2; 103I.231; 103I.235; 103I.301, subdivision 1; 103I.311, subdivision 3; 103I.525, subdivisions 1, 4, 8, and 9; 103I.531, subdivisions 8 and 9; 103I.535, subdivisions 8 and 9; 103I.541, subdivisions 4 and 5; 103I.545, subdivision 2; 103I.621, subdivision 3; 103I.701, subdivisions 1 and 4; 103I.705, subdivisions 2, 3, 4, and 5; and 103I.711, subdivision 1; repealing Minnesota Statutes 1990, section 103I.005, subdivision 18.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Lasley, Murphy, Kahn, Uphus and Wenzel introduced:

H. F. No. 784, A bill for an act relating to agriculture; changing the shade tree disease and wood use programs; amending Minnesota Statutes 1990, sections 18.023, subdivisions 10a and 11; and 18.024, subdivision 1.

The bill was read for the first time and referred to the Committee on Agriculture.

Hugoson, Koppendraye, Girard, Wenzel and Omann introduced:

H. F. No. 785, A bill for an act relating to agriculture; providing for an agricultural development bond program; proposing coding for new law as Minnesota Statutes, chapter 41C.

The bill was read for the first time and referred to the Committee on Agriculture.

Blatz; Johnson, A.; Beard; Abrams and Vanasek introduced:

H. F. No. 786, A bill for an act relating to contracts; providing for enforcement of certain contracts; making technical changes; correcting inconsistencies; clarifying certain provisions; amending Minnesota Statutes 1990, section 325E.37.

The bill was read for the first time and referred to the Committee on Commerce.

Jennings; Olson, K.; Olson, E.; Johnson, V., and Waltman introduced:

H. F. No. 787, A bill for an act relating to motor carriers; transferring certain authority to inspect motor carriers from the commissioner of transportation to the commissioner of public safety; amending Minnesota Statutes 1990, section 221.221.

The bill was read for the first time and referred to the Committee on Transportation.

Olsen, S.; Sviggum; Haukoos; Valento and Blatz introduced:

H. F. No. 788, A bill for an act relating to the legislature; fixing its size in 1992 and thereafter; amending Minnesota Statutes 1990, section 2.021.

The bill was read for the first time and referred to the Committee on Redistricting.

Pellow, Lieder, Lasley, Seaberg and Waltman introduced:

H. F. No. 789, A bill for an act relating to traffic regulations; defining "wrecker" to include new variations of tower vehicles; exempting peace officers from certain restrictions on video screen installation in motor vehicles; amending Minnesota Statutes 1990, sections 169.01, subdivision 52; and 169.471, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Johnson, V.; Nelson, S., and Dauner introduced:

H. F. No. 790, A bill for an act relating to local government; permitting certain local options for unfunded costs mandated by the state; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Peterson, McEachern and Bauerly introduced:

H. F. No. 791, A bill for an act relating to education; allowing the Canby school district to use an excess balance in the debt redemption fund for the elementary school roof.

The bill was read for the first time and referred to the Committee on Education.

Rest; Kinkel; Anderson, I.; Rukavina and Bettermann introduced:

H. F. No. 792, A bill for an act relating to taxation; extending the seasonal residential and recreational property tax refund to taxes payable in 1991; amending Minnesota Statutes 1990, section 290A.04, subdivision 2i.

The bill was read for the first time and referred to the Committee on Taxes.

Bertram, Dempsey, Frederick, Osthoff and Scheid introduced:

H. F. No. 793, A bill for an act relating to the lottery; authorizing

and regulating the use of video lottery machines; regulating video lottery manufacturers, retailers, operators, and establishments; providing penalties; amending Minnesota Statutes 1990, sections 349A.01, by adding subdivisions; 349A.05; 349A.06, subdivision 4; 349A.12, subdivision 4; 349A.13; 609.75, subdivision 4; and 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 349A.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Tompkins, Frerichs, Davids and Krueger introduced:

H. F. No. 794, A bill for an act relating to traffic regulations; authorizing one-day handicapped certificates for use by vehicles transporting nursing home residents; amending Minnesota Statutes 1990, section 169.345, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Jacobs; Anderson, I.; Beard; Lynch and Weaver introduced:

H. F. No. 795, A bill for an act relating to counties; removing certain restrictions on county morgues; amending Minnesota Statutes 1990, sections 390.06 and 390.07.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Davids, Bettermann, Knickerbocker, Goodno and Ostrom introduced:

H. F. No. 796, A bill for an act relating to motor fuels; authorizing commissioner of public safety to make and administer interstate fuel tax agreements; imposing decal fee on interstate motor carriers; amending Minnesota Statutes 1990, section 168.187, subdivisions 17 and 26; proposing coding for new law in Minnesota Statutes, chapter 296; repealing Minnesota Statutes 1990, section 296.17, subdivision 9a.

The bill was read for the first time and referred to the Committee on Transportation.

Omann, Jacobs and Bertram introduced:

H. F. No. 797, A bill for an act relating to intoxicating liquor;

repealing location restrictions for off-sale licenses issued by county boards; amending Minnesota Statutes 1990, section 340A.405, subdivision 2.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Sviggum; Janezich; Nelson, S.; Dauner and Johnson, V., introduced:

H. F. No. 798, A bill for an act relating to local government; permitting certain local options for unfunded costs mandated by the state; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Rodosovich; Anderson, R. H.; Vanasek and Kalis introduced:

H. F. No. 799, A bill for an act relating to education; transferring the Waseca campus to the state board of technical colleges; specifying conditions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

The bill was read for the first time and referred to the Committee on Education.

Uphus introduced:

H. F. No. 800, A bill for an act relating to taxation; requiring the governing body of a hospital district to hold a public hearing prior to adoption of a property tax levy; amending Minnesota Statutes 1990, section 447.34, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Gruenes introduced:

H. F. No. 801, A bill for an act relating to human services; eliminating a restriction on the discharge of regional treatment center residents to community intermediate care facilities; amending Minnesota Statutes 1990, section 256B.092, subdivision 7.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Orenstein, Pugh, Winter, Boo and Welle introduced:

H. F. No. 802, A bill for an act relating to insurance; requiring the registration of utilization review organizations; defining terms; requiring certificate to be issued by commissioner of commerce; establishing criteria for issuance of certificate; describing application process and fees; stating grounds for expiration, denial, and revocation of certificate; providing for waiver for some contracts with federal government; establishing reporting requirements; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 72A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Ozment, Pellow, Rest, Carlson and Runbeck introduced:

H. F. No. 803, A bill for an act relating to education; removing restrictions on awarding certain degrees; amending Minnesota Statutes 1990, section 136C.042, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Morrison, Lieder, Runbeck, Lasley and Kalis introduced:

H. F. No. 804, A bill for an act relating to motor carriers; making technical changes to motor carrier laws; allowing motor carrier certificate to be suspended or revoked for certain violations; providing an exemption for limousine service by a luxury passenger automobile; requiring private carriers operating vehicles having a gross weight greater than 12,000 pounds to comply with driver qualification rules; requiring formerly exempt carriers operating vehicles having a gross weight greater than 12,000 pounds to comply with rules on driver qualifications and maximum hours of service of drivers; adopting federal out-of-service criteria for motor carriers; providing that certain federal laws and regulations apply to certain intrastate commerce; authorizing certain inspections and information gathering by the department of transportation regarding hazardous materials; authorizing variances to federal regulations regarding certain cargo tanks that transport gasoline; requiring immediate notice and subsequent written reports for additional situations involving hazardous materials transportation; prohibiting issuance of hazardous waste transporter license to applicant with history of repeated or serious violations; allowing exchange of information on applicant for hazardous waste transporter license; allowing trip permits for certain interstate transportation of hazardous waste and imposing a fee; requiring certain information from applicant to operate as permit carrier or local cartage carrier;

establishing the initial motor carrier contact program; requiring information to be displayed on power units of registered vehicles of certain motor carriers; authorizing commissioner of transportation to suspend or cancel the operating authority, permit, or certificate of a motor carrier failing to pay a required administrative penalty; imposing administrative penalties; requiring payment of service charge for each identification stamp issued to an interstate motor carrier; allowing commissioner of transportation to inspect vehicles and records of building movers; requiring building movers to comply with rules on driver qualifications, safe operation, maximum hours of service of drivers, inspection, repair and maintenance, and accident reporting; requiring police escort when moving building, when required by permit; allowing commissioner of transportation to revoke, suspend, or deny a license for noncompliance with certain moving permits and other violations regarding building movers; amending Minnesota Statutes 1990, sections 221.021; 221.025; 221.031, subdivisions 2, 3, and by adding a subdivision; 221.033, subdivision 1, and by adding a subdivision; 221.034, subdivisions 1 and 3; 221.035, subdivision 1, and by adding a subdivision; 221.121, subdivisions 1 and 7; 221.131, subdivisions 1 and 2; 221.185, subdivisions 1, 2, and 4; 221.60, subdivision 2; 221.605, by adding a subdivision; and 221.81, subdivisions 2 and 4, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 221.

The bill was read for the first time and referred to the Committee on Transportation.

Wenzel introduced:

H. F. No. 805, A bill for an act relating to appropriations; providing for payment of various claims.

The bill was read for the first time and referred to the Committee on Appropriations.

O'Connor, Newinski, Hausman, Dawkins and Orenstein introduced:

H. F. No. 806, A bill for an act relating to retirement; St. Paul teachers retirement fund association; special postretirement adjustment for certain pre-1978 retirees.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rice, Jefferson, Sarna and O'Connor introduced:

H. F. No. 807, A bill for an act relating to commerce; requiring real estate brokers and salespersons to receive instruction in fair housing laws; amending Minnesota Statutes 1990, section 82.22, subdivision 13.

The bill was read for the first time and referred to the Committee on Commerce.

Orenstein and Vellenga introduced:

H. F. No. 808, A bill for an act relating to child care; permitting variances from certain staffing requirements for parent cooperative programs; amending Minnesota Statutes 1990, sections 245A.02, by adding a subdivision; and 245A.14, subdivision 6.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Olson, E.; Johnson, V.; Reding; Dempsey and Anderson, I., introduced:

H. F. No. 809, A bill for an act relating to counties; fixing various fees for documents; amending Minnesota Statutes 1990, sections 357.18, subdivision 1; 508.82; and 508A.82.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Rodosovich, Knickerbocker, Scheid and Limmer introduced:

H. F. No. 810, A bill for an act relating to elections; limiting certain special elections; setting times and procedures for certain boundary changes; imposing duties on the secretary of state; changing requirements for polling places; appropriating money; amending Minnesota Statutes 1990, sections 204B.135, by adding a subdivision; 204B.14, subdivisions 3, 4, and 6; 204B.16, subdivisions 1 and 2; 205.84, subdivision 2; and 205A.12, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 204B.

The bill was read for the first time and referred to the Committee on Redistricting.

Cooper, Segal, Ogren, Onnen and Vanasek introduced:

H. F. No. 811, A bill for an act relating to insurance; changing the

makeup of the board of the Minnesota comprehensive health insurance association; requiring notice and a public hearing for rate increases or benefit changes to the Minnesota comprehensive health insurance plan; providing for waiver of the preexisting condition rule applicable to the Minnesota comprehensive health insurance plan under certain circumstances; amending Minnesota Statutes 1990, sections 62E.10, subdivision 2, and by adding a subdivision; 62E.11, by adding a subdivision; and 62E.14, subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Nelson, S.; Reding; Newinski; Knickerbocker and Peterson introduced:

H. F. No. 812, A bill for an act relating to state administration; regulating conditions of certain contracts, purchases, sales, and appropriations; clarifying insurance alternatives; setting conditions for certain land sales; appropriating money; amending Minnesota Statutes 1990, sections 16B.19, subdivision 5; 16B.48, subdivision 2; 16B.51, subdivision 3; 16B.85, subdivision 1; and 94.10, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16B.

The bill was read for the first time and referred to the Committee on Governmental Operations.

HOUSE ADVISORIES

The following House Advisory was introduced:

Osthoff, Simoneau, Scheid, O'Connor and Anderson, I., introduced:

H. A. No. 5, A proposal to study animal cruelty and control laws.

The advisory was referred to the Committee on General Legislation, Veterans Affairs and Gaming.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 5, A senate concurrent resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

SUSPENSION OF RULES

Long moved that the rules be so far suspended that Senate Concurrent Resolution No. 5 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 5

A senate concurrent resolution relating to adjournment for more than three days.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon the House of Representatives adjournment on Wednesday, March 13, 1991, the House of Representatives may set its next day of meeting for Monday, March 18, 1991.
2. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate consents to the adjournment of the House of Representatives for more than three days.

Long moved that Senate Concurrent Resolution No. 5 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 5 was adopted.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 7, 148, 224 and 246.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 7, A bill for an act relating to crimes; clarifying that alcoholic beverages are prohibited in public elementary and secondary schools; amending Minnesota Statutes 1990, section 624.701, subdivisions 1 and 1a.

The bill was read for the first time.

Pugh moved that S. F. No. 7 and H. F. No. 116, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 148, A bill for an act relating to human services; case management of persons with mental retardation or related conditions; authorizing alternative methods for delivery of services; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the first time and referred to the Committee on Health and Human Services.

S. F. No. 224, A bill for an act relating to the public defender; limiting entitlement to appellate representation by the state public defender to the first direct appeal of a conviction; amending Minnesota Statutes 1990, sections 590.05; 611.14; 611.18; and 611.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 246, A bill for an act relating to probate; increasing the limit on an estate subject to collection of personal property by affidavit; amending Minnesota Statutes 1990, section 524.3-1201.

The bill was read for the first time.

Dawkins moved that S. F. No. 246 and H. F. No. 148, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

CALENDAR

H. F. No. 282, A bill for an act relating to public utilities; exempting from prior rate regulation gas utilities that have 650 or fewer customers in any one municipality and a total of 2,000 or fewer customers; amending Minnesota Statutes 1990, section 216B.16, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kahn	Newinski	Seaberg
Anderson, I.	Frederick	Kelso	O'Connor	Segal
Anderson, R.	Frerichs	Kinkel	Ogren	Simoneau
Anderson, R. H.	Garcia	Knickerbocker	Olsen, S.	Skoglund
Battaglia	Girard	Koppendrayar	Olson, E.	Smith
Bauerly	Goodno	Krinkie	Olson, K.	Solberg
Beard	Greenfield	Krueger	Omann	Sparby
Begich	Gruenes	Lasley	Onnen	Stanius
Bertram	Gutknecht	Leppik	Orenstein	Steensma
Bettermann	Hanson	Lieder	Orfield	Sviggum
Bishop	Hartle	Limmer	Ostrom	Thompson
Blatz	Hasskamp	Long	Ozment	Tompkins
Bodahl	Haukoos	Lourey	Pauly	Trimble
Boo	Hausman	Lynch	Pellow	Tunheim
Brown	Heir	Macklin	Pelowski	Uphus
Carlson	Henry	Mariani	Peterson	Valento
Carruthers	Hufnagle	Marsh	Pugh	Vellenga
Clark	Hugoson	McEachern	Reding	Wagenius
Cooper	Jacobs	McGuire	Rest	Waltman
Dauner	Janezich	McPherson	Rice	Weaver
Dauids	Jaros	Milbert	Rodosovich	Wejeman
Dawkins	Jefferson	Morrison	Rukavina	Welker
Dempsey	Jennings	Munger	Runbeck	Welle
Dille	Johnson, A.	Murphy	Sarna	Wenzel
Dorn	Johnson, R.	Nelson, K.	Schafer	Winter
Erhardt	Johnson, V.	Nelson, S.	Schreiber	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 324, A bill for an act relating to employment; regulating an employee's lien for wages; amending Minnesota Statutes 1990, section 514.59.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carruthers	Greenfield	Jennings	Lourey
Anderson, I.	Clark	Gruenes	Johnson, A.	Lynch
Anderson, R.	Cooper	Gutknecht	Johnson, R.	Macklin
Anderson, R. H.	Dauner	Hanson	Johnson, V.	Mariani
Battaglia	Dauids	Hartle	Kahn	Marsh
Bauerly	Dawkins	Hasskamp	Kelso	McEachern
Beard	Dempsey	Haukoos	Kinkel	McGuire
Begich	Dille	Hausman	Knickerbocker	McPherson
Bertram	Dorn	Heir	Koppendrayar	Milbert
Bettermann	Erhardt	Henry	Krinkie	Morrison
Bishop	Farrell	Hufnagle	Krueger	Munger
Blatz	Frederick	Hugoson	Lasley	Murphy
Bodahl	Frerichs	Jacobs	Leppik	Nelson, K.
Boo	Garcia	Janezich	Lieder	Nelson, S.
Brown	Girard	Jaros	Limmer	Newinski
Carlson	Goodno	Jefferson	Long	O'Connor

Ogren	Pauly	Sarna	Stanius	Waltman
Olsen, S.	Pellow	Schafer	Steensma	Weaver
Olson, E.	Pelowski	Scheid	Sviggum	Wejzman
Olson, K.	Peterson	Schreiber	Thompson	Welker
Omann	Pugh	Seaberg	Tompkins	Welle
Onnen	Reding	Segal	Trimble	Wenzel
Orenstein	Rest	Simoneau	Tunheim	Winter
Orfield	Rice	Skoglund	Uphus	Spk. Vanasek
Osthoff	Rodosovich	Smith	Valento	
Ostrom	Rukavina	Solberg	Vellenga	
Ozment	Runbeck	Sparby	Wagenius	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 98, 146, 155, 192, 246, 276, 320, 430 and 598 were recommended to pass.

H. F. No. 304 was recommended for progress.

H. F. Nos. 172 and 260 were recommended for progress until Monday, March 18, 1991.

H. F. No. 205, the first engrossment, which it recommended to pass with the following amendment offered by Skoglund:

Page 2, line 8, after the period insert “For purposes of this section, “health insurance policy or contract” means any policy, contract, or certificate providing benefits regulated under chapter 62A, 62C, 62D, or 64B.”

On the motion of Long the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.06, the following roll call was taken in the Committee of the Whole:

The question was taken on the motion to recommend passage of H. F. No. 205, the first engrossment, as amended, and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Ferichs	Kinkel	Olson, E.	Skoglund
Anderson, I.	Garcia	Knickerbocker	Olson, K.	Smith
Anderson, R.	Girard	Koppendrayer	Omann	Solberg
Anderson, R. H.	Goodno	Krinkie	Onnen	Sparby
Battaglia	Greenfield	Krueger	Orenstein	Stanius
Bauerly	Gruenes	Lasley	Orfield	Steenasma
Beard	Gutknecht	Leppik	Osthoff	Sviggum
Begich	Hanson	Lieder	Ostrom	Swenson
Bertram	Hartle	Limmer	Ozment	Thompson
Bettermann	Hasskamp	Lourey	Pauly	Tompkins
Bishop	Haukoos	Lynch	Pellow	Trimble
Blatz	Hausman	Macklin	Pelowski	Tunheim
Bodahl	Heir	Mariani	Peterson	Uphus
Brown	Henry	Marsh	Pugh	Valento
Carlson	Hufnagle	McEachern	Reding	Vellenga
Carruthers	Hugoson	McGuire	Rest	Wagenius
Clark	Jacobs	McPherson	Rice	Waltman
Cooper	Janezich	Milbert	Rodosovich	Weaver
Dauner	Jaros	Morrison	Rukavina	Wejzman
Dauids	Jefferson	Munger	Runbeck	Welle
Dawkins	Jennings	Murphy	Sarna	Wenzel
Dempsey	Johnson, A.	Nelson, K.	Schafer	Winter
Dille	Johnson, R.	Nelson, S.	Scheid	Spk. Vanasek
Dorn	Johnson, V.	Newinski	Schreiber	
Erhardt	Kahn	O'Connor	Seaberg	
Farrell	Kalis	Ogren	Segal	
Frederick	Kelso	Olsen, S.	Simoneau	

Those who voted in the negative were:

Welker

The motion prevailed.

MOTIONS AND RESOLUTIONS

Dawkins moved that the name of Newinski be added as an author on H. F. No. 234. The motion prevailed.

Rodosovich moved that the name of Newinski be added as an author on H. F. No. 293. The motion prevailed.

Anderson, I., moved that the name of Olsen, S., be added as an author on H. F. No. 661. The motion prevailed.

Rodosovich moved that the name of Olsen, S., be added as an author on H. F. No. 692. The motion prevailed.

Rest moved that the name of McGuire be added as an author on H. F. No. 695. The motion prevailed.

Morrison moved that H. F. No. 381 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Welle moved that H. F. No. 761 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Education. The motion prevailed.

Janezich moved that H. F. No. 745 be recalled from the Committee on Economic Development and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

Osthoff moved that H. F. No. 788 be recalled from the Committee on Redistricting and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming. The motion prevailed.

Morrison moved that H. F. No. 147 be returned to its author. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Wednesday, March 13, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Wednesday, March 13, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

TWENTY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 13, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Representative Kris Hasskamp, District 13A, Crosby, Minnesota.

The roll was called and the following members were present:

Abrams	Frerichs	Kinkel	Ogren	Seaberg
Anderson, I.	Garcia	Knickerbocker	Olsen, S.	Segal
Anderson, R.	Girard	Koppendrayer	Olson, E.	Simoneau
Anderson, R. H.	Goodno	Krinkie	Olson, K.	Skoglund
Battaglia	Greenfield	Krueger	Omann	Smith
Beard	Gruenes	Lasley	Onnen	Solberg
Begich	Gutknecht	Leppik	Orenstein	Sparby
Bertram	Hartle	Lieder	Orfield	Stanius
Bettermann	Hasskamp	Limmer	Osthoff	Steensma
Blatz	Haukoos	Loug	Ostrom	Sviggum
Bodahl	Hausman	Lourey	Ozment	Swenson
Boo	Heir	Lynch	Pauly	Thompson
Brown	Henry	Macklin	Pellow	Tompkins
Carlson	Hufnagle	Mariani	Pelowski	Trimble
Carruthers	Hugoson	Marsh	Peterson	Tunheim
Clark	Jacobs	McEachern	Pugh	Uphus
Cooper	Janezich	McGuire	Reding	Valento
Dauner	Jaros	McPherson	Rest	Vellenga
Davids	Jefferson	Milbert	Rice	Wagenius
Dawkins	Jennings	Morrison	Rodosovich	Waltman
Dempsey	Johnson, A.	Munger	Rukavina	Weaver
Dille	Johnson, R.	Murphy	Runbeck	Welker
Dorn	Johnson, V.	Nelson, K.	Sarna	Welle
Erhardt	Kahn	Nelson, S.	Schafer	Wenzel
Farrell	Kalis	Newinski	Scheid	Winter
Frederick	Kelso	O'Connor	Schreiber	Spk. Vanasek

A quorum was present.

Bauerly and Wejcman were excused.

Hanson was excused until 3:00 p.m. Bishop was excused until 3:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding

day. Winter moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 7 and H. F. No. 116, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Pugh moved that the rules be so far suspended that S. F. No. 7 be substituted for H. F. No. 116 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 246 and H. F. No. 148, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Dawkins moved that S. F. No. 246 be substituted for H. F. No. 148 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Clark from the Committee on Housing to which was referred:

H. F. No. 27, A bill for an act relating to housing; authorizing community land trusts; providing for homestead property tax status; designating sources of funding; authorizing state housing expenditures through community land trusts; appropriating money; amending Minnesota Statutes 1990, sections 273.124, by adding a subdivision; 462A.03, by adding a subdivision; 462A.057, subdivisions 2, 8, and 9; 462A.21, by adding a subdivision; and 469.205, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 462A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

NEIGHBORHOOD LAND TRUSTS

Section 1. [462A.30] |DEFINITIONS. |

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 7.

Subd. 2. [AGENCY.] "Agency" means the Minnesota housing finance agency.

Subd. 3. [FIRST OPTION TO PURCHASE.] "First option to purchase" means a right of a neighborhood land trust or the agency to purchase all or any portion of the improvements and leasehold interest of a lessee, sublessee, or other resident of property subject to a ground lease, prior to the rights of any other party and at a limited equity price.

Subd. 4. [GROUND LEASE.] "Ground lease" means a lease of real property in which the lease does not include buildings or other improvements.

Subd. 5. [LEASEHOLD INTEREST.] "Leasehold interest" means the real property interest of a lessee in a ground lease in which the neighborhood land trust is the lessor.

Subd. 6. [LIMITED EQUITY FORMULA.] "Limited equity formula" means a method, to be determined by rule adopted by the agency, for calculation of the limited equity price, designed to maintain the affordability of the housing and the public subsidy.

Subd. 7. [LIMITED EQUITY PRICE.] "Limited equity price" means a price for the sale of any building or other improvement located on land owned by a neighborhood land trust determined by means of the limited equity formula.

Subd. 8. [NEIGHBORHOOD LAND TRUST.] "Neighborhood land trust" means a nonprofit corporation organized under chapter 317A that complies with section 2 and that qualifies for tax exempt status under United States Code, title 26, section 501(c)(3), and meets all other criteria for neighborhood land trust set by the agency.

Subd. 9. [PERSONS AND FAMILIES OF LOW AND MODERATE INCOME.] "Persons and families of low and moderate income" has the meaning specified in section 462A.03, subdivision 10.

Sec. 2. [462A.31] |NEIGHBORHOOD LAND TRUSTS. |

Subdivision 1. [PURPOSES.] A neighborhood land trust must have as one of its purposes the holding of land and the leasing of land for the purpose of preserving the affordability of housing on that land for persons and families of low and moderate income.

Subd. 2. [POWERS.] A neighborhood land trust may have any or all of the powers permitted to a nonprofit corporation under chapter 317A, except that a neighborhood land trust must have the power to buy and sell land, to mortgage and otherwise encumber land, and to negotiate and enter into ground leases with an initial term of up to 99 years.

Subd. 3. [BYLAWS.] The bylaws of a neighborhood land trust must provide that:

(1) members of the general public who support the neighborhood land trust's purposes may become members of the trust;

(2) no more than 30 percent of the members may reside outside of the geographical area in which the neighborhood land trust operates, as specified in the bylaws;

(3) the membership has the power to elect a specified percentage of not less than 51 percent of the members of the governing board of the neighborhood land trust;

(4) lessees, residents of housing located on land owned by the neighborhood land trust, or representatives of either must constitute no less than 25 percent nor more than 40 percent of the membership of the governing board;

(5) remaining members of the governing board, if any, may be appointed by the neighborhood land trust board, to the extent specified in the bylaws; and

(6) the neighborhood land trust has the power to operate only within a geographical area specified in the bylaws.

Sec. 3. [462A.32] [LEASES.]

Subdivision 1. [LESSEES.] A neighborhood land trust shall hold title to and lease land to persons and families of low and moderate income or to other persons or corporations for purposes consistent with the goals of the neighborhood land trust.

Subd. 2. [RENT.] A neighborhood land trust may charge rent to the lessee in an amount to be determined by a method specified in the lease. The rent may include, but need not be limited to, land acquisition costs, real estate taxes, special assessments, an administrative charge, and a land use fee. The rent charged must take into

account any homestead real estate tax status granted to the property.

Subd. 3. [RESTRICTIONS.] A ground lease in which a neighborhood land trust is the lessor must contain provisions designed to preserve the affordability of housing on the land. Each ground lease must reserve to the neighborhood land trust the first option to purchase any building or improvement on the land, or any condominium or cooperative unit located in a building on the land, at a limited equity price specified in the ground lease. Each ground lease must grant to the Minnesota housing finance agency the right to exercise that first option to purchase if the neighborhood land trust does not, for any reason, exercise the first option. Each ground lease must exempt sales to persons and families of low and moderate income from the provisions granting the first option to purchase to the neighborhood land trust and to the Minnesota housing finance agency. Sales to persons and families of low and moderate income are not exempt from the limited equity price. A ground lease may also contain appropriate restrictions on:

- (1) subletting or assigning the ground lease;
- (2) construction and renovation of buildings and other improvements; and
- (3) sale of buildings and improvements.

Subd. 4. [MORTGAGES.] (a) A ground lease with a neighborhood land trust must prohibit the lessee from mortgaging the lessee's interest in the lease or in buildings or other improvements without the consent of the neighborhood land trust. A ground lease may obligate a neighborhood land trust as lessor and fee title holder to consent to, join in, or subordinate its interest to, a mortgage entered into by a lessee as mortgagor for the purpose of obtaining financing for construction or renovation of housing on the land. A lease provision so obligating a neighborhood land trust must specify that the mortgage must provide to the neighborhood land trust the right to receive from the mortgagee prompt notice of default in the mortgage and the right to cure the default or to purchase the mortgagee's interest in the mortgage. The limited equity price and provisions in subdivision 3 do not apply if the lessee or the neighborhood land trust fails to cure the default or purchase the mortgagee's interest in the mortgage.

(b) A ground lease with a neighborhood land trust must provide that the neighborhood land trust will not, during the term of the lease, mortgage or otherwise encumber its interest in the property or permit any liens on its interest in the property to exist. This prohibition does not apply to mortgages that require the mortgagee to subordinate the lien of its mortgage to a mortgage entered into by

a lessee as mortgagor for the purpose of obtaining financing for construction or renovation of housing on the land.

Subd. 5. [RIGHTS OF HEIRS.] A ground lease with a neighborhood land trust must provide that the heirs of the lessee may assume the lease, if the heirs agree to occupy the lease property as their homestead. For purposes of this subdivision, "the heirs" means the heirs at law of a lessee who dies intestate or the devisees of a lessee who dies testate.

Sec. 4. [462A.33] [NOTICE OF LEASE.]

A neighborhood ground lease must be in recordable form and may, but need not be, recorded in the office of the county recorder or filed in the office of the county registrar of titles. If the lease is not recorded or filed, the lessee shall record or file a notice of lease on a form to be prepared and made available by the agency. The notice of lease must state the names and addresses of the lessor and lessee, the beginning date and initial term of the lease, and a legal description of the property. The notice of lease must state that the lease is entered into pursuant to this chapter, must be signed by the lessor and lessee, and must be in recordable form.

Sec. 5. [462A.34] [DISSOLUTION.]

If a neighborhood land trust is dissolved, the procedure is governed by chapter 317A, except as otherwise provided in this section. If a receiver is to be appointed, the agency has priority to be appointed or to designate the appointee. The agency need not exercise its priority.

Sec. 6. [462A.35] [MORTGAGE SECURING LOANS TO TRUST.]

A neighborhood land trust may grant a mortgage on real estate to secure repayment of loans obtained from the state, any of its agencies or subdivisions, or any other entity, for the purpose of purchase, construction, or renovation of that real estate. Any such mortgage must comply with section 462A.32, subdivision 4, paragraph (b).

Sec. 7. [462A.36] [CITY OR HOUSING AUTHORITY MAY ACT AS LAND TRUST.]

Any home rule charter or statutory city, except cities of the first class, or any housing and redevelopment authority as defined by chapter 469 may exercise all of the powers granted in this chapter to neighborhood land trusts, subject to the city's or housing and redevelopment authority's ongoing compliance with all of the requirements of this chapter, except to the extent that compliance

with this chapter clearly conflicts with other law governing cities or housing and redevelopment authorities.

ARTICLE 2

FUNDING FOR NEIGHBORHOOD LAND TRUSTS

Section 1. Minnesota Statutes 1990, section 116J.984, subdivision 1, is amended to read:

Subdivision 1. [COMMUNITY AND NEIGHBORHOOD DEVELOPMENT GRANTS.] The commissioner may award matching grants to eligible organizations. Grants to any one eligible organization may not exceed \$25,000 in any fiscal year and a grant may not be used for any purpose that replaces an existing community program identified by the commissioner. Each grant must be matched with at least two dollars of nonstate money or in-kind contributions to each dollar of grant money. The grants may be used for community or neighborhood public safety and human service activities, street and public property lighting, recycling efforts, repair or removal of dilapidated buildings, community or neighborhood beautification and cleanup, historic preservation of buildings, small scale park and open space development, increasing or preserving the availability of housing primarily serving low- or moderate-income persons, organizing or funding neighborhood land trusts, and other projects, programs, or activities that the commissioner determines will improve or revitalize the community or neighborhood.

Sec. 2. Minnesota Statutes 1990, section 116J.984, subdivision 5, is amended to read:

Subd. 5. [APPLICATIONS; PRIORITY.] The commissioner may establish criteria to establish the priority of the applications received for grants awarded under subdivision 1. The criteria may include:

- (1) the degree of community support measured by the amount of participation in the project or activities by volunteers;
- (2) the extent that the eligible organizations have participated with or solicited input from other organizations that provide community and regional assistance;
- (3) the amount of nonstate matching funds identified as available for the project or activities; ~~and~~
- (4) the degree to which the project will assure the long-term

affordability of neighborhood housing by use of a neighborhood land trust; and

(5) any other criteria the commissioner determines necessary to carry out the purposes of this section.

Sec. 3. Minnesota Statutes 1990, section 273.124, is amended by adding a subdivision to read:

Subd. 3b. [NEIGHBORHOOD LAND TRUSTS.] When one or more buildings which contain one or more dwelling units are on land owned by a neighborhood land trust organized under article I, the neighborhood land trust qualifies for homestead treatment, as class 1a under section 273.13, subdivision 22. Homestead treatment may be claimed for each dwelling, or for each dwelling unit in buildings containing several dwelling units, that is used or intended to be used as a primary homestead by its occupants.

Sec. 4. Minnesota Statutes 1990, section 462A.02, is amended by adding a subdivision to read:

Subd. 11. It is further declared that it is in the best interests of the citizens of the state of Minnesota that public money used for the purposes of this chapter be used in a manner that best assures the long-term affordability of housing to low- and moderate-income citizens. To achieve that public purpose, the agency shall consider, in the making of grants and loans and other uses of agency resources, the degree to which such grants, loans, and other uses will assure the long-term affordability of the housing, by use of the neighborhood land trust model or other techniques.

Sec. 5. Minnesota Statutes 1990, section 462A.03, is amended by adding a subdivision to read:

Subd. 22. [NEIGHBORHOOD LAND TRUST.] "Neighborhood land trust" has the meaning specified in article 1, section 1.

Sec. 6. Minnesota Statutes 1990, section 462A.201, subdivision 2, is amended to read:

Subd. 2. [LOW-INCOME HOUSING.] The agency may, in consultation with the advisory committee, use money from the housing trust fund account to provide loans or grants for projects for the development, construction, acquisition, preservation, and rehabilitation of low-income rental and limited equity cooperative housing units and homes for ownership. Projects funded under this subdivision may involve property owned by a neighborhood land trust. No more than 20 percent of available funds may be used for home ownership projects. At least 75 percent of the rental and cooperative units, and 100 percent of the homes for ownership, must be rented to

or cooperatively owned, or owned by persons and families whose income does not exceed 30 percent of the median family income for the metropolitan area as defined in section 473.121, subdivision 2. Neighborhood land trusts are eligible for both home ownership project funds and rental project funds. In making the grants, the agency shall determine the terms and conditions of repayment and the appropriate security, if any, should repayment be required. To promote the geographic distribution of grants and loans, the agency may designate a portion of the grant or loan awards to be set aside for projects located in specified congressional districts or other geographical regions specified by the agency. The agency may adopt emergency and permanent rules for awarding grants and loans under this subdivision. The emergency rules are effective for 180 days or until the permanent rules are adopted, whichever occurs first.

Sec. 7. [462A.204] [NEIGHBORHOOD LAND TRUST ACCOUNT.]

Subdivision 1. [CREATION.] (a) The neighborhood land trust account is created as a separate account in the housing development fund.

(b) The neighborhood land trust account consists of:

- (1) money appropriated or transferred from other state funds;
- (2) all interest, dividends, and pecuniary gains from investment of money of the neighborhood land trust account;
- (3) all proceeds from the sale of land purchased with money from the neighborhood land trust account; and
- (4) money made available to the agency for the purposes of the account from other sources, including the transfer of unencumbered balances from other accounts in the housing development fund.

Subd. 2. [APPLICATION OF ACCOUNT.] The agency shall make loans and grants to finance the organization of neighborhood land trusts, the purchase of land or interests in land by neighborhood land trusts, and the development of affordable housing in accordance with article 1.

Subd. 3. [AGENCY POWERS; DUTIES.] The agency shall:

- (1) establish criteria to select which organizations eligible under article 1, that apply for loans and grants under this section, receive funding;
- (2) establish priorities for funding neighborhood land trusts that

best demonstrate the ability to provide housing for people most in need;

(3) establish requirements for matching funds for loans and grants under this section;

(4) determine the circumstances, terms, and conditions under which all or any portion of a loan made under this section will be repaid; and

(5) establish appropriate security for loan repayment.

Subd. 4. [ELIGIBLE ORGANIZATIONS; CAPACITY.] An organization eligible under article 1 must demonstrate in its application to the agency that it is able to establish and operate a neighborhood land trust by having the capacity to:

(1) organize and continue a relationship with the land trust board as required by article 1;

(2) select and acquire property for a neighborhood land trust and contract with businesses or organizations for the rehabilitation or development of the neighborhood land trust property;

(3) acquire any required matching funds;

(4) link residents of neighborhood land trusts with community self-sufficiency resources; and

(5) provide property maintenance classes and other residential assistance.

Subd. 5. [TRANSFERS.] Notwithstanding section 462A.20, subdivision 3, the agency may not transfer unencumbered balances from the neighborhood land trust account to any other account in the housing development fund.

Sec. 8. [462A.37] [NEIGHBORHOOD LAND TRUST REPORTS.]

Each neighborhood land trust that receives a grant or loan from the agency must submit an annual report to the agency by December 1 of each year. The report must describe the use of grant or loan funds received.

By January 15, 1992, and each year thereafter, the agency must prepare and submit an annual report to the legislature and the governor summarizing the reports of the neighborhood land trusts.

Sec. 9. Minnesota Statutes 1990, section 469.205, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE USES OF TARGETED NEIGHBORHOOD MONEY.] The city may spend targeted neighborhood money for any purpose authorized by subdivision 1 or 2, except that: (1) an amount equal to at least 50 percent of the state payment under section 469.204 made to the city must be used for housing activities; and (2) an additional amount equal to at least ten percent of the state payment under section 469.204 may be used to organize neighborhood land trusts within the targeted neighborhood and to fund the purchase of property by neighborhood land trusts within the targeted neighborhood. Use of target neighborhood money must be authorized in a revitalization program.

Sec. 10. [APPROPRIATION.]

\$3,000,000 is appropriated from the general fund to the commissioner of the housing finance agency for the neighborhood land trust account to be available until expended.

Delete the title and insert:

“A bill for an act relating to housing; authorizing neighborhood land trusts; providing for homestead property tax status; designating sources of funding; authorizing state housing expenditures through neighborhood land trusts; appropriating money; amending Minnesota Statutes 1990, sections 116J.984, subdivisions 1 and 5; 273.124, by adding a subdivision; 462A.03, by adding a subdivision; 462A.201, subdivision 2; and 469.205, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 462A.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 154, A bill for an act relating to the Uniform Commercial Code; enacting conforming amendments proposed by the Uniform Laws Conference; proposing changes to articles relating to leases and bulk sales; amending Minnesota Statutes 1990, sections 336.1-105; 336.2-403; 336.2A-103; 336.2A-209; 336.2A-303; 336.2A-304; 336.2A-307; 336.2A-309; 336.2A-407; 336.2A-501; 336.2A-503; 336.2A-508; 336.2A-516; 336.2A-517; 336.2A-518; 336.2A-519; 336.2A-523; 336.2A-525; 336.2A-527; 336.2A-528; 336.2A-529; proposing coding for new law in Minnesota Statutes, chapter 336; repealing Minnesota Statutes 1990, sections 336.6-101 to 336.6-111; and 336.9-111.

Reported the same back with the following amendments:

Page 3, delete lines 3 and 4

Page 17, after line 31, insert:

“Sec. 11. Minnesota Statutes 1990, section 336.2A-507, is amended to read:

336.2A-507 [PROOF OF MARKET RENT: TIME AND PLACE.]

(1) Damages based on market rent (section 336.2A-519 or 336.2A-528) are determined according to the rent for the use of the goods concerned for a lease term identical to the remaining lease term of the original lease agreement and prevailing at the ~~time of the default~~ times specified in sections 336.2A-519 and 336.2A-528.

(2) If evidence of rent for the use of the goods concerned for a lease term identical to the remaining lease term of the original lease agreement and prevailing at the times or places described in this article is not readily available, the rent prevailing within any reasonable time before or after the time described or at any other place or for a different lease term which in commercial judgment or under usage of trade would serve as a reasonable substitute for the one described may be used, making any proper allowance for the difference, including the cost of transporting the goods to or from the other place.

(3) Evidence of a relevant rent prevailing at a time or place or for a lease term other than the one described in this article offered by one party is not admissible unless and until the party has given the other party notice the court finds sufficient to prevent unfair surprise.

(4) If the prevailing rent or value of any goods regularly leased in any established market is in issue, reports in official publications or trade journals or in newspapers or periodicals of general circulation published as the reports of that market are admissible in evidence. The circumstances of the preparation of the report may be shown to affect its weight but not its admissibility.”

Page 21, line 3, delete everything after “lease”

Page 21, line 4, delete “consumer lease”

Page 28, line 30, delete everything after “336.2A-528.”

Page 28, after line 30, insert:

"Sec. 21. [336.2A-532] [LESSOR'S RIGHT TO RESIDUAL INTEREST.]"

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 236, A bill for an act relating to eminent domain; allowing entry onto land for examination purposes before beginning eminent domain proceedings; amending Minnesota Statutes 1990, section 117.041.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 117.041, is amended to read:

117.041 [ENTRY FOR SURVEYS SURVEY OR ENVIRONMENTAL TESTING.]

Subdivision 1. [SURVEYS.] For the purpose of making surveys and examinations relative to any proceedings under this chapter, it shall be lawful to enter upon any land, doing no unnecessary damage.

Subd. 2. [ENVIRONMENTAL TESTING BEFORE EMINENT DOMAIN PROCEEDINGS.] (a) A state agency or political subdivision may enter property for purposes of investigation, monitoring, testing, surveying, boring, or other similar activities necessary or appropriate to identify the existence and extent of a release or threat of release of a hazardous substance, pollutant, or contaminant, as defined in section 115B.02, if:

(1) the state agency or political subdivision has reason to believe that acquisition of the property may be required pursuant to eminent domain proceedings;

(2) the state agency or political subdivision has reason to believe that a hazardous substance, pollutant, or contaminant is present on the property or the release of a hazardous substance, pollutant, or contaminant may have occurred or is likely to occur on the property; and

(3) entry on the property for environmental testing is rationally related to health, safety, or welfare concerns of the state agency or political subdivision in connection with possible eminent domain proceedings.

(b) At least ten days before entering the property, the state agency or political subdivision must serve notice on the property owner requesting permission to enter the property and stating the approximate time and purpose of the entry. The notice shall be provided in the same manner as a summons in a civil action. If the property owner refuses to consent to the entry, the state agency or political subdivision must obtain a court order authorizing the entry and the removal of any sample or portion of the property for testing. The court shall issue the order authorizing entry and the removal of any sample or portion of the property for testing if the state agency or political subdivision establishes the factors specified in paragraph (a).

(c) In entering the property, the state agency or political subdivision must do no unnecessary damage to the property. The property must be left in substantially the same condition as before the state agency or political subdivision entered or removed samples. If the state agency or political subdivision removes a sample or portion of the property for investigation, monitoring, or testing, it must give the property owner an equal amount of the sample or portion and must permit the property owner to perform independent investigation, monitoring, or testing of that sample or portion.

(d) The results of testing performed under paragraph (a) must be included in any environmental assessment worksheet or environmental impact statement that the state agency or political subdivision is required to prepare under chapter 116D.”

Amend the title as follows:

Page 1, line 3, delete “examination purposes” and insert “environmental testing”

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 239, A bill for an act relating to crime; clarifying the application of felony penalties to the act of intentionally disarming a peace officer; amending Minnesota Statutes 1990, section 609.50, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 14, after "taking" insert "or attempting to take" and after "firearm" insert "from the officer's possession"

With the recommendation that when so amended the bill pass.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 262, A bill for an act relating to economic development; specifying that money transferred or appropriated to the capital access program account is appropriated to the commissioner of trade and economic development; amending Minnesota Statutes 1990, section 116J.8765, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 357, A bill for an act relating to highways; requiring notice to political subdivisions before constructing, placing, repairing, maintaining, or operating utility structures or equipment in, along, over, or under a road, street, or highway right-of-way; requiring subsequent restoration, repair, or improvement to town road; amending Minnesota Statutes 1990, sections 116I.015, subdivision 3; 116I.02, subdivision 2; 164.36; and 222.37.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 164.36, is amended to read:

164.36 [TOWN AUTHORITY OVER RECORDED ROADS.]

The town board has authority within the 66-foot right-of-way to:

(1) maintain or reconstruct a recorded road used for vehicular travel;

(2) dispose of snow;

(3) plant trees and shrubs that it considers appropriate;

(4) remove trees and other woody vegetation as provided in section 160.22;

(5) allow the placement of highway directional and informational signs as provided in section 169.06, subdivision 3;

(6) allow the placement of electrical and telephone poles, pipelines, and electrical, telephone, or television cables, and to require prior notice of the proposed placement and restoration of the right-of-way to its condition immediately prior to the placement;

(7) control weeds and regulate the cutting or complete removal of nonwoody vegetation; and

(8) regulate erosion, drainage, public nuisances, and matters of public interest.

Sec. 2. Minnesota Statutes 1990, section 222.37, subdivision 1, is amended to read:

Subdivision 1. [USE REQUIREMENTS.] Any water power, telegraph, telephone, pneumatic tube, pipeline, community antenna television, cable communications or electric light, heat, or power company may use public roads for the purpose of constructing, using, operating, and maintaining lines, subways, canals, or conduits, for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same; and, in the construction and maintenance of such line, subway, canal, or conduit, the company shall be subject to all reasonable regulations imposed by the governing body of any county, town or city in which such public road may be. If the governing body does not require the company to obtain a permit, a company shall notify the governing body of any county, town, or city having jurisdiction over a public road prior to the construction or major repair, involving extensive excavation on the road right-of-way, of the company's equipment along, over, or under the public road,

unless the governing body waives the notice requirement. A waiver of the notice requirement must be renewed on an annual basis. For emergency repair a company shall notify the governing body as soon as practical after the repair is made. Nothing herein shall be construed to grant to any person any rights for the maintenance of a telegraph, telephone, pneumatic tube, community antenna television system, cable communications system, or light, heat, or power system within the corporate limits of any city until such person shall have obtained the right to maintain such system within such city or for a period beyond that for which the right to operate such system is granted by such city."

Delete the title and insert:

"A bill for an act relating to highways; authorizing political subdivisions to require notice before constructing or repairing utility structures or equipment in, along, over, or under a road, street, or highway right-of-way; requiring subsequent restoration to a town road; amending Minnesota Statutes 1990, sections 164.36; and 222.37, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 365, A bill for an act relating to courts; providing that the sheriff shall not charge for certain duties performed; amending Minnesota Statutes 1990, section 563.01, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 9, before "sheriff" insert "the" and after "sheriff" insert "of any Minnesota county"

Page 1, line 11, strike "whether" and insert "pursuant to subdivision 2 if"

Page 1, line 12, after "server" insert ", if the sheriff is unavailable," and before "publication" insert "by,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 373, A bill for an act relating to commerce; removing a real estate licensing prohibition; amending Minnesota Statutes 1990, section 82.20, subdivision 4.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 472, A bill for an act relating to occupations and professions; amending the definition of high pressure piping; amending Minnesota Statutes 1990, section 326.461, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 154, 236, 239, 262, 357, 365, 373 and 472 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 7 and 246 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Jefferson; O'Connor; Johnson, R.; Reding and Knickerbocker introduced:

H. F. No. 813, A bill for an act relating to pensions and retirement; recodifying, correcting, and amending certain laws relating to the

Minneapolis police relief association; proposing coding for new law as Minnesota Statutes, chapter 423B.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jaros, Sarna, McEachern, Beard and Munger introduced:

H. F. No. 814, A bill for an act relating to commerce; regulation of health care costs; creating a state cost control commission; providing for a review and control over rates and fees charged by health care providers practicing in Minnesota; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 45.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Skoglund, Lourey, Winter, Welle and Knickerbocker introduced:

H. F. No. 815, A bill for an act relating to insurance; the Minnesota comprehensive health insurance plan; regulating meetings and experimental delivery and managed care delivery methods; authorizing preferred provider networks; classifying PPO agreement data; regulating access; amending Minnesota Statutes 1990, sections 62E.10, subdivisions 4 and 9; 62E.12; 62E.13, by adding a subdivision; and 62E.14, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62E.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Reding, Skoglund, Simoneau and Greenfield introduced:

H. F. No. 816, A bill for an act relating to insurance; accident and health; establishing the consumers' health improvement plan pilot project; prescribing the powers and duties of the commissioner of health and the project administrator; establishing project eligibility and coverage; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 62K.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Begich, Solberg, Battaglia, Rukavina and Janezich introduced:

H. F. No. 817, A bill for an act relating to natural resources; revising certain provisions regarding the leasing of state-owned iron

ore and related minerals; amending Minnesota Statutes 1990, sections 93.16; 93.17, subdivisions 1 and 3; and 93.20, by adding a subdivision; repealing Minnesota Statutes 1990, section 93.20, subdivision 9.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Lourey; Wejcman; Olson, K.; McEachern and Nelson, K., introduced:

H. F. No. 818, A bill for an act relating to education; requiring the resident district of a nonhandicapped pupil temporarily placed in a residential program to pay tuition including summer school tuition; amending Minnesota Statutes 1990, section 120.181.

The bill was read for the first time and referred to the Committee on Education.

Lourey, McEachern and Nelson, K., introduced:

H. F. No. 819, A bill for an act relating to education; providing for outstanding capital loans when districts combine; amending Minnesota Statutes 1990, sections 122.242, subdivision 9; 122.247, by adding a subdivision; and 124.431, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Vellenga introduced:

H. F. No. 820, A bill for an act relating to taxation; providing a property tax exemption for federal land used for cottage and camp purposes; amending Minnesota Statutes 1990, section 272.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Lourey, Ogren, Janezich, Boo and Rukavina introduced:

H. F. No. 821, A bill for an act relating to commerce; prohibiting certain agreements between insurers and health care providers; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Greenfield; Rodosovich; Ogren; Anderson, R., and Simoneau introduced:

H. F. No. 822, A bill for an act relating to human services; permitting energy conservation activities to be funded through the Minnesota future resources fund; describing community action program grants; appropriating money; amending Minnesota Statutes 1990, sections 116P.13, subdivision 3; and 268.52, subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Energy.

Lynch, Valento, Lasley, Garcia and Pauly introduced:

H. F. No. 823, A bill for an act relating to transportation; clarifying parking provisions for physically disabled persons; authorizing special license plates for motorcycles; amending Minnesota Statutes 1990, sections 168.021, subdivision 1; 169.345, subdivision 1; and 169.346, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Lourey, Wejeman, Ogren, Dille and Olson, K., introduced:

H. F. No. 824, A bill for an act relating to nursing; creating a midlevel practitioner education account; establishing grant programs for nurse education; requiring feasibility studies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carruthers introduced:

H. F. No. 825, A bill for an act relating to traffic regulations; amending the implied consent law advisory; amending Minnesota Statutes 1990, section 169.123, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Lynch, Jennings, Welle and Stanius introduced:

H. F. No. 826, A bill for an act relating to human services;

consolidating and simplifying county mental health and community social services planning; authorizing the review and reduction of social service administrative requirements; establishing a process for limiting social services due to county fiscal limitations; amending Minnesota Statutes 1990, sections 245.465; 245.466, subdivision 5; 245.478, subdivisions 1, 2, and 6; 245.4874; 245.4875, subdivision 5; 245.4887, subdivisions 1, 2, and 6; 256.045, subdivision 3; 256E.04, subdivision 1; 256E.05, subdivisions 2, 3, 5, and by adding subdivisions; 256E.08, subdivision 1; 256E.09, subdivisions 1, 3, and 6; and 256E.12, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256E; repealing Minnesota Statutes 1990, sections 245.462, subdivision 15; 245.4871, subdivision 23; 256B.092, subdivisions 1c and 1d; and 256E.09, subdivisions 4 and 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Jaros, Munger, Simoneau, Clark and Anderson, R., introduced:

H. F. No. 827, A bill for an act relating to natural resources; regulating the growing, harvesting, processing, and sale of certain wild rice; providing for a wild rice marketing program; imposing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 30; repealing Minnesota Statutes 1990, section 30.49.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Wagenius, Lieder, Vellenga, Bishop and Scheid introduced:

H. F. No. 828, A bill for an act relating to juries; requiring persons who have filed an affidavit of candidacy for elected office to be deferred from jury service until after the election upon request; proposing coding for new law in Minnesota Statutes, chapter 593.

The bill was read for the first time and referred to the Committee on Judiciary.

Bertram; Johnson, V.; Sparby; Steensma and Wenzel introduced:

H. F. No. 829, A bill for an act relating to agriculture; regulating noxious weeds; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1990, sections 18.171 to 18.201, 18.211 to 18.315, and 18.321 to 18.323.

The bill was read for the first time and referred to the Committee on Agriculture.

Jefferson, Kinkel, Winter, Reding and Waltman introduced:

H. F. No. 830, A bill for an act relating to insurance; defining "physician" to include chiropractors for purposes of long-term care policies; amending Minnesota Statutes 1990, section 62A.46, subdivision 7.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Limmer, Sarna, Long, McEachern and Jefferson introduced:

H. F. No. 831, A bill for an act relating to the military; clarifying the time frame for pay and benefits to members of the national guard and reserve military services who are called to active duty in the United States armed forces; amending Minnesota Statutes 1990, section 192.26, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Sparby, Lieder, Janezich and Anderson, R., introduced:

H. F. No. 832, A bill for an act relating to commerce; regulating heavy and utility equipment dealership agreements; providing for returns and repurchases under certain circumstances; providing remedies; amending Minnesota Statutes 1990, section 325E.0681, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Commerce.

Rest introduced:

H. F. No. 833, A bill for an act relating to economic development; regulating the use of tax-exempt revenue bonds; amending Minnesota Statutes 1990, sections 474A.02, subdivisions 1, 2b, 7, 8, 19, and by adding subdivisions; 474A.04, subdivision 1a; 474A.047, subdivisions 1 and 3; 474A.061, subdivisions 1, 2a, 2b, and 2c; 474A.091, subdivisions 3 and 5; 474A.131, by adding a subdivision; 474A.15; 474A.16; and 474A.17; proposing coding for new law in Minnesota Statutes, chapters 462A and 462C; repealing Minnesota Statutes 1990, sections 474A.048; and 474A.081, subdivisions 1, 2, and 4.

The bill was read for the first time and referred to the Committee on Economic Development.

Trimble introduced:

H. F. No. 834, A bill for an act relating to public employment; transportation department pilots; making certain pilots eligible for state-paid health insurance upon retirement at age 62; amending Minnesota Statutes 1990, section 352.86, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Runbeck, Orfield, Valento, Morrison and Anderson, I., introduced:

H. F. No. 835, A bill for an act relating to traffic regulations; authorizing cities to establish speed zones on local streets; amending Minnesota Statutes 1990, section 169.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Schafer, by request, introduced:

H. F. No. 836, A bill for an act relating to waters; establishing a procedure to govern county boards and the land exchange board in the acquisition of wetlands; prescribing appeal procedures; amending Minnesota Statutes 1990, section 97A.145, subdivision 2, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Cooper, Dorn, Solberg, Orfield and Ozment introduced:

H. F. No. 837, A bill for an act relating to the environment; declaring the 1990s to be the decade of the environment; providing for grants for promotional activities relating to environmental programs; authorizing rulemaking; appropriating money; amending Minnesota Statutes 1990, section 126A.04, subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pelowski introduced:

H. F. No. 838, A bill for an act relating to the city of Winona; permitting the city to impose a lodging tax.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Bauerly, Bertram, Omann and Wenzel introduced:

H. F. No. 839, A bill for an act relating to counties; setting conditions for assisting state fair exhibits; amending Minnesota Statutes 1990, section 375.79; repealing Minnesota Statutes 1990, sections 375.80; 375.81; and 375.82.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Jefferson, Greenfield, Skoglund, Wejcman and Nelson, K., introduced:

H. F. No. 840, A bill for an act relating to cities of the first class; providing for the organization and powers of neighborhood revitalization policy boards; amending Minnesota Statutes 1990, section 469.1831, subdivision 6.

The bill was read for the first time and referred to the Committee on Economic Development.

Schreiber, Knickerbocker, Garcia, Limmer and Segal introduced:

H. F. No. 841, A bill for an act relating to the suburban Hennepin regional park district; setting the size of the board; removing powers of the Hennepin county board to review and veto reserve district budget; amending Minnesota Statutes 1990, sections 383B.68, subdivisions 1, 3, and 4, and by adding a subdivision; and 383B.73, subdivision 1; repealing Minnesota Statutes 1990, sections 383B.68, subdivision 2; and 383B.69.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

McPherson introduced:

H. F. No. 842, A bill for an act relating to retirement; public employees retirement association; authorizing a former member to retire with a reduced retirement annuity at age 62.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Munger, Jaros, Boo, Ogren and Murphy introduced:

H. F. No. 843, A bill for an act relating to waste; Western Lake Superior sanitary district; amending the definition of solid waste; changing the date for adoption of a budget; amending Minnesota Statutes 1990, sections 458D.02, subdivision 18; and 458D.08.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rukavina and Begich introduced:

H. F. No. 844, A bill for an act relating to workers' compensation; providing for increased benefits in cases of employer safety violations; proposing coding for new law in Minnesota Statutes, chapter 176.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Blatz, Henry and Hufnagle introduced:

H. F. No. 845, A bill for an act relating to the city of Bloomington; providing for the use of a lodging tax; amending Laws 1990, chapter 604, article 6, section 9, subdivision 1.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Blatz, Henry and Hufnagle introduced:

H. F. No. 846, A bill for an act relating to metropolitan government; providing for the disposition of property at the Bloomington metropolitan sports facilities site, and the satisfaction of various related interests.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Solberg, Dauner and Welle introduced:

H. F. No. 847, A bill for an act relating to courts; making the eighth judicial district court financing pilot project permanent;

providing for a county aid offset if certain court costs are assumed by the state; requiring the supreme court to study the costs and prepare a budget; amending Minnesota Statutes 1990, section 477A.012, by adding a subdivision; and Laws 1989, chapter 335, article 3, section 44, as amended; repealing Laws 1989, chapter 335, article 3, section 54, as amended.

The bill was read for the first time and referred to the Committee on Judiciary.

Bertram, Bauerly, Gruenes, Marsh and Omann introduced:

H. F. No. 848, A bill for an act relating to education; allowing nonstate funds for construction on the St. Cloud State University campus.

The bill was read for the first time and referred to the Committee on Appropriations.

Kelso, McEachern, Omann, Wenzel and Bertram introduced:

H. F. No. 849, A bill for an act relating to education; providing for an education district bargaining grant if certain conditions are met; amending Minnesota Statutes 1990, section 124.2721, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 124C.

The bill was read for the first time and referred to the Committee on Education.

O'Connor; Ogren; Anderson, I.; Janezich and Schreiber introduced:

H. F. No. 850, A bill for an act relating to taxation; advancing the date for the mailing of tax statements; amending Minnesota Statutes 1990, section 276.04, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

O'Connor; Ogren; Anderson, I.; Janezich and Dempsey introduced:

H. F. No. 851, A bill for an act relating to taxation; eliminating the penalty for late filing of property tax refund claims; amending Minnesota Statutes 1990, section 289A.60, subdivision 12.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, V.; Anderson, I., and Olson, E., introduced:

H. F. No. 852, A bill for an act relating to real property; authorizing local taxes on registration of deeds and mortgages and dedicating the revenues to a survey monument and mapping control fund in each county; amending Minnesota Statutes 1990, section 287.05, subdivisions 3, 4, and by adding a subdivision; 287.12; 287.21, subdivision 2, and by adding a subdivision; 298.22; and 389.011, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 389.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, V., introduced:

H. F. No. 853, A bill for an act relating to health; creating an exception to the nursing home moratorium; amending Minnesota Statutes 1990, section 144A.071, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Olsen, S.; Lieder; Seaberg; Kalis and Davids introduced:

H. F. No. 854, A bill for an act relating to motor vehicles; authorizing special license plates for Persian Gulf war veterans; amending Minnesota Statutes 1990, section 168.123, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Bertram, Bauerly and Kelso introduced:

H. F. No. 855, A bill for an act relating to lawful gambling; allowing payment of property taxes as a lawful purpose expenditure; amending Minnesota Statutes 1990, section 349.12, subdivision 25.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Milbert, Blatz, Janezich, Bishop and Long introduced:

H. F. No. 856, A bill for an act relating to education; changing the composition of the board of the state high school league; amending Minnesota Statutes 1990, section 128C.01, subdivision 4.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Weaver, Pugh, Vellenga and Runbeck introduced:

H. F. No. 857, A bill for an act relating to privacy; prohibiting disclosure of health records without patient consent; imposing civil liability; amending Minnesota Statutes 1990, section 144.335, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Trimble, Hanson, Blatz, Peterson and McGuire introduced:

H. F. No. 858, A bill for an act relating to the environment; pollution control agency; conforming certain rulemaking procedures to the administrative procedure act; providing for junk yard investigations; permitting collection of money for household hazardous waste programs; providing for a charge for training program fees and for computer use; amending Minnesota Statutes 1990, sections 115.44, subdivisions 4, 6, and 7; 115A.96, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 115A and 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jacobs, Osthoff, Janezich and Ogren introduced:

H. F. No. 859, A bill for an act relating to utilities; allowing automatic rate adjustments by public utilities for governmental expenses; amending Minnesota Statutes 1990, section 216B.16, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Lieder, Olson, E.; Tunheim; Dauner and Brown introduced:

H. F. No. 860, A bill for an act relating to economic development; providing funding for the Red River trade corridor project; appropriating money.

The bill was read for the first time and referred to the Committee on Economic Development.

Nelson, K.; Wagenius and Swenson introduced:

H. F. No. 861, A bill for an act relating to traffic safety; permitting evidence of DWI convictions to be admitted as evidence in certain civil proceedings; amending Minnesota Statutes 1990, section 169.94, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Wejeman, Macklin, Pugh, Carruthers and Vellenga introduced:

H. F. No. 862, A bill for an act relating to the collection and dissemination of data; classifying convention facility, arena, stadium, and theater data; amending Minnesota Statutes 1990, section 13.55.

The bill was read for the first time and referred to the Committee on Judiciary.

Wejeman, Macklin, Pugh, Morrison and Vellenga introduced:

H. F. No. 863, A bill for an act relating to the collection and dissemination of data; protecting the identity of a person placing a call on the 911 system; amending Minnesota Statutes 1990, sections 13.82, subdivision 10; and 403.07, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Steensma; Winter; Brown; Olson, K., and Hugoson introduced:

H. F. No. 864, A bill for an act relating to education; allowing Minnesota pupils to enroll in districts located in counties in other states that border Minnesota and non-Minnesota pupils to enroll in Minnesota districts under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 120.

The bill was read for the first time and referred to the Committee on Education.

Hausman; Nelson, K.; McEachern and Pelowski introduced:

H. F. No. 865, A bill for an act relating to education; requiring local standards for extended day programs; providing revenue for extended day programs; appropriating money; amending Minnesota

Statutes 1990, sections 121.88, subdivision 10, and by adding subdivisions; and 275.125, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Wenzel introduced:

H. F. No. 866, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Orenstein, Vellenga, Garcia and Bishop introduced:

H. F. No. 867, A bill for an act relating to crimes; providing that it is a prima facie case for certification to adult court if a juvenile used a firearm at the time of the offense or is alleged to have committed a firearms violation after a previous firearms violation; increasing the penalty for furnishing a firearm to a minor; increasing the penalty for unlawful possession of a pistol by a minor; amending Minnesota Statutes 1990, sections 260.125, subdivision 3; 609.66, subdivision 1a, and by adding a subdivision; and 624.713, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Wenzel; Anderson, I.; Olson, E.; Omann and Dauner introduced:

H. F. No. 868, A bill for an act relating to local government aids; establishing a separate local government aid formula for cities with a population less than 1,000; amending Minnesota Statutes 1990,

sections 477A.011, subdivisions 1a, 15, 20, and by adding subdivisions; and 477A.013, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Nelson, K.; Simoneau; McGuire and Blatz introduced:

H. F. No. 869, A bill for an act relating to public administration; establishing the mentoring and youth community service commission; stating its purposes and responsibilities; appropriating money; amending Minnesota Statutes 1990, sections 121.88, subdivision 9; 124.2713, subdivision 5; and 126.70, subdivision 2a; proposing coding for new law as Minnesota Statutes, chapter 16C.

The bill was read for the first time and referred to the Committee on Education.

Murphy, Jaros and Boo introduced:

H. F. No. 870, A bill for an act relating to retirement; Duluth police consolidation account in the public employees police and fire fund; authorizing certain survivors to elect alternative benefit coverage.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Farrell, Sarna, Begich, Murphy and Rice introduced:

H. F. No. 871, A bill for an act relating to employment; board of electricity; clarifying definitions; providing for a complaint committee; clarifying and adding duties of the board; providing penalties; amending Minnesota Statutes 1990, sections 326.01, subdivisions 2, 3, 4, 5, 6, 6a, and by adding subdivisions; 326.241, subdivision 2, and by adding a subdivision; 326.242, subdivisions 1, 2, 3, 4, 5, 6, 9, and by adding subdivisions; 326.244, subdivision 4, and by adding a subdivision; and 326.246.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Ogren, Solberg and Dempsey introduced:

H. F. No. 872, A bill for an act relating to the public defender; providing an aid offset for public defense costs in the third and sixth judicial districts; providing who is eligible to be represented by the

public defender in certain judicial districts; appropriating money; amending Minnesota Statutes 1990, sections 477A.012, by adding a subdivision; and 611.26, subdivision 6.

The bill was read for the first time and referred to the Committee on Judiciary.

Johnson, R.; Cooper; Simoneau; Bauerly and Gruenes introduced:

H. F. No. 873, A bill for an act relating to retirement; teachers; calculation of annuities based upon the highest three years of service; amending Minnesota Statutes 1990, section 354.44, subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Johnson, R., introduced:

H. F. No. 874, A bill for an act relating to retirement; requiring recalculation of annuities of certain teachers retirement association annuitants.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Farrell; Skoglund; Nelson, S.; Pugh and Krinkie introduced:

H. F. No. 875, A bill for an act relating to insurance; rental vehicles; increasing property damage liability coverage; amending Minnesota Statutes 1990, section 65B.49, subdivision 5a.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Rodosovich and Johnson, R., introduced:

H. F. No. 876, A bill for an act relating to retirement; teachers retirement association; authorizing the purchase of credit for pre-1957 pre-age 25 teaching service; amending Laws 1988, chapter 709, article 3, section 1, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 81 and 393.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 81, A bill for an act relating to towns; clarifying certain provisions for the terms of town supervisor; providing for the compensation of certain town officers and employees; amending Minnesota Statutes 1990, sections 367.03, subdivision 1; and 367.05, subdivision 1.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

S. F. No. 393, A bill for an act relating to state lands; authorizing commissioner of administration to return land to a veterans organization who had originally donated the land for purposes of a state veterans cemetery.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

CALENDAR

H. F. No. 98, A bill for an act relating to civil commitment; establishing requirements for judicial release orders during the emergency hold period; amending Minnesota Statutes 1990, section 253B.05, subdivisions 1, 2, and 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olsen, S.	Segal
Anderson, I.	Garcia	Koppendrayer	Olson, E.	Simoneau
Anderson, R.	Girard	Krinkie	Olson, K.	Skoglund
Anderson, R. H.	Goodno	Krueger	Omann	Smith
Battaglia	Greenfield	Lasley	Onnen	Solberg
Beard	Gruenes	Leppik	Orenstein	Sparby
Begich	Gutknecht	Lieder	Orfield	Stanius
Bertram	Hartle	Limmer	Osthoff	Sviggum
Bettermann	Hasskamp	Long	Ostrom	Swenson
Blatz	Haukoos	Lourey	Ozment	Thompson
Bodahl	Hausman	Lynch	Pauly	Tompkins
Boo	Heir	Macklin	Pellow	Trimble
Brown	Henry	Mariani	Pelowski	Tunheim
Carlson	Hufnagle	Marsh	Peterson	Uphus
Carruthers	Hugoson	McEachern	Pugh	Valento
Clark	Jacobs	McGuire	Reding	Vellenga
Cooper	Janezich	McPherson	Rest	Wagenius
Dauner	Jaros	Milbert	Rice	Waltman
Davids	Jennings	Morrison	Rodosovich	Weaver
Dawkins	Johnson, A.	Munger	Rukavina	Welker
Dempsey	Johnson, R.	Murphy	Runbeck	Welle
Dille	Johnson, V.	Nelson, K.	Sarna	Wenzel
Dorn	Kahn	Nelson, S.	Schafer	Winter
Erhardt	Kalis	Newinski	Scheid	Spk. Vanasek
Farrell	Kelso	O'Connor	Schreiber	
Frederick	Kinkel	Ogren	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 146, A bill for an act relating to commerce; regulating real estate closings; prohibiting persons from requiring the use of particular closing agents; requiring the commissioner to adopt rules; amending Minnesota Statutes 1990, section 507.45, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carruthers	Girard	Janezich	Lasley
Anderson, I.	Clark	Goodno	Jaros	Leppik
Anderson, R.	Cooper	Greenfield	Jefferson	Lieder
Anderson, R. H.	Dauner	Gruenes	Jennings	Limmer
Battaglia	Davids	Gutknecht	Johnson, A.	Long
Beard	Dawkins	Hartle	Johnson, R.	Lourey
Begich	Dempsey	Hasskamp	Johnson, V.	Lynch
Bertram	Dille	Haukoos	Kalis	Macklin
Bettermann	Dorn	Hausman	Kelso	Mariani
Blatz	Erhardt	Heir	Kinkel	Marsh
Bodahl	Farrell	Henry	Knickerbocker	McEachern
Boo	Frederick	Hufnagle	Koppendrayer	McGuire
Brown	Frerichs	Hugoson	Krinkie	McPherson
Carlson	Garcia	Jacobs	Krueger	Milbert

Morrison	Onnen	Rest	Skoglund	Uphus
Munger	Orenstein	Rice	Smith	Valento
Murphy	Orfield	Rodosovich	Solberg	Vellenga
Nelson, K.	Osthoff	Rukavina	Sparby	Wagenius
Nelson, S.	Ostrom	Runbeck	Stanius	Waltman
Newinski	Ozment	Sarna	Steensma	Weaver
O'Connor	Pauly	Schafer	Sviggum	Welker
Ogren	Pellow	Scheid	Swenson	Welle
Olsen, S.	Pelowski	Schreiber	Thompson	Wenzel
Olson, E.	Peterson	Seaberg	Tompkins	Winter
Olson, K.	Pugh	Segal	Trimble	Spk. Vanasek
Omann	Reding	Simoneau	Tunheim	

The bill was passed and its title agreed to.

H. F. No. 155 was reported to the House.

Dempsey moved that H. F. No. 155 be continued on the Calendar. The motion prevailed.

H. F. No. 192, A bill for an act relating to the Duluth transit authority; providing for the transportation of students; repealing Laws 1988, chapter 573, section 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Johnson, V.	Munger	Rice
Anderson, I.	Frederick	Kahn	Murphy	Rodosovich
Anderson, R.	Frerichs	Kalis	Nelson, K.	Rukavina
Anderson, R. H.	Garcia	Kelso	Nelson, S.	Runbeck
Battaglia	Girard	Kinkel	Newinski	Sarna
Beard	Goodno	Knickerbocker	O'Connor	Schafer
Begich	Greenfield	Koppendraye	Ogren	Scheid
Bertram	Gruenes	Krinkie	Olsen, S.	Schreiber
Bettermann	Gutknecht	Krueger	Olson, E.	Seaberg
Blatz	Hartle	Lasley	Olson, K.	Segal
Bodahl	Hasskamp	Leppik	Omann	Simoneau
Boo	Haukoos	Lieder	Onnen	Skoglund
Brown	Hausman	Limmer	Orenstein	Smith
Carlson	Heir	Long	Orfield	Solberg
Carruthers	Henry	Lourey	Osthoff	Sparby
Clark	Hufnagle	Lynch	Ostrom	Steensma
Cooper	Hugoson	Macklin	Ozment	Sviggum
Dauner	Jacobs	Mariani	Pauly	Swenson
Davids	Janezich	Marsh	Pellow	Thompson
Dawkins	Jaros	McEachern	Pelowski	Tompkins
Dempsey	Jefferson	McGuire	Peterson	Trimble
Dille	Jennings	McPherson	Pugh	Tunheim
Dorn	Johnson, A.	Milbert	Reding	Uphus
Erhardt	Johnson, R.	Morrison	Rest	Valento

Vellenga
WageniusWaltman
WeaverWelker
WelleWenzel
Winter

Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 205, A bill for an act relating to insurance; prohibiting discrimination against American military personnel; amending Minnesota Statutes 72A.20, subdivision 8.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abrams	Greenfield	Krueger	Olson, E.	Seaberg
Anderson, I.	Gruenes	Lasley	Olson, K.	Segal
Anderson, R.	Hanson	Leppik	Omann	Simoneau
Battaglia	Hartle	Lieder	Onnen	Skoglund
Beard	Hasskamp	Limmer	Orenstein	Smith
Begich	Hausman	Long	Orfield	Solberg
Bertram	Heir	Lourey	Osthoff	Sparby
Bettermann	Henry	Lynch	Ostrom	Stanius
Blatz	Hufnagle	Macklin	Ozment	Steensma
Bodahl	Jacobs	Mariani	Pauly	Swenson
Brown	Janezich	Marsh	Pellow	Thompson
Carlson	Jaros	McEachern	Pelowski	Tompkins
Carruthers	Jefferson	McGuire	Peterson	Trimble
Cooper	Jennings	McPherson	Pugh	Tunheim
Dauner	Johnson, A.	Milbert	Reding	Uphus
Dawkins	Johnson, R.	Morrison	Rest	Vellenga
Dempsey	Johnson, V.	Munger	Rice	Wagenius
Dille	Kahn	Murphy	Rodosovitch	Waltman
Dorn	Kalis	Nelson, K.	Rukavina	Welle
Farrell	Kelso	Nelson, S.	Runbeck	Wenzel
Frederick	Kinkel	Newinski	Sarna	Winter
Garcia	Knickerbocker	O'Connor	Schafer	Spk. Vanasek
Girard	Koppendrayer	Ogren	Scheid	
Goodno	Krinkie	Olsen, S.	Schreiber	

Those who voted in the negative were:

Anderson, R. H.	Erhardt	Haukoos	Valento
Boo	Frerichs	Hugoson	Weaver
Dauids	Gutknecht	Svigum	Welker

The bill was passed and its title agreed to.

H. F. No. 246, A bill for an act relating to alcoholic beverages; allowing proof of age by means of a Canadian identification card; amending Minnesota Statutes 1990, section 340A.503, subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kelso	Ogren	Seaberg
Anderson, I.	Garcia	Kinkel	Olsen, S.	Segal
Anderson, R.	Girard	Knickerbocker	Olson, E.	Simoneau
Anderson, R. H.	Goodno	Koppendrayer	Olson, K.	Skoglund
Battaglia	Greenfield	Krinkie	Omann	Smith
Beard	Gruenes	Krueger	Onnen	Solberg
Begich	Gutknecht	Lasley	Orenstein	Sparby
Bertram	Hanson	Leppik	Orfield	Stanius
Bettermann	Hartle	Lieder	Osthoff	Steenma
Blatz	Hasskamp	Limmer	Ostrom	Sviggum
Bodahl	Haukoos	Long	Ozment	Swenson
Boo	Hausman	Lourey	Pauly	Thompson
Brown	Heir	Lynch	Pellow	Trimble
Carlson	Henry	Macklin	Pelowski	Tunheim
Carruthers	Hufnagle	Mariani	Peterson	Uphus
Clark	Hugoson	Marsh	Pugh	Valento
Cooper	Jacobs	McEachern	Reding	Vellenga
Dauner	Janezich	McGuire	Rest	Wagenius
Davids	Jaros	McPherson	Rice	Waltman
Dawkins	Jefferson	Milbert	Rodosovich	Weaver
Dempsey	Jennings	Morrison	Rukavina	Welker
Dille	Johnson, A.	Murphy	Runbeck	Welle
Dorn	Johnson, R.	Nelson, K.	Sarna	Wenzel
Erhardt	Johnson, V.	Nelson, S.	Schafer	Winter
Farrell	Kahn	Newinski	Scheid	Spk. Vanasek
Frederick	Kalis	O'Connor	Schreiber	

The bill was passed and its title agreed to.

H. F. No. 276, A bill for an act relating to insurance; accident and health; prohibiting the nondiagnostic use of X-rays; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bettermann	Cooper	Farrell	Gutknecht
Anderson, I.	Blatz	Dauner	Frederick	Hanson
Anderson, R.	Bodahl	Davids	Frerichs	Hartle
Anderson, R. H.	Boo	Dawkins	Garcia	Hasskamp
Battaglia	Brown	Dempsey	Girard	Haukoos
Beard	Carlson	Dille	Goodno	Hausman
Begich	Carruthers	Dorn	Greenfield	Heir
Bertram	Clark	Erhardt	Gruenes	Henry

Hufnagle	Leppik	O'Connor	Rice	Thompson
Hugoson	Lieder	Ogren	Rodosovich	Tompkins
Jacobs	Limmer	Olsen, S.	Rukavina	Trimble
Janezich	Long	Olsen, E.	Runbeck	Tunheim
Jaros	Lourey	Olson, K.	Sarna	Uphus
Jefferson	Lynch	Omann	Schafer	Valento
Jennings	Macklin	Onnen	Scheid	Vellenga
Johnson, A.	Mariani	Orenstein	Schreiber	Wagenius
Johnson, R.	Marsh	Orfield	Seaberg	Waltman
Johnson, V.	McEachern	Osthoff	Segal	Weaver
Kahn	McGuire	Ostrom	Simoneau	Welker
Kalis	McPherson	Ozment	Skoglund	Welle
Kelso	Milbert	Pauly	Smith	Wenzel
Kinkel	Morrison	Pellow	Solberg	Winter
Knickerbocker	Munger	Pelowski	Sparby	Spk. Vanasek
Koppendrayar	Murphy	Peterson	Stanius	
Krinkie	Nelson, K.	Pugh	Steenma	
Krueger	Nelson, S.	Reding	Sviggum	
Lasley	Newinski	Rest	Swenson	

The bill was passed and its title agreed to.

H. F. No. 320, A bill for an act relating to occupations and professions; modifying an auctioneer's exemption from real estate brokers and salespersons licensing; amending Minnesota Statutes 1990, section 82.18.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kahn	Murphy	Rodosovich
Anderson, I.	Garcia	Kalis	Nelson, K.	Rukavina
Anderson, R.	Girard	Kelso	Nelson, S.	Runbeck
Anderson, R. H.	Goodno	Kinkel	Newinski	Sarna
Battaglia	Greenfield	Knickerbocker	O'Connor	Schafer
Beard	Gruenes	Koppendrayar	Ogren	Scheid
Begich	Gutknecht	Krinkie	Olsen, S.	Schreiber
Bertram	Hanson	Krueger	Olsen, E.	Seaberg
Bettermann	Hartle	Lasley	Olson, K.	Segal
Blatz	Hasskamp	Leppik	Omann	Simoneau
Bodahl	Haukoos	Lieder	Onnen	Skoglund
Boo	Hausman	Limmer	Orenstein	Smith
Brown	Heir	Long	Orfield	Solberg
Carlson	Henry	Lourey	Osthoff	Stanius
Carruthers	Hufnagle	Lynch	Ostrom	Steenma
Clark	Hugoson	Macklin	Ozment	Sviggum
Cooper	Jacobs	Mariani	Pauly	Swenson
Dauner	Janezich	Marsh	Pellow	Thompson
Davids	Jaros	McEachern	Pelowski	Tompkins
Dawkins	Jefferson	McGuire	Peterson	Trimble
Dempsey	Jennings	McPherson	Pugh	Tunheim
Dorn	Johnson, A.	Milbert	Reding	Uphus
Erhardt	Johnson, R.	Morrison	Rest	Valento
Farrell	Johnson, V.	Munger	Rice	Vellenga

Wagenius	Weaver	Welle	Winter
Waltman	Welker	Wenzel	Spk. Vanasek

Those who voted in the negative were:

Frerichs . Sparby

The bill was passed and its title agreed to.

H. F. No. 430, A bill for an act relating to intoxicating liquor; specifying the number of on-sale licenses which may be issued in the city of Virginia; repealing Laws 1974, chapter 501, section 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kelso	Olsen, S.	Simoneau
Anderson, I.	Garcia	Kinkel	Olson, E.	Skoglund
Anderson, R.	Girard	Knickerbocker	Olson, K.	Smith
Anderson, R. H.	Goodno	Koppendrayer	Omann	Solberg
Battaglia	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steenasma
Bertram	Hanson	Lieder	Osthoff	Sviggum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Blatz	Hasskamp	Long	Ozment	Thompson
Bodahl	Haukoos	Lourey	Pauly	Tompkins
Boo	Hausman	Lynch	Pellow	Trimble
Brown	Heir	Macklin	Pelowski	Tunheim
Carlson	Henry	Mariani	Peterson	Uphus
Carruthers	Hufnagle	Marsh	Pugh	Valento
Clark	Hugoson	McEachern	Reding	Vellenga
Cooper	Jacobs	McGuire	Rest	Wagenius
Dauner	Janezich	McPherson	Rice	Waltman
Davids	Jaros	Milbert	Rodosovich	Weaver
Dawkins	Jefferson	Morrison	Rukavina	Welker
Dempsey	Jennings	Munger	Runbeck	Welle
Dille	Johnson, A.	Murphy	Sarna	Wenzel
Dorn	Johnson, R.	Nelson, K.	Schafer	Winter
Erhardt	Johnson, V.	Nelson, S.	Scheid	
Farrell	Kahn	O'Connor	Schreiber	
Frederick	Kalis	Ogren	Segal	

Those who voted in the negative were:

Seaberg

The bill was passed and its title agreed to.

H. F. No. 598, A bill for an act relating to insurance; regulating

agent rehabilitations and cancellations of agency contracts by fire and casualty companies; amending Minnesota Statutes 1990, sections 60A.171; and 60A.175.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, I.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R.	Girard	Koppendrayer	Olson, K.	Smith
Anderson, R. H.	Goodno	Krinkie	Omann	Solberg
Battaglia	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Sviggun
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Davids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	
Erhardt	Kahn	Newinski	Schreiber	
Farrell	Kalis	O'Connor	Seaberg	
Frederick	Kelso	Ogren	Segal	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. No. 304 which it recommended to pass with the following amendment offered by Anderson, I.:

Page 2, line 23, delete “strike or” and after “lockout” insert “of employees in a labor organization or during a strike of employees in a labor organization authorized by a representative of employees”

Page 3, line 29, delete “strike or” and after “lockout” insert “employees in an employee organization or during a strike authorized by an employee organization which is an exclusive representative”

On the motion of Long the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.06, the following roll calls were taken in the Committee of the Whole:

Welker moved to amend H. F. No. 304, as amended, as follows:

Page 1, line 21, strike “provided,”

Page 1, strike lines 22 to 25, except the semicolon

Page 2, line 26, after the second period insert:

“[179.121] [FREEDOM TO WORK.]

No employer, employee organization, or labor union shall require any person, as a condition of employment or continuation of employment, to become or remain a member of any labor organization, or to pay any dues, fees, assessments, or other sums of money of any kind to a labor question.

Sec. 3.”

Page 2, line 26, delete “Sec. 2.” and insert “Sec. 4. [179A.031] [FREEDOM TO WORK.]

No employer, employee organization, or labor union shall require any person, as a condition of employment or continuation of employment, to pay dues, fees, assessments, or other sums of money of any kind to a labor organization.

Sec. 5. Minnesota Statutes 1990, section 179A.04, subdivision 1, is amended to read:

Subdivision 1. [PETITIONS.] The commissioner shall accept and investigate all petitions for:

(a) certification or decertification as the exclusive representative of an appropriate unit;

(b) mediation services;

(c) any election or other voting procedures provided for in sections 179A.01 to 179A.25; and

(d) certification to the board of arbitration; ~~and~~

~~(e) fair share fee challenges, upon the receipt of a filing fee. The commissioner shall hear and decide all issues in a fair share fee challenge.~~

Sec. 6. Minnesota Statutes 1990, section 179A.04, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES.] The commissioner shall:

(a) provide mediation services as requested by the parties until the parties reach agreement. The commissioner may continue to assist parties after they have submitted their final positions for interest arbitration;

(b) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(c) certify to the board items of dispute between parties subject to action of the board under section 179A.16;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner or the board;

(e) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(f) adopt rules relating to the administration of this chapter; and the conduct of hearings and elections;

(g) receive, catalogue, and file all orders and decisions of the board, all decisions of arbitration panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the

commissioner's orders and decisions. All orders and decisions catalogued and filed shall be readily available to the public;

(h) adopt, subject to chapter 14, a grievance procedure to fulfill the purposes of section 179A.20, subdivision 4. The grievance procedure shall not provide for the services of the bureau of mediation services. The grievance procedure shall be available to any employee in a unit not covered by a contractual grievance procedure;

(i) conduct elections;

(j) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2; and

~~(k) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges; and~~

~~(l) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers, at the discretion of the commissioner.~~

Sec. 7. Minnesota Statutes 1990, section 179A.05, subdivision 4, is amended to read:

Subd. 4. [OTHER POWERS.] In addition to the other powers and duties given it by law, the board has the following powers and duties:

(a) to hear and decide appeals from determinations of the commissioner relating to "supervisory employee," "confidential employee," "essential employee," or "professional employee";

(b) to hear and decide appeals from determinations of the commissioner relating to the appropriateness of a unit; and

~~(c) to hear and decide on the record, determinations of the commissioner relating to a fair share fee challenge;~~

~~(d) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the board.~~

Sec. 8."

Page 3, line 30, delete "3" and insert "9"

[REPEALER.]

Minnesota Statutes 1988, sections 179A.03, subdivision 9, and 179A.06, subdivision 3, are repealed.

Sec. 10.”

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The question was taken on the Welker amendment and the roll was called. There were 23 yeas and 108 nays as follows:

Those who voted in the affirmative were:

Anderson, R. H.	Frerichs	Hugoson	Schafer	Waltman
Bettermann	Girard	Krinkie	Schreiber	Weaver
Bishop	Gutknecht	Limmer	Smith	Welker
Davids	Haukoos	McPherson	Stanius	
Erhardt	Heir	Pellow	Sviggum	

Those who voted in the negative were:

Abrams	Garcia	Knickerbocker	Ogren	Scheid
Anderson, I.	Goodno	Koppendrayner	Olsen, S.	Seaberg
Anderson, R.	Greenfield	Krueger	Olson, E.	Segal
Battaglia	Gruenes	Lasley	Olson, K.	Simoneau
Beard	Hanson	Leppik	Omann	Skoglund
Begich	Hartle	Lieder	Onnen	Solberg
Bertram	Hasskamp	Long	Orenstein	Sparby
Blatz	Hausman	Lourey	Orfield	Steenma
Bodahl	Henry	Lynch	Osthoff	Swenson
Boo	Hufnagle	Macklin	Ostrom	Thompson
Brown	Jacobs	Mariani	Ozment	Trimble
Carlson	Janezich	Marsh	Pauly	Tunheim
Carruthers	Jaros	McEachern	Pelowski	Uphus
Clark	Jefferson	McGuire	Peterson	Valento
Cooper	Jennings	Milbert	Pugh	Vellenga
Dauner	Johnson, A.	Morrison	Reding	Wagenius
Dawkins	Johnson, R.	Munger	Rest	Welle
Dempsey	Johnson, V.	Murphy	Rice	Wenzel
Dille	Kahn	Nelson, K.	Rodosovich	Winter
Dorn	Kalis	Nelson, S.	Rukavina	Spk. Vanasek
Farrell	Kelso	Newinski	Runbeck	
Frederick	Kinkel	O'Connor	Sarna	

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

The question was taken on the motion to recommend passage of H. F. No. 304, as amended, and the roll was called. There were 78 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Hanson	Long	Orenstein	Simoneau
Anderson, R.	Hasskamp	Lourey	Orfield	Skoglund
Battaglia	Hausman	Mariani	Osthoff	Solberg
Beard	Jacobs	McEachern	Ostrom	Sparby
Begich	Janezich	McGuire	Ozment	Steensma
Brown	Jaros	Milbert	Pelowski	Thompson
Carlson	Jefferson	Morrison	Peterson	Trimble
Carruthers	Jennings	Munger	Pugh	Tunheim
Clark	Johnson, A.	Murphy	Reding	Vellenga
Cooper	Johnson, R.	Nelson, K.	Rest	Wagenius
Dauner	Kahn	Newinski	Rice	Welle
Dawkins	Kalis	O'Connor	Rodosovich	Wenzel
Dorn	Kinkel	Ogren	Rukavina	Winter
Farrell	Krueger	Olsen, S.	Sarna	Spk. Vanasek
Garcia	Lasley	Olson, E.	Scheid	
Greenfield	Lieder	Olson, K.	Segal	

Those who voted in the negative were:

Abrams	Erhardt	Hufnagle	Marsh	Smith
Anderson, R. H.	Frederick	Hugoson	McPherson	Stanius
Bertram	Frerichs	Johnson, V.	Nelson, S.	Sviggum
Bettermann	Girard	Kelso	Omann	Swenson
Bishop	Goodno	Knickerbocker	Onnen	Tompkins
Blatz	Gruenes	Koppendraye	Pauly	Uphus
Bodahl	Gutknecht	Krinkie	Pellow	Valento
Boo	Hartle	Leppik	Runbeck	Waltman
Dauids	Haukoos	Limmer	Schafer	Weaver
Dempsey	Heir	Lynch	Schreiber	Welker
Dille	Henry	Macklin	Seaberg	

The motion prevailed.

MOTIONS AND RESOLUTIONS

Johnson, A., moved that the names of Kelso and Lasley be added as authors on H. F. No. 259. The motion prevailed.

Brown moved that the name of Peterson be added as an author on H. F. No. 320. The motion prevailed.

Skoglund moved that his name be stricken as an author on H. F. No. 396. The motion prevailed.

Pelowski moved that the name of Trimble be added as an author on H. F. No. 447. The motion prevailed.

Sparby moved that the name of Dempsey be added as an author on H. F. No. 464. The motion prevailed.

Krueger moved that the name of Bertram be added as an author on H. F. No. 687. The motion prevailed.

Pugh moved that the names of Long and Trimble be added as authors on H. F. No. 749. The motion prevailed.

Macklin moved that the name of Limmer be added as an author on H. F. No. 763. The motion prevailed.

Macklin moved that the name of Limmer be added as an author on H. F. No. 764. The motion prevailed.

Rest moved that the name of Solberg be added as an author on H. F. No. 768. The motion prevailed.

Rodosovich moved that the name of Ostrom be added as an author on H. F. No. 799. The motion prevailed.

Pelowski moved that H. F. No. 262, now on the Technical Consent Calendar, be re-referred to the Committee on Appropriations. The motion prevailed.

Rodosovich moved that H. F. No. 484 be recalled from the Committee on Redistricting and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming. The motion prevailed.

Trimble moved that H. F. No. 755 be recalled from the Committee on General Legislation, Veterans Affairs and Gaming and be re-referred to the Committee on Labor-Management Relations. The motion prevailed.

Welle moved that H. F. No. 593 be recalled from the Committee on Transportation and be re-referred to the Committee on Judiciary. The motion prevailed.

Farrell moved that H. F. No. 410 be returned to its author. The motion prevailed.

Long introduced:

House Concurrent Resolution No. 3, A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, March 18, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, March 18, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

TWENTY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 14, 1991

The Senate met on Thursday, March 14, 1991, which was the Twenty-third Legislative Day of the Seventy-seventh Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

TWENTY-FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 18, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frederick	Kelso	Olsen, S.	Simoneau
Anderson, I.	Frerichs	Kinkel	Olson, E.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, K.	Smith
Anderson, R. H.	Girard	Koppendrayer	Ormann	Solberg
Battaglia	Goodno	Krinkie	Onnen	Sparby
Bauerly	Greenfield	Krueger	Orenstein	Stanius
Beard	Gruenes	Lasley	Orfield	Steensma
Begich	Gutknecht	Leppik	Osthoff	Sviggum
Bertram	Hanson	Lieder	Ostrom	Swenson
Bettermann	Hartle	Limmer	Ozment	Thompson
Bishop	Hasskamp	Long	Pauly	Tompkins
Blatz	Haukoos	Lourey	Pellow	Trimble
Bodahl	Hausman	Lynch	Pelowski	Tunheim
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carison	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejzman
Davids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, S.	Scheid	Winter
Dorn	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kahn	O'Connor	Seaberg	
Farrell	Kalis	Ogren	Segal	

A quorum was present.

Nelson, K., was excused.

The Chief Clerk proceeded to read the Journals of the preceding

days. Segal moved that further reading of the Journals be dispensed with and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 9, A bill for an act relating to education; establishing a legislative commission on children, youth, and their families; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [3.873] [LEGISLATIVE COMMISSION ON CHILDREN, YOUTH, AND THEIR FAMILIES.]

Subdivision 1. [ESTABLISHMENT.] A legislative commission on children, youth, and their families is established to study state policy and legislation affecting children and youth and their families. The commission shall make recommendations about how to ensure and promote the present and future well-being of Minnesota children and youth and their families, including methods for helping state agencies to work together.

Subd. 2. [MEMBERSHIP AND TERMS.] The commission consists of 16 members that reflect a proportionate representation from each party. Eight members from the house shall be appointed by the speaker of the house and eight members from the senate shall be appointed by subcommittee on committees of the committee on rules and administration. The membership must include members of the following committees in the house and the senate: health and human services, governmental operations, education, judiciary, and appropriations or finance. The commission shall have representatives from both rural and metropolitan areas. The terms of the members are for two years beginning on January 1 of each odd-numbered year.

Subd. 3. [OFFICERS.] The commission shall elect a chair and vice-chair from among its members. The chair must alternate biennially between a member of the house and a member of the senate. When the chair is from one body, the vice-chair must be from the other body.

Subd. 4. [STAFF.] The commission may use existing legislative

staff to provide legal counsel, research, fiscal, secretarial, and clerical assistance. The commission must not employ its own staff.

Subd. 5. [ASSISTANCE OF OTHER AGENCIES.] The commission may request information from any state agency or officer to assist the commission in performing its duties. The agency or officer shall promptly furnish any information requested.

Subd. 6. [EXPENSES AND REIMBURSEMENTS.] The per diem and mileage costs of the members of the commission must be reimbursed as provided in section 3.101. The health and human services, governmental operations, education, judiciary, and appropriations or finance committees in the house and the senate shall share equally the responsibility to pay commission members' per diem and mileage costs from their committee budgets.

Subd. 7. [EXPIRATION.] The commission expires on June 30, 1994."

With the recommendation that when so amended the bill pass and be re-referred to the *Committee on Health and Human Services*.

The report was adopted.

Welle from the *Committee on Health and Human Services* to which was referred:

H. F. No. 11, A bill for an act relating to human services; providing for cost-based reimbursement for outpatient services provided by pediatric specialty hospitals to children under age 18 under the medical assistance and general assistance medical care programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Page 1, lines 22 and 23, delete "on or after July 1, 1991"

Page 1, line 25, delete "Once every quarter," and after "shall" insert "annually"

Page 2, delete lines 8 to 11 and insert "The commissioner shall seek federal approval of the cost-based reimbursement payment system. The payment determined under this section must not exceed the maximum payment amount that is eligible for full federal financial participation and must not result in reductions in outpatient reimbursement to hospitals that are not pediatric specialty hospitals."

Page 2, after line 15, insert:

“Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective for services rendered on or after July 1, 1991, or the date federal approval of the new reimbursement system is received, whichever is later.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 33, A bill for an act relating to human services; prohibiting retroactive effect of time limitations for appeals of hospital payment rates and payment rate determinations; amending Minnesota Statutes 1990, section 256.9695, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 8, after “1989” insert “, and which were filed and rejected by the department as untimely as of December 31, 1990””

Page 2, line 29, after “1989” insert “, and which were filed and rejected by the department as untimely as of December 31, 1990””

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 83, A bill for an act relating to natural resources; limiting certain fees charged to towns in connection with town road projects; amending Minnesota Statutes 1990, section 103G.301, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 85, A bill for an act relating to health; authorizing nursing homes with 100 or fewer beds that are located within 75 miles of each other to share an administrator; amending Minnesota Statutes 1990, section 144A.04, subdivision 5.

Reported the same back with the following amendments:

Page 2, after line 15, insert:

“Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 86, A bill for an act relating to children; requiring peace officers executing health and welfare holds to notify parents or custodians of available social services; appropriating money; amending Minnesota Statutes 1990, section 260.165, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 126, A bill for an act relating to highways; designating the Paul Bunyan Expressway from Little Falls through Cass Lake to Bemidji; amending Minnesota Statutes 1990, section 161.14, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 128, A bill for an act relating to water; mandating requirements on certain development; amending Minnesota Statutes 1990, section 103B.3363, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103B.

Reported the same back with the following amendments:

Page 1, line 12, after "No" insert "new"

Page 1, line 16, delete "for" and insert "at or from"

Page 1, after line 17, insert:

"Subd. 2. [EXEMPTIONS.] Linear projects such as sidewalks, paths, trails, or the reconstruction, repair, reconditioning, or resurfacing of existing roads or impervious surfaces are exempt from this section."

Page 1, line 18, delete "2" and insert "3"

Page 1, line 19, delete "other" and insert "more stringent"

Page 1, line 21, delete "3" and insert "4"

Page 1, line 21, delete from "Each" through page 1, line 23, to "detention." and insert "Each water management plan required by sections 103B.201 to 103B.355 must specify controls which utilize the best available technology to minimize off-site stormwater runoff and mosquito development, maximize overland flow and flow distances over vegetated surfaces, increase on-site infiltration, replicate predevelopment hydrologic conditions as nearly as possible, minimize off-site discharge of pollutants to ground and surface water, and encourage natural filtration functions. Plans must further encourage implementation of measures to protect natural wetland values from the impacts of stormwater runoff and consider adoption of best management practices recommended by state and regional agencies at the time the plan or plan amendments are drafted."

Page 1, after line 23, insert:

"Subd. 5. [GUIDELINES.] By January 1, 1992, the board of water and soil resources must develop guidelines to assist local units of government in implementing subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 132, A bill for an act relating to energy; improving energy efficiency by prohibiting incandescent lighting in certain exit signs; amending Minnesota Statutes 1990, sections 16B.61, subdivision 3; and 299F.011, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, after line 26, insert:

“Sec. 3. [ENERGY EFFICIENCY IN BUILDING CODES.]

Subdivision 1. [ENERGY CONSERVATION.] Not later than July 1, 1993, the commissioner of administration, in consultation with the commissioner of public service, must prepare proposed amendments to the Minnesota building code, mechanical code, and electrical code. The amendments must be designed to equal or exceed the most energy-conserving codes adopted by any state. To the extent practicable, the codes must equal or exceed the model conservation standards proposed by the pacific northwest power planning council for climate zones having 8,000 to 10,000 heating degree days.

Subd. 2. [COMMERCIAL HVAC ENERGY EFFICIENCY STANDARDS.] Not later than July 1, 1993, the commissioner of administration must, to the maximum extent not explicitly preempted by federal law or regulation, propose and seek the adoption of codes or standards for commercial heating/ventilation/air-conditioning systems and installations, and lighting equipment and installations, to assure that new and remodeled commercial development in Minnesota is as energy efficient as practicable.”

Page 3, line 27, delete “3” and insert “4”

Page 3, line 28, delete “1996” and insert “1994”

Amend the title as follows:

Page 1, line 4, after the semicolon insert “requiring amendments to building codes and standards to increase energy efficiency;”

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 137, A bill for an act relating to elections; clarifying the method of withdrawal of candidates for constitutional office; authorizing political parties to select a new candidate following withdrawal or death of nominee; providing deadlines for filling vacancies in nominations; allowing substituted gubernatorial candidates to select running mates; amending Minnesota Statutes 1990, sections 204B.12; 204B.13; and 204B.41.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 202A.12, subdivision 3, is amended to read:

Subd. 3. [STATE EXECUTIVE COMMITTEE.] The state executive committee of the party shall have charge of the administration of the party’s affairs, subject to the direction and control of the state convention and the state central committee.

The state executive committee may fill vacancies in nomination for all offices elected statewide. The state executive committee may also determine the proper committee to fill vacancies in nomination for congressional and legislative offices.

Sec. 2. Minnesota Statutes 1990, section 203B.12, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF RETURN ENVELOPES.] Two or more election judges shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. When a supplemental ballot has been prepared under section 204B.41, the election judges must not begin removing ballot envelopes from the return envelopes until 8:00 p.m. on election day or the last mail delivery on election day, whichever is later, either in the polling place or at an absentee ballot board established under section 203B.13.

The election judges shall mark the return envelope “Accepted” and initial or sign the return envelope below the word “Accepted” if the election judges or a majority of them are satisfied that:

(a) the voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot;

(b) the voter is registered and eligible to vote in the precinct or has included a properly completed registration card in the return envelope; and

(c) the voter has not already voted at that election, either in person or by absentee ballot.

The return envelope from accepted ballots must be preserved and returned to the county auditor.

If all or a majority of the election judges examining return envelopes find that an absent voter has failed to meet one of the requirements prescribed in clauses (a) to (c), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor.

Sec. 3. Minnesota Statutes 1990, section 203B.21, subdivision 3, is amended to read:

Subd. 3. [BACK OF RETURN ENVELOPE.] On the back of the return envelope an affidavit form shall appear with space for:

(a) The voter's address of present or former residence in Minnesota;

(b) A statement indicating the category described in section 203B.16 to which the voter belongs;

(c) A statement that the voter has not cast and will not cast another absentee ballot in the same election or elections;

(d) A statement that the voter personally marked the ballots without showing them to anyone, or if physically unable to mark them, that the voter directed another individual to mark them; and

(e) The voter's military identification card number, passport number, or, if the voter does not have a valid passport or identification card, the signature and certification of an individual authorized to administer oaths or a commissioned or noncommissioned officer of the military not below the rank of sergeant or its equivalent.

Sec. 4. Minnesota Statutes 1990, section 204B.12, is amended to read:

204B.12 [WITHDRAWAL OF CANDIDATES.]

Subdivision 1. [BEFORE PRIMARY; ALL CANDIDATES.] A candidate may withdraw from the primary ballot by filing an affidavit of withdrawal with the same official who received the affidavit of candidacy. The affidavit shall request that official to withdraw the candidate's name from the ballot ~~and shall be filed on.~~ The official shall not accept an affidavit of withdrawal under this subdivision later than three days after the last day for filing for the office.

Subd. 2a. [AFTER PRIMARY; CANDIDATES FOR CONSTITUTIONAL OFFICE.] A candidate for a constitutional office may withdraw from the general election ballot by filing an affidavit of withdrawal with the same official who received the affidavit of candidacy. The affidavit shall request that official to withdraw the candidate's name from the ballot. The official shall not accept an affidavit of withdrawal under this subdivision later than 15 days following the primary election.

Subd. 3. [TIME FOR FILING.] An affidavit of withdrawal filed pursuant to subdivision 1 under this section shall not be accepted later than 5:00 p.m. on the last day for withdrawal.

Subd. 4. [GOVERNOR'S RACE.] If a candidate for governor withdraws, the secretary of state shall remove from the ballot the name of the candidate for governor and the name of that candidate's running mate for lieutenant governor.

Sec. 5. Minnesota Statutes 1990, section 204B.13, is amended to read:

204B.13 [VACANCY IN NOMINATION.]

Subdivision 1. [DEATH OR WITHDRAWAL.] A vacancy in nomination that occurs no later than 15 days following the primary election may be filled in the manner provided by subdivisions 1 to 5 of this section. A vacancy in nomination exists when:

(a) A major political party candidate or nonpartisan candidate who was nominated at a primary dies, withdraws under section 204B.12, or for any other reason ceases to be the nominated candidate for that office; or

(b) A candidate for a nonpartisan office, for which one or two candidates filed, dies ~~or~~, withdraws ~~after the last day for filing for that office under section 204B.12, or for any other reason ceases to be a candidate for that office.~~

Subd. 2. [PARTISAN OFFICE; NOMINATION BY PARTY COMMITTEE.] (a) A major political party is authorized to fill a vacancy in nomination of a major political party may be filled resulting from

the withdrawal or death of the party's nominee. The party may exercise its authority by filing a nomination certificate not later than four days before the general election with the same official who received the affidavits of candidacy for that office within one week after the vacancy in nomination occurs.

(b) The nomination certificate shall be prepared under the direction of and executed by the chair and secretary of the proper committee of that political party. The chair and secretary when filing the certificate shall attach an affidavit stating that the newly nominated candidate has been selected by that committee and that the individuals signing the certificate and making the affidavit are the chair and secretary of the committee.

Subd. 3. [~~PARTISAN NONPARTISAN OFFICE; NOMINATION OF NEXT HIGHEST CANDIDATE.~~] If there is no committee to fill a vacancy in nomination of a major political party as provided in subdivision 2, the vacancy shall be filled by the candidate who received the next highest number of votes at the primary for that office among candidates of that party. If a vacancy in nomination occurs in a nonpartisan office, the unnominated candidate who received the next highest number of votes at the primary for the office shall fill the vacancy.

Subd. 4. [~~PARTISAN OR NONPARTISAN OFFICE; FILLING VACANCY BY NOMINATING PETITIONS.~~] If a vacancy in nomination in a nonpartisan office cannot be filled pursuant to under subdivision 2 or 3, the vacancy may be filled by nominating petition in the manner provided in sections 204B.06 to 204B.09. The petition shall be filed within one week after the vacancy in nomination occurs, but not later than four calendar days before the election.

An eligible voter is eligible to sign a nominating petition to fill a vacancy in nomination without regard to whether that eligible voter intends to vote or did vote for any candidate for that office at the primary or signed other nominating petitions for candidates for that office.

Subd. 5. [~~CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR.~~] If a vacancy in nomination occurs in the race for governor, the candidate for governor determined under this section shall select the candidate for lieutenant governor. If a vacancy in nomination occurs in the race for lieutenant governor, the candidate for governor shall select the candidate for lieutenant governor.

Subd. 6. [~~VACANCY AFTER DEADLINE.~~] If a vacancy in nomination occurs later than 15 days following the primary election, the secretary of state shall instruct the election judges to remove the name of the withdrawn candidate from the general election ballot. Vacancies occurring through death are governed by section 204B.41.

Sec. 6. Minnesota Statutes 1990, section 204B.41, is amended to read:

204B.41 | VACANCY IN NOMINATION; CHANGING BALLOTS. |

When a vacancy in nomination is filled pursuant to section ~~204B.13~~, occurs through the death of a candidate after the ballots have been printed, the officer in charge of preparing the ballots shall prepare and distribute a sufficient number of separate paper ballots which shall be headed with the words "OFFICIAL SUPPLEMENTAL BALLOT." This ballot shall contain the title of the office for which the vacancy in nomination has been filled and the names of all the candidates nominated for that office. The ballot shall conform to the provisions governing the printing of other official ballots as far as practicable. The title of the office and the names of the candidates for that office shall be blotted out or stricken from the regular ballots by the election judges. The official supplemental ballot shall be given to each voter when the voter is given the regular ballot or is directed to the voting machine. Regular ballots shall not be changed nor shall official supplemental ballots be prepared as provided in this section during the three calendar days before an election. Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same manner as if the vacancy had not occurred. Official supplemental ballots shall not be mailed to absent voters to whom ballots were mailed before the official supplemental ballots were prepared.

Sec. 7. Minnesota Statutes 1990, section 204C.22, is amended by adding a subdivision to read:

Subd. 4a. [WRITE-IN VOTE FOR CANDIDATE TEAM.] A write-in vote cast for a candidate for governor without a write-in vote for a candidate for lieutenant governor clearly indicates the intent of the voter and shall be counted as a vote for the candidate team including the lieutenant governor candidate selected by that candidate for governor."

Delete the title and insert:

"A bill for an act relating to elections; authorizing a party state executive committee to fill certain vacancies and make certain decisions; changing time for examination by judges of certain return envelopes; changing the form of an affidavit; clarifying procedures for nominating certain candidates by petition; providing for withdrawal from the general election ballot; clarifying procedures for filling certain vacancies; providing for counting write-in votes for a candidate team; amending Minnesota Statutes 1990, sections 202A.12, subdivision 3; 203B.12, subdivision 2; 203B.21, subdivi-

sion 3; 204B.12; 204B.13; 204B.41; and 204C.22, by adding a subdivision.”

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 230, A bill for an act relating to education; permitting a referendum on combining school districts before formal cooperation begins; amending Minnesota Statutes 1990, section 122.243, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [COMBINATION VOTE, ELGIN-MILLVILLE AND PLAINVIEW.]

Notwithstanding Minnesota Statutes, section 122.241, subdivision 1, independent school district No. 806, Elgin-Millville, and independent school district No. 810, Plainview, may combine under sections 122.241 to 122.248 without first cooperating. These districts may submit the referendum required in section 122.243, subdivision 2, to the voters no more than 18 months prior to the proposed effective date of the combination. The referendum may include a proposal to issue general obligation bonds for capital expenditures.

The following provisions apply to these districts:

(a) The plan submitted under Minnesota Statutes, section 122.242, subdivision 9, must include the proposed capital expenditures for the construction, remodeling, or improvement of buildings or sites for educational facilities and the methods, including but not limited to the issuance of general education bonds by the combined district, to finance those expenditures;

(b) State board approval of the plan specified in Minnesota Statutes, section 122.243, subdivision 1, must be in conjunction with the commissioner’s approval of the proposed construction required by sections 121.148 and 121.15; and

(c) The question on the ballot must be substantially in the following form:

“Should independent school district No. 806, Elgin-Millville, and independent school district No. 810, Plainview, be combined into a new independent school district in accordance with a state approved plan for combination with the new district being authorized to issue and sell its general obligation bonds in an amount not to exceed \$..... to finance the acquisition and betterment of school buildings?”

Yes
No”

Sec. 2. [GENERAL OBLIGATION BONDS.]

Notwithstanding the provisions of Minnesota Statutes, section 475.58, if a referendum in section 1 including the proposal to issue general obligation bonds is approved, the combined district is authorized to issue general obligation bonds in an amount not to exceed the amount approved.

Sec. 3. [REVENUE.]

If independent school district No. 806, Elgin-Millville, and independent school district No. 810, Plainview, combine according to this act, cooperation and combination revenue is governed by this section.

(a) The cooperation and combination revenue provided in Minnesota Statutes, section 124.2725, must be provided over the first four years of combination. The percentage used to determine the levy in section 124.2725, subdivision 3, is:

- (1) 100 percent for the first year of combination;
- (2) 75 percent for the second year of combination;
- (3) 50 percent for the third year of combination; and
- (4) 25 percent for the fourth year of combination.

(b) The additional aid provided in Minnesota Statutes, section 124.2725, subdivision 6, must be provided in the first two years of combination.

(c) The permanent revenue provided in Minnesota Statutes, section 124.2725, subdivision 8, is available after the fourth year of combination.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following the final enactment.”

Delete the title and insert:

“A bill for an act relating to education; permitting a referendum on combining certain school districts before formal cooperation begins.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 233, A bill for an act relating to mental health; authorizing competent persons to make advance declarations regarding mental health treatment; amending Minnesota Statutes 1990, section 253B.03.

Reported the same back with the following amendments:

Page 4, line 15, delete “patient” and insert “person admitted or committed to a treatment facility”

Page 4, line 16, delete “the patient’s” and insert “that person’s”

Page 4, line 19, delete “patient” and insert “person” and delete “directive” and insert “declaration”

Page 4, line 21, delete “shall” and insert “must”

Page 4, line 33, delete “directive” and insert “declaration”

Page 4, line 34, delete “such” and insert “the” and after “treatment” insert “or authorizing a proxy to request the treatment”

Page 5, line 1, delete “directive” and insert “declaration”

Page 6, line 5, before “A” insert “(a)”

Page 6, line 10, before “A” insert “(b)”

Page 6, line 16, before “A” insert “(c)”

Page 6, line 24, after “all” insert “intrusive”

Page 6, line 25, after the period insert “No treatment provider may require that a person make a declaration under this subdivision as a condition of receiving services.”

Page 6, line 26, before “The” insert “(d)”

Page 7, line 5, before “A” insert “(e)”

Page 7, after line 11, insert:

“(f) A provider who administers intrusive mental health treatment according to and in good faith reliance upon the validity of a declaration under this subdivision is held harmless from any liability resulting from a subsequent finding of invalidity.

“(g) In addition to making a declaration under this subdivision, a competent adult may delegate parental powers under section 524.5-505 or may nominate a guardian or conservator under section 525.544.”

Page 8, after line 15, insert:

“Sec. 2. Minnesota Statutes 1990, section 253B.18, subdivision 4b, is amended to read:

Subd. 4b. [PASS-ELIGIBLE STATUS; NOTIFICATION.] The following patients committed to the Minnesota security hospital shall not be placed on pass-eligible status unless that status has been approved by the medical director of the Minnesota security hospital:

(a) a patient who has been committed as mentally ill and dangerous and who

(1) was found incompetent to proceed to trial for a felony or was found not guilty by reason of mental illness of a felony immediately prior to the filing of the commitment petition;

(2) was convicted of a felony immediately prior to or during commitment as mentally ill and dangerous; or

(3) is subject to a commitment to the commissioner of corrections; and

(b) a patient who has been committed as a psychopathic personality, as defined in section 526.09.

At least ten days prior to a determination on the status, the medical director shall notify the committing court, the county attorney of the county of commitment, the designated agency, an interested person, the petitioner, and the petitioner's counsel of the

proposed status, and their right to request review by the special review board. If within ten days of receiving notice any notified person requests review by filing a notice of objection with the commissioner and the head of the treatment facility, a hearing shall be held before the special review board. The proposed status shall not be implemented unless it receives a favorable recommendation by a majority of the board and approval by the commissioner. The order of the commissioner is appealable as provided in section 253B.19.

Nothing in this subdivision shall be construed to give a patient an affirmative right to seek pass-eligible status from the special review board.

Sec. 3. Minnesota Statutes 1990, section 253B.18, subdivision 5, is amended to read:

Subd. 5. [PETITION; NOTICE OF HEARING; ATTENDANCE; ORDER.] A petition for an order of transfer, discharge, provisional discharge, or revocation of provisional discharge shall be filed with the commissioner and may be filed by the patient or by the head of the treatment facility. The special review board shall hold a hearing on each petition prior to making any recommendation. Within 45 days of the filing of the petition, the committing court, the county attorney of the county of commitment, the designated agency, an interested person, the petitioner and petitioner's counsel shall be given written notice by the commissioner of the time and place of the hearing before the special review board. Only those entitled to statutory notice of the hearing or those administratively required to attend may be present at the hearing. The commissioner shall issue an order no later than 14 days after receiving the recommendation of the special review board. A copy of the order shall be sent by certified mail to every person entitled to statutory notice of the hearing within five days after it is issued. No order by the commissioner shall be effective sooner than 15 days after it is issued.

Sec. 4. Minnesota Statutes 1990, section 253B.19, subdivision 2, is amended to read:

Subd. 2. [PETITION; HEARING.] The committed person or the county attorney of the county from which a patient as mentally ill and dangerous to the public was committed may petition the appeal panel for a rehearing and reconsideration of a decision by the commissioner. The petition shall be filed with the supreme court within 30 days after the decision of the commissioner. The supreme court shall refer the petition to the chief judge of the appeal panel. The chief judge shall notify the patient, the county attorney of the county of commitment, the designated agency, the commissioner, the head of the treatment facility, any interested person, and other persons the chief judge designates, of the time and place of the hearing on the petition. The notice shall be given at least 14 days

prior to the date of the hearing. The hearing shall be within 45 days of the filing of the petition. Any person may oppose the petition. The appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, patient's counsel, and the county attorney of the committing county may be present and present and cross-examine all witnesses."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "requiring certain notices to be given to the designated agency;"

Page 1, line 5, delete "section 253B.03" and insert "sections 253B.03; 253B.18, subdivisions 4b and 5; and 253B.19, subdivision 2"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 234, A bill for an act relating to insurance; medical expense benefits; including language translation services as medical expense benefits for insurance; amending Minnesota Statutes 1990, section 65B.44, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 13, before "language" insert "foreign" and after the second comma insert "sign language interpreters,"

Page 1, line 24, after the period insert "Language translation and interpretation benefits are limited to expenses incurred by a nonfatally injured person in connection with medical treatment and rehabilitation, if the foreign language translation is obtained from a third party vendor, community organization or institution, and do not include language translation or interpretation services provided by medical providers or their staff or family members of the insured. Language translation and interpretation benefits are further limited to a maximum of \$15 per hour. Language translation and interpretation benefits for any care other than emergency care and diagnostic care is further limited to a maximum of \$60 per week,

and for a maximum period not to exceed 13 weeks from the date of first treatment by a medical provider.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 303, A bill for an act relating to waste management; making changes to state and local government responsibility and authority for waste management; placing emphasis on waste reduction and recycling; adjusting waste facility siting processes; amending Minnesota Statutes 1990, sections 3.887, subdivision 5; 16B.122, subdivision 2; 16B.61, subdivision 3a; 115A.02; 115A.03, subdivision 17a; 115A.06, subdivision 2; 115A.14, subdivision 4; 115A.15, subdivisions 7 and 9; 115A.151; 115A.411, subdivision 1; 115A.46, subdivision 1, and by adding a subdivision; 115A.49; 115A.53; 115A.551, subdivisions 1 and 4; 115A.552, subdivisions 1, 2, and by adding a subdivision; 115A.554; 115A.557, subdivision 4; 115A.64, subdivision 2; 115A.67; 115A.83; 115A.84, subdivision 2; 115A.86, subdivision 5, and by adding a subdivision; 115A.882; 115A.9162, subdivision 2; 115A.919; 115A.923, subdivisions 1 and 1a; 115A.931; 115A.94, subdivision 4; 115A.9561; 115A.96, subdivision 6; 115B.04, subdivision 4; 115B.22, subdivision 8; 116.07, subdivision 4j; 325E.042, subdivision 2; 325E.115, subdivision 1; 325E.1151, subdivision 3; 400.08, subdivision 1; 473.803, subdivisions 2 and 3; 473.811, subdivisions 1, 3, and 5; 473.823, subdivision 5; 473.845, subdivision 4; 473.848, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 115A; 325E; and 473; repealing Minnesota Statutes 1990, sections 325E.045; and 473.844, subdivision 3; Laws 1989, chapter 325, section 72, subdivision 2.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 3, line 14, delete the first comma and insert “and”

Page 3, lines 14 to 15, delete “, and other organic waste separate from solid waste”

Page 4, line 1, strike the comma and insert “and” and reinstate the stricken language

Page 4, line 2, reinstate everything before the stricken comma

Page 12, line 23, delete "section 26" and insert "115A.715"

Page 17, line 21, after "waste" insert "in a county in which a designation ordinance is in effect"

Page 17, line 22, delete "each truck load of"

Page 17, line 23, delete everything after the period and insert "Each day, a record of the origin, type, and weight of the waste collected that day and the identity of the waste facility at which that day's collected waste is deposited must be kept on the waste collection vehicle. If the waste is measured by volume at the waste facility at which it is deposited, the record may show the volume rather than the weight of the waste."

The owner or operator of a solid waste facility shall maintain records regarding the weight of the waste, unless the waste is measured by volume, in which case, the volume of the waste, the general type or types of waste, and the origin of the waste delivered to the facility and the date of delivery."

Page 17, delete lines 24 to 26

Page 17, line 28, strike "upon"

Page 17, lines 29 to 35, strike the old language and delete the new language

Page 17, line 36, delete the new language and strike the period and insert "anywhere in the state:"

(1) upon presentation of identification and without a search warrant, inspect or copy the records required to be kept on a waste collection vehicle under subdivision 2 and inspect the waste on the vehicle while the vehicle is in transit or at the time of deposit of the waste at a facility;

(2) upon presentation of identification and without a search warrant, inspect or copy the records of an owner or operator of a solid waste facility that are required to be maintained under subdivision 2;

(3) request, in writing, copies of records of a solid waste collector that indicate the type, origin, and weight or, if applicable, the volume of waste collected, the identity of the facility at which the waste was deposited, and the date of deposit at the facility; and

(4) upon presentation of identification and without a search warrant, inspect or copy that portion of the business records of a waste collector necessary to comply with clause (3) at the central

record-keeping location of the waste collector only if the collector fails to provide copies of records within 15 days of receipt of a written request for them.

Records or information received, inspected, or copied by a county under this section are classified as nonpublic data as defined in section 13.02, subdivision 9, and may be used by the county solely for enforcement of a designation ordinance. Nothing in this section requires a waste collector or the owner or operator of a waste facility to maintain business records needed to comply with this section for a period of time beyond that necessary for tax purposes."

Page 20, after line 8, insert:

"Sec. 35. [115A.929] [FEES; ACCOUNTING.]

Each local government unit that collects a fee under section 115A.919, 115A.921, or 115A.923 shall account for all revenue collected from the fee, together with interest earned on the revenue from the fee, separately from other revenue collected by the local government unit and shall report revenue collected from the fee separately from other revenue in any required financial report or audit."

Page 22, after line 26, insert:

"To the extent practicable, the costs incurred by a city or town under this section must be incorporated into the collection system or the enforcement mechanisms adopted under this section by the city or town."

Page 25, line 33, delete "and"

Page 25, line 35, reinstate the stricken language and delete the period

Page 25, line 36, reinstate everything before the comma

Page 26, line 7, after the stricken language insert "in accordance with section 325E.1151."

Page 26, line 32, before the period insert "or shall arrange for collection, without charge to customers, of used major appliances of the type sold by the retailer. A retailer must accept from a customer one major appliance for each major appliance sold. A retailer may contract with a county that provides for management of used major appliances for delivery to the county's collection system of the used appliances accepted by the retailer"

Page 26, line 36, before the period insert “or shall arrange for collection from customers of used major appliances of the type sold by the wholesaler”

Page 28, delete section 52

Page 31, line 21, delete “11” and insert “115A.31”

Page 34, delete lines 18 and 19 and insert:

“Sections 1, 5, 7, 10, 12, 16, 21, 27 to 29, 31, 38, 41, 45, 49, 51, and 52 are effective the day following final enactment.”

Page 34, after line 22, insert:

“Sec. 60. [APPLICATION.]

Section 10 applies to applications or requests received by a local government unit on or after the effective date of that section.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything before “16B.122,”

Page 1, line 24, delete “subdivisions 2 and 3;” and insert “subdivision 2;”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 307, A bill for an act relating to horse racing; increasing per diem rate for members of the racing commission; requiring that pari-mutuel clerks at county fairs be licensed; specifying apportionment and uses of the Minnesota breeders' fund; specifying person who may supervise administration of certain medications; reducing state tax withholding on pari-mutuel winnings; amending Minnesota Statutes 1990, sections 240.02, subdivision 3; 240.09, subdivision 2; 240.18; 240.24, subdivision 2; and 290.92, subdivision 27.

Reported the same back with the following amendments:

Page 5, line 17, delete everything before "Sections" and delete "2" and insert "1"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 326, A bill for an act relating to elections; providing for time off to vote in primaries; amending Minnesota Statutes 1990, section 204C.04.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 331, A bill for an act relating to education; permitting education districts and districts operating under joint powers agreements to conduct meetings via interactive television; amending Minnesota Statutes 1990, sections 122.92, subdivision 1; and 471.59, subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1990, section 136C.61, subdivision 7, is amended to read:

Subd. 7. [MEETINGS.] Notwithstanding any law to the contrary, the joint board may hold meetings at any location convenient to the member districts and the public, whether or not that meeting site is located within the boundaries of a member district. The joint board may conduct public meetings via interactive television if the board complies with section 471.705 in each location where board members are present. The joint board shall establish and maintain a schedule of the time and place of its meetings and shall give notice

of regular and special meetings in the same manner as required for other public bodies.”

Page 2, line 16, delete “and 2” and insert “to 3”

Renumber the sections in sequence

Amend the title accordingly

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 398, A bill for an act relating to elections; providing for high school students 16 years old or more to act as election judges; clarifying the right to take time off from work without penalty to serve as an election judge; amending Minnesota Statutes 1990, sections 204B.19, subdivision 1, and by adding a subdivision; and 204B.195.

Reported the same back with the following amendments:

Page 1, line 27, before “A” insert “Notwithstanding any other requirements of this section,”

Page 2, line 2, after “a” insert “without party affiliation”

Page 2, line 4, delete “all other” and after “for” insert “trainee” and after “in” insert “rules of the secretary of state”

Page 2, line 5, delete “this section”

Page 2, line 8, after “request” insert “signed and approved by the student’s parent or guardian”

Page 2, line 12, after the period insert “Students shall not serve as trainee election judges after 8:00 p.m. Notwithstanding section 177.24 to the contrary, trainee election judges may be paid not less than two-thirds of the minimum wage for a large employer.”

Page 2, line 13, after “on” insert “acceptable academic performance and”

Page 2, line 14, after "must" insert "have completed or" and delete "Minnesota"

Page 2, after line 36, insert:

"Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 434, A bill for an act relating to economic development; providing comprehensive information to potential developers of ethanol plants; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 465, A bill for an act relating to public safety; providing for wheelchair securement devices in transit buses for transporting disabled people; amending Minnesota Statutes 1990, sections 299A.11; and 299A.12, subdivision 1, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 299A.11, is amended to read:

299A.11 [VEHICLES TRANSPORTING WHEELCHAIR USERS; DEFINITIONS.]

The following terms have the definitions given them for the purposes of sections 299A.11 to 299A.18:

(a) "Wheelchair securement device" or "securement device" means an apparatus installed in a transit vehicle or other motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle and preventing movement of that wheelchair while the vehicle is in motion.

(b) "Operator" means any person, firm, partnership, corporation, service club, public or private agency, city, town or county. Section 299A.15 does not apply to any school bus as defined in section 169.01, subdivision 6.

(c) "Transportation service" means the transportation by motor vehicle, other than a school bus manufactured before January 1, 1988, of any sick, injured, invalid, incapacitated, or handicapped individual while occupying a wheelchair, which transportation is offered or provided by any operator to the public or to its employees or in connection with any other service offered by the operator including schooling or nursing home, convalescent or child care services.

(d) "Transit vehicle" means a bus that is not a school bus as defined in section 169.01, subdivision 6, with a gross vehicle weight rating greater than 15,000 pounds.

Sec. 2. Minnesota Statutes 1990, section 299A.12, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS.] Except as provided in subdivision 4, any vehicle used by an operator to provide transportation service shall be equipped with wheelchair securement devices which are approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2. A wheelchair securement device shall prevent any forward, backward, or lateral movement of an occupied wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking, and shall attach to the frame of the wheelchair without damaging it. Wheelchair securement devices installed in any vehicle shall be maintained in working order.

Sec. 3. Minnesota Statutes 1990, section 299A.12, is amended by adding a subdivision to read:

Subd. 4. [TRANSIT VEHICLES; RULES.] A transit vehicle used to provide transportation services may be equipped with wheelchair securement devices that may be engaged and released by the user or the user's assistant. The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices.

Sec. 4. Minnesota Statutes 1990, section 299A.14, subdivision 3, is amended to read:

Subd. 3. The inspection shall be made to determine that the vehicle complies with the provisions of sections 299A.12, ~~subdivision subdivisions 1 and 4~~, and 299A.13, subdivision 1; that the securement device is in working order; and that the securement device is not in need of obvious repair. The inspection may include testing the use of a securement device while the vehicle is in motion.”

Delete the title and insert:

“A bill for an act relating to public safety; providing for wheelchair securement devices in transit vehicles for transporting disabled people; amending Minnesota Statutes 1990, sections 299A.11; 299A.12, subdivision 1, and by adding a subdivision; and 299A.14, subdivision 3.”

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 595, A bill for an act relating to education; providing for joinder with and withdrawal from education districts in certain cases; amending Minnesota Statutes 1990, section 122.91, subdivision 5.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 616, A bill for an act relating to veterans; clarifying rulemaking authority of the veterans homes board; changing language concerning payment of arrearages by veterans home residents; correcting certain references; amending Minnesota Statutes 1990, sections 198.003; 198.005; 198.03, subdivision 3; and 198.35.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 631, A bill for an act relating to education; allowing the Mankato school district to conduct a referendum before November 1991.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 633, A bill for an act relating to watercraft; regulating the use and operation of personal watercraft; amending Minnesota Statutes 1990, section 86B.005, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 86B.

Reported the same back with the following amendments:

Page 2, line 4, delete "6:00 p.m." and insert "sunset"

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 752, A bill for an act relating to education; providing for school consolidation in certain circumstances.

Reported the same back with the following amendments:

Page 1, line 9, delete the third "the" and insert "a 1991"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

S. F. No. 148, A bill for an act relating to human services; case management of persons with mental retardation or related conditions; authorizing alternative methods for delivery of services; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

S. F. No. 393, A bill for an act relating to state lands; authorizing commissioner of administration to return land to a veterans organization who had originally donated the land for purposes of a state veterans cemetery.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 85, 126, 128, 132, 137, 234, 326, 331, 398, 465, 595, 616, 633 and 752 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 148 and 393 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Johnson, A.; Jefferson; Rukavina and Stanius introduced:

H. F. No. 877, A bill for an act relating to game and fish; authorizing the commissioner to establish special seasons for persons with a physical disability to take game with firearms and by archery; proposing coding for new law in Minnesota Statutes, chapter 97B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rodosovich, Murphy, Dawkins and Gutknecht introduced:

H. F. No. 878, A bill for an act relating to utilities; authorizing regulation of municipalities, cooperative associations, and other persons or organizations that provide utility service to residential customers for residential heating purposes; providing for regulation under the cold weather disconnection and energy conservation laws; amending Minnesota Statutes 1990, sections 216B.02, subdivision 4; and 216B.241, subdivision 1.

The bill was read for the first time and referred to the Committee on Energy.

Clark and Mariani introduced:

H. F. No. 879, A resolution memorializing the Secretary of Housing and Urban Development to suspend further use or consideration of the master agreement and new lease agreement for HUD acquired single-family properties for use by the homeless and to develop a lease that assists homeless persons to become homeowners through rental agreements.

The bill was read for the first time and referred to the Committee on Housing.

Trimble and Hausman introduced:

H. F. No. 880, A bill for an act relating to taxation; sales tax; imposing the tax on ditching and draining services; providing for use of revenue from the tax; amending Minnesota Statutes 1990, sections 297A.01, subdivision 3; and 297A.44, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Peterson; Welker; Brown; Anderson, R., and Bishop introduced:

H. F. No. 881, A bill for an act relating to natural resources; prohibiting a fee for certain goose permits.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Blatz, Pugh, Wagenius, Seaberg and Vellenga introduced:

H. F. No. 882, A bill for an act relating to traffic regulations; increasing criminal and civil penalties for littering; amending Minnesota Statutes 1990, sections 169.42, subdivision 5; and 169.421, subdivision 4.

The bill was read for the first time and referred to the Committee on Transportation.

Osthoff, Rice, Pellow, McGuire and Scheid introduced:

H. F. No. 883, A bill for an act relating to the state agricultural society; providing some building and contracting exceptions; regulating real estate transactions; amending Minnesota Statutes 1990, sections 37.02 and 37.19.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Hausman, Orfield, Trimble, Mariani and Dawkins introduced:

H. F. No. 884, A bill for an act relating to energy; generation of electrical energy; prohibiting the issuance of certificates of need for new nuclear generating plants until the public utilities commission is satisfied that a safe method is available for the permanent disposal of nuclear waste; proposing coding for new law in Minnesota Statutes, chapter 216B.

The bill was read for the first time and referred to the Committee on Energy.

Nelson, K., introduced:

H. F. No. 885, A bill for an act relating to education; making

education policy changes that do not require undedicated appropriations; amending Minnesota Statutes 1990, sections 121.88, subdivision 10; 124.26, subdivisions 1b, 1c, and 2; 124.261; 125.231; 126.22, subdivisions 2, 3, and 4; 141.25, subdivision 8; and 141.26, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 121 and 125.

The bill was read for the first time and referred to the Committee on Education.

O'Connor; Hausman; Johnson, R.; Reding and Osthoff introduced:

H. F. No. 886, A bill for an act relating to retirement; authorizing investment related postretirement adjustments for eligible members of the St. Paul police and firefighters relief associations; amending Minnesota Statutes 1990, sections 69.031, subdivision 5; 69.77, subdivision 2b; 356.216; and 423A.01, subdivision 2; and Laws 1989, chapter 319, article 19, sections 6 and 7, subdivisions 1, and 4, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding; Vanasek; Johnson, V.; Sparby and Sarna introduced:

H. F. No. 887, A bill for an act relating to game and fish; setting conditions under which a hunter may take two deer; amending Minnesota Statutes 1990, section 97B.301, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Clark, Carruthers, Kelso, Bodahl and Swenson introduced:

H. F. No. 888, A bill for an act relating to human services; adjusting requirements for parental contributions for the costs of certain services to children; amending Minnesota Statutes 1990, section 252.27, subdivisions 2 and 2a.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Girard, Cooper, Bettermann, Lieder and Johnson, V., introduced:

H. F. No. 889, A bill for an act relating to local government; changing terms of authority to borrow money for certain purposes; amending Minnesota Statutes 1990, section 465.73.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Rukavina, Hausman, Ozment and Davids introduced:

H. F. No. 890, A bill for an act relating to solid waste; setting supplementary recycling goals for counties; requiring mandatory participation in recycling programs in cities with 5,000 or more population; prohibiting the use of lead, cadmium, mercury, and chromium in packaging material, dye, paint, and fungicides; setting a date certain for cities to require licenses and volume or weight-based fees for solid waste collection; placing a five-year moratorium on new solid waste incinerators; amending Minnesota Statutes 1990, sections 115A.551, by adding a subdivision; 115A.93, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Orenstein, Pugh, Mariani, Carruthers and Macklin introduced:

H. F. No. 891, A bill for an act relating to the collection and dissemination of data; classifying county coroner and medical examiner data; amending Minnesota Statutes 1990, section 13.83, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Hausman, Greenfield, Cooper, Welle and Osthoff introduced:

H. F. No. 892, A bill for an act relating to human services; establishing a grant program for living-at-home/block nurse programs to enable senior citizens to remain at home; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Olson, K.; Hausman and Garcia introduced:

H. F. No. 893, A bill for an act relating to insurance; exempting educational cooperative service unit self-insurance pools from certain requirements; amending Minnesota Statutes 1990, section 471.982, subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Uphus, Omann, Bertram and Dille introduced:

H. F. No. 894, A bill for an act relating to local government; permitting officers to contract for certain services; amending Minnesota Statutes 1990, section 471.88, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Uphus and Bertram introduced:

H. F. No. 895, A bill for an act relating to commerce; providing that credit agreements need not be signed by the creditor in certain situations; amending Minnesota Statutes 1990, section 513.33, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce.

Anderson, I.; Wenzel; Sarna; Battaglia and Begich introduced:

H. F. No. 896, A bill for an act relating to game and fish; authorizing resident husband and wife deer licenses; setting the fee; amending Minnesota Statutes 1990, section 97A.475, subdivision 2; and 97B.301, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jefferson, Simoneau, Kahn, Long and Sarna introduced:

H. F. No. 897, A bill for an act relating to retirement; Minneapolis municipal employees; changing interest and salary assumptions and the target date for amortization of unfunded liabilities; providing for certain postretirement adjustments; providing for certain optional annuities; increasing survivor benefits; amending Minnesota Statutes 1990, sections 356.215, subdivisions 4d and 4g; 422A.101; 422A.17; and 422A.23, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 356.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jefferson, Simoneau, Kahn, Long and Sarna introduced:

H. F. No. 898, A bill for an act relating to retirement; Minneapolis municipal employees; changing interest and salary assumptions and the target date for amortization of unfunded liabilities; providing for certain postretirement adjustments; providing for certain optional annuities; increasing survivor benefits; amending Minnesota Statutes 1990, sections 356.215, subdivisions 4d and 4g; 422A.101; 422A.17; and 422A.23, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 356.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Hufnagle, Koppendrayner, Erhardt and Newinski introduced:

H. F. No. 899, A bill for an act relating to trade practices; prohibiting charges for certain telephone services incurred by minors; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Hufnagle introduced:

H. F. No. 900, A bill for an act relating to health; establishing an exception to the moratorium on licensing of nursing home beds; amending Minnesota Statutes 1990, section 144A.071, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Hufnagle, Kelso and Macklin introduced:

H. F. No. 901, A bill for an act relating to appropriations; appropriating money to upgrade a segment of county state-aid highway 18 in Hennepin county.

The bill was read for the first time and referred to the Committee on Transportation.

Frederick introduced:

H. F. No. 902, A bill for an act relating to taxation; sales and use; exempting materials used and consumed in the production of certain

taxable services; amending Minnesota Statutes 1990, section 297A.25, subdivision 9.

The bill was read for the first time and referred to the Committee on Taxes.

Uphus and Dille introduced:

H. F. No. 903, A bill for an act relating to taxation; income; allowing a deduction for self-employed health insurance; amending Minnesota Statutes 1990, section 290.01, subdivision 19b.

The bill was read for the first time and referred to the Committee on Taxes.

Uphus introduced:

H. F. No. 904, A bill for an act relating to health; creating an exception to the nursing home moratorium; amending Minnesota Statutes 1990, section 144A.071, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Reding and Johnson, V., introduced:

H. F. No. 905, A bill for an act relating to game and fish; prohibiting designation of experimental waters in specified counties; amending Minnesota Statutes 1990, section 97C.001, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Uphus and Omann introduced:

H. F. No. 906, A bill for an act relating to animal health; providing alternative methods for the disposal of certain animal carcasses; amending Minnesota Statutes 1990, section 35.82, subdivisions 1b and 2.

The bill was read for the first time and referred to the Committee on Agriculture.

Krueger introduced:

H. F. No. 907, A bill for an act relating to economic development; changing the name and primary focus of the Greater Minnesota Corporation; amending Minnesota Statutes 1990, section 116O.05, subdivision 2.

The bill was read for the first time and referred to the Committee on Economic Development.

Trimble, Murphy, Dawkins and Hasskamp introduced:

H. F. No. 908, A bill for an act relating to energy; encouraging energy conservation improvements; requiring that one-half of the money spent on residential energy conservation programs directly address the needs of renters and low-income families; amending Minnesota Statutes 1990, section 216B.241, subdivision 2.

The bill was read for the first time and referred to the Committee on Energy.

Trimble, Murphy, Dawkins and Hasskamp introduced:

H. F. No. 909, A bill for an act relating to energy; creating an advisory task force on low-income energy assistance to establish an energy assistance foundation; providing for a start-up fund from unclaimed deposits; authorizing the department of human services to adopt rules; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Energy.

Bodahl, Murphy, Dawkins, Hasskamp and Girard introduced:

H. F. No. 910, A bill for an act relating to energy; requiring low-income housing to be built according to energy efficiency standards; amending Minnesota Statutes 1990, section 16B.61, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Energy.

Hausman, Murphy, Dawkins, Girard and Hasskamp introduced:

H. F. No. 911, A bill for an act relating to commercial buildings; providing for a program to encourage energy-efficient commercial

buildings; proposing coding for new law in Minnesota Statutes, chapter 16B.

The bill was read for the first time and referred to the Committee on Energy.

Olson, K.; Murphy; Dawkins and Hasskamp introduced:

H. F. No. 912, A bill for an act relating to energy; requiring minimum heating oil charges for households receiving low income energy assistance; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the first time and referred to the Committee on Energy.

Bauerly, Wagenius and McEachern introduced:

H. F. No. 913, A bill for an act relating to public safety; regulating amusement rides; requiring safety inspections of amusement rides; providing penalties; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 184B.

The bill was read for the first time and referred to the Committee on Commerce.

Lasley introduced:

H. F. No. 914, A bill for an act relating to state lands; authorizing Otter Tail county to return donated state land to the donor's heir.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Runbeck, Simoneau, Morrison, Clark and Heir introduced:

H. F. No. 915, A bill for an act relating to manufactured homes; creating the office of ombudsman for manufactured home residents; authorizing the commissioner of finance to adopt rules for collection of fees from park owners; appropriating money; amending Minnesota Statutes 1990, sections 327C.01, subdivision 1; and 327C.12; proposing coding for new law in Minnesota Statutes, chapters 16A and 327C.

The bill was read for the first time and referred to the Committee on Housing.

Solberg; Johnson, R.; Anderson, I.; Kinkel and Battaglia introduced:

H. F. No. 916, A bill for an act relating to torts; providing immunity against tort liability for claims arising out of the use of highways that provide access to timber; amending Minnesota Statutes 1990, sections 3.736, subdivision 3; 87.025; and 466.03, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Pelowski, Goodno, Reding, Marsh and Sarna introduced:

H. F. No. 917, A bill for an act relating to commerce; requiring additional license for motor vehicle lessor, wholesaler, or auctioneer when establishing additional place of doing business in a second class city outside of the metropolitan area; amending Minnesota Statutes 1990, section 168.27, subdivision 10.

The bill was read for the first time and referred to the Committee on Commerce.

Thompson; Reding; Anderson, I.; Anderson, R., and Nelson, S., introduced:

H. F. No. 918, A bill for an act relating to game and fish; authorizing antlerless deer permits and granting preference to certain landowners and veterans; proposing coding for new law in Minnesota Statutes, chapter 97B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Winter; Olson, E.; Ogren; Abrams and Schreiber introduced:

H. F. No. 919, A bill for an act relating to taxation; property tax; mortgage registry tax; making technical corrections and administrative changes; providing for mortgage registration tax on reverse mortgages; amending Minnesota Statutes 1990, sections 18.022, subdivision 2; 47.58, subdivision 6; 69.011, subdivision 3; 270.11, subdivision 6; 270.12, subdivision 2, and by adding a subdivision; 272.02, subdivision 4; 272.025, subdivision 1; 272.31; 272.67, subdivision 6; 273.11, subdivision 10; 273.111, subdivisions 3 and 6; 273.124, subdivisions 9 and 13; 273.13, subdivisions 22, 23, and 31; 273.1398, subdivisions 5 and 6; 273.1399, subdivisions 1 and 3; 275.065, subdivisions 3 and 5a; 276.04, subdivision 2; 276.041; 277.01; 278.01, subdivision 1; 279.01, subdivision 1; 279.06; 281.17;

282.01, subdivision 1; 287.05; 375.192, subdivision 2; 414.031, subdivision 6; 414.0325, subdivision 4; 414.033, subdivision 7; 414.06, subdivision 4; 414.061, subdivision 3; 469.174, subdivision 7; 477A.014, subdivisions 1, 4, and by adding a subdivision; and 515A.1-105, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1990, section 273.137; Laws 1989, chapter 277, article 4, section 2.

The bill was read for the first time and referred to the Committee on Taxes.

Trimble, Lynch, McGuire, Munger and Peterson introduced:

H. F. No. 920, A bill for an act relating to the environment; requiring recycled CFCs used in refrigerant applications to comply with certain standards; proposing coding for new law in Minnesota Statutes, chapter 239.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

McEachern, Bauerly, Tunheim, Solberg and Johnson, R., introduced:

H. F. No. 921, A bill for an act relating to education; permitting school district employees to be reimbursed for the costs of defending against criminal charges; amending Minnesota Statutes 1990, section 123.35, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Ostrom, Orenstein, Begich, Vellenga and Dempsey introduced:

H. F. No. 922, A bill for an act relating to crimes; imposing a duty to investigate and render aid when a person is injured in a shooting accident; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Judiciary.

Stanius, Koppendraye, Omann and Johnson, V., introduced:

H. F. No. 923, A bill for an act relating to natural resources; designating raccoon and fox as unprotected wild animals; amending Minnesota Statutes 1990, sections 97A.015, subdivisions 45 and 53;

97A.475, subdivision 3; 97A.485, subdivision 9; 97A.511; 97A.541; 97B.075; 97B.601, subdivisions 3 and 4; 97B.621, subdivision 3; 97B.655, subdivision 1; repealing Minnesota Statutes 1990, sections 97B.005, subdivision 4; 97B.621, subdivisions 1, 2, and 4; and 97B.631.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kelso, Jacobs, Lasley, Haukoos and Janezich introduced:

H. F. No. 924, A bill for an act relating to utilities; authorizing the public utilities commission to allow recovery of utility operating expenses associated with certain economic or community development activities; amending Minnesota Statutes 1990, sections 216B.02, by adding a subdivision; and 216B.16, subdivision 8, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Bauerly, McEachern, Gruenes, Bertram and Omann introduced:

H. F. No. 925, A bill for an act relating to taxation; changing the special levy for the cost of certain regional library services; amending Minnesota Statutes 1990, section 275.50, subdivision 5.

The bill was read for the first time and referred to the Committee on Education.

Orenstein introduced:

H. F. No. 926, A bill for an act relating to state government; creating the office of victim services and rights within the office of the attorney general; providing for its duties; transferring powers and duties of the commissioners of corrections and public safety relating to victim services and rights to the office of victim services and rights; establishing the sexual violence and general crime victims advisory councils; authorizing the director of the office of victim services and rights to provide and administer grants-in-aid for sexual violence, battered women, and other crime victim programs; establishing a family violence task force; amending Minnesota Statutes 1990, sections 611A.0311, subdivision 2; 611A.20, subdivision 2; 611A.21; 611A.22; 611A.31, by adding a subdivision; 611A.32, subdivisions 1, 1a, 4, and by adding a subdivision; 611A.33; 611A.34, subdivision 1, and by adding a subdivision; 611A.41, subdivision 1; 611A.43; 611A.55, subdivision 1; 611A.56, subdivision 1; 611A.71, subdivisions 1, 2, and 6; 611A.73, by adding

a subdivision; and 611A.74, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1990, sections 611A.02; 611A.221; 611A.23; 611A.31, subdivision 5; 611A.32, subdivisions 2, 3, and 5; 611A.34, subdivision 3; 611A.35; 611A.36, subdivisions 1 and 2; 611A.41, subdivision 2; 611A.42; and 611A.44.

The bill was read for the first time and referred to the Committee on Judiciary.

Wagenius, Kahn, Battaglia, Pauly and Johnson, R., introduced:

H. F. No. 927, A bill for an act relating to the environment; establishing maximum content levels of mercury in batteries; prohibiting certain batteries; amending Minnesota Statutes 1990, sections 115A.9155, subdivision 2; 325E.125, subdivision 2, and by adding a subdivision; and 325E.1251.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Solberg and Anderson, I., introduced:

H. F. No. 928, A bill for an act relating to veterans; providing educational assistance to certain dependents of persons killed or missing in action in the Persian Gulf area; proposing coding for new law in Minnesota Statutes, chapter 197.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Brown; Anderson, R.; Trimble and Steensma introduced:

H. F. No. 929, A bill for an act relating to agriculture; extending the ban on the use of biosynthetic bovine somatotropin by one year; amending Minnesota Statutes 1990, sections 151.01, subdivision 28; 151.15, subdivision 3; and 151.25; and Laws 1990, chapter 526, section 1.

The bill was read for the first time and referred to the Committee on Agriculture.

Krueger, Kahn, Bishop, Reding and Abrams introduced:

H. F. No. 930, A bill for an act relating to the governor; creating a division of science and technology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 4.

The bill was read for the first time and referred to the Committee on Economic Development.

O'Connor; Sarna; Anderson, R.; Hasskamp and McEachern introduced:

H. F. No. 931, A bill for an act relating to commerce; restraint of trade; providing an evidentiary presumption in resale price maintenance cases; proposing coding for new law in Minnesota Statutes, chapter 325D.

The bill was read for the first time and referred to the Committee on Commerce.

Olsen, S.; Vellenga; Solberg; Blatz and Wagenius introduced:

H. F. No. 932, A bill for an act relating to corrections; extending female offender programs to include juveniles adjudicated delinquent; encouraging counties and agencies to develop and implement female offender programs; amending Minnesota Statutes 1990, sections 241.70; 241.71; 241.72; and 241.73.

The bill was read for the first time and referred to the Committee on Judiciary.

Bertram; Dorn; Omann; Johnson, R., and Vanasek introduced:

H. F. No. 933, A bill for an act relating to taxation; providing for distribution of fire state aid to cities; amending Minnesota Statutes 1990, sections 69.011, subdivision 1; and 69.021, subdivisions 4, 6, 7, 8, and 9.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, A., and Pellow introduced:

H. F. No. 934, A bill for an act relating to motor vehicles; prohibiting registration of vehicle for which salvage certificate of title is issued; amending Minnesota Statutes 1990, section 168A.152, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Pugh, Janezich, Marsh, Munger and Stanius introduced:

H. F. No. 935, A bill for an act relating to game and fish; qualifications for obtaining a license to take wild animals by firearms; proposing coding for new law in Minnesota Statutes, chapter 97B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sparby, Welle, Mariani, Schreiber and Pugh introduced:

H. F. No. 936, A bill for an act relating to human services; adjusting requirements for parental contributions for the costs of certain services to children; amending Minnesota Statutes 1990, section 252.27, subdivisions 2 and 2a.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Abrams and Leppik introduced:

H. F. No. 937, A bill for an act relating to education; allowing the Wayzata school district to conduct a referendum before November 1991.

The bill was read for the first time and referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 55, A bill for an act relating to peace officers; clarifying the soft body armor reimbursement program; amending Minnesota Statutes 1990, section 299A.38, subdivision 2.

H. F. No. 153, A bill for an act relating to commerce; regulating real estate appraisers; authorizing the commissioner of commerce to issue temporary licenses.

H. F. No. 195, A resolution memorializing the Congress of the United States to continue funding of the POW/MIA special investigation that is being conducted by the United States Senate Foreign Relations Committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 443.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 443, A bill for an act relating to civil procedure; repealing the statute requiring surety for costs in certiorari matters; repealing Minnesota Statutes 1990, section 606.03.

The bill was read for the first time.

Farrell moved that S. F. No. 443 and H. F. No. 260, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

S. F. No. 246, A bill for an act relating to probate; increasing the limit on an estate subject to collection of personal property by affidavit; amending Minnesota Statutes 1990, section 524.3-1201.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Beard	Bodahl	Cooper	Dorn
Anderson, I.	Begich	Boo	Dauner	Erhardt
Anderson, R.	Bertram	Brown	Davids	Farrell
Anderson, R. H.	Bettermann	Carlson	Dawkins	Frederick
Battaglia	Bishop	Carruthers	Dempsey	Frerichs
Bauerly	Blatz	Clark	Dille	Garcia

Girard	Johnson, V.	McPherson	Pelowski	Steensma
Goodno	Kahn	Milbert	Peterson	Sviggum
Greenfield	Kalis	Morrison	Pugh	Swenson
Gruenes	Kelso	Munger	Reding	Thompson
Gutknecht	Kinkel	Murphy	Rest	Tompkins
Hanson	Knickerbocker	Nelson, S.	Rice	Trimble
Hartle	Koppendrayer	Newinski	Rodosovich	Tunheim
Hasskamp	Krinkie	O'Connor	Rukavina	Uphus
Haukoos	Krueger	Ogren	Runbeck	Valento
Hausman	Lasley	Olsen, S.	Sarna	Vellenga
Heir	Leppik	Olson, E.	Schafer	Wagenius
Henry	Lieder	Olson, K.	Scheid	Waltman
Hufnagle	Limmer	Omann	Schreiber	Weaver
Hugoson	Long	Onnen	Seaberg	Wejcman
Jacobs	Lourey	Orenstein	Segal	Welker
Janezich	Lynch	Orfield	Simoneau	Welle
Jaros	Macklin	Osthoff	Skoglund	Wenzel
Jefferson	Mariani	Ostrom	Smith	
Jennings	Marsh	Ozment	Solberg	
Johnson, A.	McEachern	Pauly	Sparby	
Johnson, R.	McGuire	Pellow	Stanisus	

The bill was passed and its title agreed to.

H. F. No. 373, A bill for an act relating to commerce; removing a real estate licensing prohibition; amending Minnesota Statutes 1990, section 82.20, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Johnson, R.	Munger	Rukavina
Anderson, I.	Farrell	Johnson, V.	Murphy	Runbeck
Anderson, R.	Frederick	Kahn	Nelson, S.	Sarna
Anderson, R. H.	Frerichs	Kalis	Newinski	Schafer
Battaglia	Garcia	Kelso	O'Connor	Scheid
Bauerly	Girard	Kinkel	Ogren	Schreiber
Beard	Goodno	Knickerbocker	Olsen, S.	Seaberg
Begich	Greenfield	Koppendrayer	Olson, E.	Segal
Bertram	Gruenes	Krinkie	Olson, K.	Simoneau
Bettermann	Gutknecht	Krueger	Omann	Skoglund
Bishop	Hanson	Lasley	Onnen	Smith
Blatz	Hartle	Leppik	Orenstein	Solberg
Bodahl	Hasskamp	Lieder	Orfield	Sparby
Boo	Haukoos	Limmer	Osthoff	Stanisus
Brown	Hausman	Long	Ostrom	Steensma
Carlson	Heir	Lourey	Ozment	Sviggum
Carruthers	Henry	Lynch	Pauly	Swenson
Clark	Hufnagle	Macklin	Pellow	Thompson
Cooper	Hugoson	Mariani	Pelowski	Tompkins
Dauner	Jacobs	Marsh	Peterson	Trimble
Davids	Janezich	McEachern	Pugh	Tunheim
Dawkins	Jaros	McGuire	Reding	Uphus
Dempsey	Jefferson	McPherson	Rest	Valento
Dille	Jennings	Milbert	Rice	Vellenga
Dorn	Johnson, A.	Morrison	Rodosovich	Wagenius

Waltman
WeaverWejzman
WelkerWelle
Wenzel

Spk. Vanasek

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 155, A bill for an act relating to traffic regulations; authorizing immediate towing of certain unlawfully parked vehicles; amending Minnesota Statutes 1990, section 169.041, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kinkel	Olsen, S.	Simoneau
Anderson, I.	Frerichs	Knickerbocker	Olson, E.	Skoglund
Anderson, R.	Garcia	Koppendrayer	Omann	Smith
Anderson, R. H.	Girard	Krinkie	Onnen	Solberg
Battaglia	Goodno	Krueger	Orenstein	Sparby
Bauerly	Greenfield	Lasley	Orfield	Stanius
Beard	Gruenes	Leppik	Osthoff	Steensma
Bertram	Gutknecht	Lieder	Ostrom	Sviggum
Bettermann	Hanson	Limmer	Ozment	Swenson
Bishop	Hasskamp	Long	Pauly	Thompson
Blatz	Haukoos	Lourey	Pellow	Tompkins
Bodahl	Hausman	Lynch	Pelowski	Trimble
Boo	Henry	Macklin	Peterson	Tunheim
Brown	Hufnagle	Mariani	Pugh	Uphus
Carlson	Hugoson	Marsh	Reding	Valento
Carruthers	Jacobs	McEachern	Rest	Vellenga
Clark	Janezich	McGuire	Rice	Wagenius
Cooper	Jaros	McPherson	Rodosovich	Waltman
Dauner	Jefferson	Milbert	Rukavina	Weaver
Davids	Jennings	Morrison	Runbeck	Wejzman
Dawkins	Johnson, A.	Munger	Sarna	Welker
Dempsey	Johnson, R.	Murphy	Schafer	Welle
Dille	Johnson, V.	Nelson, S.	Scheid	Wenzel
Dorn	Kahn	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kalis	O'Connor	Seaberg	
Farrell	Kelso	Ogren	Segal	

Those who voted in the negative were:

Olson, K.

The bill was passed and its title agreed to.

H. F. No. 304, A bill for an act relating to labor; providing that certain hiring practices by an employer during a strike or lockout are

unfair labor practices; amending Minnesota Statutes 1990, sections 179.12; and 179A.13.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 79 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Hanson	Long	Orfield	Skoglund
Anderson, R.	Hasskamp	Lourey	Osthoff	Solberg
Battaglia	Hausman	Mariani	Ostrom	Sparby
Bauerly	Jacobs	McEachern	Ozment	Steenasma
Bear	Janezich	McGuire	Pelowski	Thompson
Begich	Jaros	Milbert	Peterson	Tompkins
Brown	Jefferson	Morrison	Pugh	Trimble
Carlson	Jennings	Munger	Reding	Tunheim
Carruthers	Johnson, A.	Murphy	Rest	Vellenga
Clark	Johnson, R.	Newinski	Rice	Wagenius
Cooper	Kahn	O'Connor	Rodosovich	Wejzman
Dawkins	Kalis	Ogren	Rukavina	Welle
Dorn	Kinkel	Olsen, S.	Sarna	Wenzel
Farrell	Krueger	Olson, E.	Scheid	Winter
Garcia	Lasley	Olson, K.	Segal	Spk. Vanasek
Greenfield	Lieder	Orenstein	Simoneau	

Those who voted in the negative were:

Abrams	Erhardt	Hufnagle	Marsh	Smith
Anderson, R. H.	Frederick	Hugoson	McPherson	Stanius
Bertram	Frerichs	Johnson, V.	Nelson, S.	Sviggum
Bettermann	Girard	Kelso	Omann	Swenson
Bishop	Goodno	Knickerbocker	Onnen	Uphus
Blatz	Gruenes	Koppendrayner	Pauly	Valento
Bodahl	Gutknecht	Krinkie	Pellow	Waltman
Boo	Hartle	Leppik	Runbeck	Weaver
Davids	Haukoos	Limmer	Schafer	Welker
Dempsey	Heir	Lynch	Schreiber	
Dille	Henry	Macklin	Seaberg	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 291, 575 and 646 were recommended to pass.

S. F. No. 7 was recommended to pass.

H. F. No. 172 was recommended for progress.

H. F. No. 353 was recommended for progress until Monday, April 8, 1991.

S. F. No. 141, the unofficial engrossment, which it recommended to pass with the following amendment offered by Greenfield:

Page 1, line 10, delete "March 15" and insert "April 1"

H. F. No. 154, the first engrossment, which it recommended to pass with the following amendment offered by Gruenes, Skoglund, Sparby, Stanius, Scheid, Cooper, Krueger, Winter, Bettermann, Uphus, Bauerly, Ogren, Hufnagle, Girard, Peterson, Bertram and Bishop:

Page 31, after line 30, insert:

"ARTICLE 3

Section 1. Minnesota Statutes 1990, section 47.015, is amended by adding a subdivision to read:

Subd. 4. [PERMISSIVE CLOSING ON GOOD FRIDAY.] Notwithstanding any law to the contrary, a financial institution may close between the hours of noon and 3 p.m. on Good Friday.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title accordingly

On the motion of Long the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.06, the following roll call was taken in the Committee of the Whole:

The question was taken on the motion to recommend passage of

H. F. No. 291, and the roll was called. There were 97 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Greenfield	Lieder	Osthoff	Stanius
Battaglia	Gutknecht	Long	Ostrom	Steensma
Bauerly	Hanson	Lourey	Pauly	Sviggum
Beard	Hartle	Macklin	Pellow	Thompson
Begich	Hasskamp	Mariani	Pelowski	Tompkins
Bertram	Haukoos	McEachern	Peterson	Trimble
Bettermann	Heir	McGuire	Pugh	Tunheim
Bishop	Hufnagle	McPherson	Reding	Uphus
Boo	Jacobs	Milbert	Rice	Wagenius
Brown	Janezich	Morrison	Rodosovich	Waltman
Carruthers	Jaros	Munger	Rukavina	Weaver
Clark	Jefferson	Murphy	Runbeck	Wejcman
Cooper	Jennings	Nelson, S.	Sarna	Welker
Dauner	Johnson, A.	O'Connor	Scheid	Welle
Dawkins	Johnson, R.	Ogren	Segal	Wenzel
Dempsey	Johnson, V.	Olson, E.	Simoneau	Winter
Dille	Kahn	Olson, K.	Skoglund	Spk. Vanasek
Farrell	Kalis	Omann	Smith	
Frerichs	Kinkel	Orenstein	Solberg	
Goodno	Krinkie	Orfield	Sparby	

Those who voted in the negative were:

Abrams	Erhardt	Kelso	Lynch	Schreiber
Anderson, R. H.	Frederick	Knickerbocker	Marsh	Seaberg
Blatz	Garcia	Koppendrayner	Newinski	Swenson
Bodahl	Girard	Krueger	Olsen, S.	Valento
Carlson	Gruenes	Lasley	Onnen	Vellenga
Davids	Henry	Leppik	Ozment	
Dorn	Hugoson	Limmer	Schafer	

The motion prevailed.

There being no objection, the order of business reverted to Introduction and First Reading of House Bills.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Nelson, S.; Krueger; Bertram; Omann and Wenzel introduced:

H. F. No. 938, A resolution memorializing Congress and the President to expedite passage of a law establishing class 1 dairy support prices at the market levels prevailing on August 1, 1990.

The bill was read for the first time and referred to the Committee on Agriculture.

MOTIONS AND RESOLUTIONS

Brown moved that the name of Waltman be added as an author on H. F. No. 320. The motion prevailed.

Osthoff moved that the names of Abrams and Scheid be added as authors on H. F. No. 326. The motion prevailed.

Osthoff moved that the names of Abrams and Scheid be added as authors on H. F. No. 398. The motion prevailed.

Simoneau moved that his name be stricken as an author on H. F. No. 455. The motion prevailed.

Gruenes moved that the name of Frerichs be added as an author on H. F. No. 801. The motion prevailed.

Johnson, V., moved that the name of Osthoff be added as an author on H. F. No. 852. The motion prevailed.

Weaver moved that the name of Lynch be added as an author on H. F. No. 857. The motion prevailed.

Nelson, K., moved that the name of Rest be added as an author on H. F. No. 861. The motion prevailed.

Hausman moved that the name of Farrell be added as an author on H. F. No. 865. The motion prevailed.

Nelson, K., moved that the name of McEachern be added as an author on H. F. No. 869. The motion prevailed.

Pellow moved that H. F. No. 789 be returned to its author. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, March 21, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, March 21, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA
SEVENTY-SEVENTH SESSION—1991

TWENTY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 21, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

The roll was called and the following members were present:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Smith
Battaglia	Goodno	Krinkie	Omann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Svigum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Dauids	Jefferson	Morrison	Rukavina	Wejcman
Dawkins	Jennings	Munger	Runbeck	Welker
Dempsey	Johnson, A.	Murphy	Sarna	Welle
Dille	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dorn	Johnson, V.	Nelson, S.	Scheid	Winter
Erhardt	Kahn	Newinski	Schreiber	Spk. Vanasek
Farrell	Kalis	O'Connor	Seaberg	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Newinski moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 443 and H. F. No. 260, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Farrell moved that the rules be so far suspended that S. F. No. 443 be substituted for H. F. No. 260 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 41, A bill for an act relating to retirement; providing certain widow benefits for the Virginia firefighters relief association; providing for disposition of assets of the Virginia firefighters relief association under certain conditions; amending Laws 1974, chapter 183, section 3.

Reported the same back with the following amendments:

Page 1, line 13, strike "widow" and insert "spouse"

Page 1, line 14, strike "his wife prior to" and insert "the spouse of the member before" and strike "he" and insert "the member"

Page 1, line 15, strike "his"

Page 1, line 17, strike "his"

Page 1, line 19, strike "widow" and insert "spouse" and after "and" insert "surviving" and strike "there"

Page 1, line 20, strike "shall be paid" and insert "the survivors are entitled to"

Page 1, line 21, strike "widow" and insert "surviving spouse"

Page 1, line 22, strike "fireman" and insert "firefighter" and strike "he" and insert "the member"

Page 2, line 2, strike "fireman" and insert "firefighter"

Page 2, line 3, strike "he" and insert "the member"

Page 2, line 8, after "last" insert "pension or"

Page 2, line 11, before "benefit" insert "pension or"

Page 2, line 18, after the period, insert "Section 1 applies to a surviving spouse receiving benefits as of the effective date of section 1 and to a potential future surviving spouse of a service pensioner, disability pensioner, or deferred pensioner who has that status as of the effective date of section 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 44, A bill for an act relating to retirement; authorizing a benefit increase for certain retired police officers, firefighters, and surviving spouses in the city of Eveleth.

Reported the same back with the following amendments:

Page 1, line 9, after "to" insert "the current pensions and" and after "other" insert "retirement" and after the comma insert "the pensions and"

Page 1, line 11, delete "may" and insert "are"

Page 1, line 12, delete the first "be" and delete "may be made" and insert "are"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 71, A bill for an act relating to marriage dissolution; requiring information; providing for a report; amending Minnesota Statutes 1990, section 518.10; proposing coding for new law in Minnesota Statutes, chapter 518.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 259.10, is amended to read:

259.10 [PROCEDURE.]

A person who shall have resided in this state for six months may apply to the district court in the county where the person resides to change the person's name, the names of minor children, if any, and the name of a spouse, if the spouse joins in the application, in the manner herein specified. The person shall state in the application the name and age of the spouse and each of the children, if any, and shall describe all lands in the state in or upon which the person, the children and the spouse if their names are also to be changed by the application, claim any interest or lien, and shall appear personally before the court and prove identity by at least two witnesses. If the person be a minor, the application shall be made by the person's guardian or next of kin. The court shall accept the certificate of dissolution prepared pursuant to section 518.148 as conclusive evidence of the facts recited in the certificate and may not require the person to provide the court a copy of the judgment and decree of dissolution. Every person who, with intent to defraud, shall make a false statement in any such application shall be guilty of a misdemeanor provided, however, that no minor child's name may be changed without both parents having notice of the pending of the application for change of name, whenever practicable, as determined by the court.

Sec. 2. Minnesota Statutes 1990, section 518.10, is amended to read:

518.10 [REQUISITES OF PETITION.]

The petition for dissolution of marriage or legal separation shall state and allege:

(a) The name and address of the petitioner and any prior or other name used by the petitioner;

(b) The name and, if known, the address of the respondent and any prior or other name used by the respondent and known to the petitioner;

(c) The place and date of the marriage of the parties;

(d) In the case of a petition for dissolution, that either the petitioner or the respondent or both:

(1) Has resided in this state for not less than 180 days immediately preceding the commencement of the proceeding, or

(2) Has been a member of the armed services and has been stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, or

(3) Has been a domiciliary of this state for not less than 180 days immediately preceding the commencement of the proceeding;

(e) The name at the time of the petition and any prior or other name, age and date of birth of each living minor or dependent child of the parties born before the marriage or born or adopted during the marriage and a reference to, and the expected date of birth of, a child of the parties conceived during the marriage but not born;

(f) Whether or not a separate proceeding for dissolution, legal separation, or custody is pending in a court in this state or elsewhere;

(g) In the case of a petition for dissolution, that there has been an irretrievable breakdown of the marriage relationship;

(h) In the case of a petition for legal separation, that there is a need for a decree of legal separation; and

(i) Any temporary or permanent maintenance, child support, child custody, disposition of property, attorneys' fees, costs and disbursements applied for without setting forth the amounts.

The petition shall be verified by the petitioner or petitioners, and its allegations established by competent evidence.

Sec. 3. [518.148] [CERTIFICATION OF DISSOLUTION.]

Subdivision 1. [CERTIFICATE OF DISSOLUTION.] The attorney or pro se party shall prepare and submit to the court a separate certificate of dissolution to be attached to the judgment and decree at the time of granting the dissolution of marriage. Upon approval by the court and filing of the certificate of dissolution with the court administrator, the court administrator shall provide to any party upon request certified copies of the certificate of dissolution.

Subd. 2. [REQUIRED INFORMATION.] The certificate shall include the following information:

(1) the full caption and file number of the case and the title "Certificate of Dissolution";

(2) the names and any prior or other names of the parties to the dissolution;

(3) the names of any living minor or dependent children as identified in the judgment and decree;

(4) that the marriage of the parties is dissolved; and

(5) the date of the judgment and decree.

Subd. 3. [CERTIFICATION.] The certificate of dissolution shall be conclusive evidence of the facts recited in the certificate."

Delete the title and insert:

"A bill for an act relating to marriage dissolution; requiring information; providing for the content and uses of a certificate of dissolution; amending Minnesota Statutes 1990, sections 259.10; and 518.10; proposing coding for new law in Minnesota Statutes, chapter 518."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 121, A bill for an act relating to education; encouraging a Minnesota volunteer corps to the USSR and East Central Europe; appropriating money.

Reported the same back with the following amendments:

Page 1, line 7, delete "who has"

Page 1, line 8, delete "experience in running a business"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 161, A bill for an act relating to the city of Nashwauk; authorizing an increase in benefits payable to surviving spouses by the police relief association; amending Laws 1943, chapter 196, section 4, as amended.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 167, A bill for an act relating to state government; providing for selection of the chair of the advisory council on mental health; appropriating money; amending Minnesota Statutes 1990, section 245.697, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 173, A bill for an act relating to the University of Minnesota; changing the structure of certain bargaining units; amending Minnesota Statutes 1990, section 179A.11, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 12, strike "12" and insert "13"

Page 3, lines 14 to 16, delete the new language and insert "The academic professional and administrative staff unit consists of all academic professional and administrative staff positions that are not defined as included in an instructional unit, supervisory unit, clerical unit, or technical unit."

Page 3, lines 20 and 21, delete "or the administrative unit" and insert "the academic professional and administrative staff unit, or the supervisory unit"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 217, A bill for an act relating to occupations and professions; requiring the licensing of interior designers; defining the practice of interior design; providing for administration of licensing requirements; changing the name of the board of architecture, engineering, land surveying, and landscape architecture; appropriating money; amending Minnesota Statutes 1990, sections 116J.70, subdivision 2a; 319A.02, subdivision 2; 326.02, subdivisions 1, 5, and by adding a subdivision; 326.03, subdivision 1; 326.031; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, and 2a; 326.11, subdivision 1; 326.12; 326.13; and 326.14.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 227, A bill for an act relating to health; modifying the physician loan forgiveness program; providing an increase in medical assistance reimbursement to physicians; requiring a study of obstetrical access; appropriating money; amending Minnesota Statutes 1990, section 136A.1355, subdivisions 2 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 136A.1355, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] To be eligible to participate in the program, a prospective physician must submit a letter of interest to the higher education coordinating board ~~while attending medical school. Before completing the first year of residency,~~ A student or resident who is accepted must sign a contract to agree to serve at

least three of the first five years following residency in a designated rural area.

Sec. 2. Minnesota Statutes 1990, section 136A.1355, subdivision 3, is amended to read:

Subd. 3. [LOAN FORGIVENESS.] Prior to June 30, 1991, the higher education coordinating board may accept up to eight applicants who are fourth year medical students, up to eight applicants who are first year residents, and up to eight applicants who are second year residents for participation in the loan forgiveness program. For the period July 1, 1991 through June 30, 1995, the higher education coordinating board may accept up to eight applicants who are fourth year medical students per fiscal year for participation in the loan forgiveness program. Applicants are responsible for securing their own loans. Applicants chosen to participate in the loan forgiveness program may designate for each year of medical school, up to a maximum of four years, an agreed amount, not to exceed \$10,000, as a qualified loan. For each year that a participant serves as a physician in a designated rural area, up to a maximum of four years, the higher education coordinating board shall annually pay an amount equal to one year of qualified loans and the interest accrued on these loans. Participants who move their practice from one designated rural area to another remain eligible for loan repayment.

Sec. 3. [136A.1356] [MIDLEVEL PRACTITIONER EDUCATION ACCOUNT.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following definitions apply:

(a) "Designated rural area" means a Minnesota community that:

(1) is outside a ten-mile radius of a rantly area;

(2) has more than 2,000 persons per physician, including seasonal variation; and

(3) has notified the higher education coordinating board of its need for a physician or nurse for the community.

For purposes of this definition, "rantly area" means a central city or cities and any adjacent built-up areas, plus other communities not connected by continuously built-up areas if population density exceeds 60 persons per square mile and the work force of the other communities significantly depends on the central city or cities.

(b) "Midlevel practitioner" means a nurse practitioner, nurse-

midwife, nurse anesthetist, advanced clinical nurse specialist, or physician assistant.

(c) "Nurse-midwife" means a registered nurse who has graduated from a program of study designed to prepare registered nurses for advance practice as nurse-midwives.

(d) "Nurse practitioner" means a registered nurse who has graduated from a program of study designed to prepare registered nurses for advance practice as nurse practitioners.

(e) "Physician assistant" means a person meeting the definition in Minnesota Rules, part 5600.2600, subpart 11.

Subd. 2. [CREATION OF ACCOUNT.] A midlevel practitioner education account is established. The higher education coordinating board shall use money from the account to establish a loan forgiveness program for midlevel practitioners agreeing to practice in designated rural areas.

Subd. 3. [ELIGIBILITY.] To be eligible to participate in the program, a prospective midlevel practitioner must submit a letter of interest to the higher education coordinating board prior to or while attending a program of study designed to prepare the individual for service as a midlevel practitioner. Before completing the first year of this program, a midlevel practitioner must sign a contract to agree to serve at least two of the first four years following graduation from the program in a designated rural area.

Subd. 4. [LOAN FORGIVENESS.] The higher education coordinating board may accept up to eight applicants per year for participation in the loan forgiveness program. Applicants are responsible for securing their own loans. Applicants chosen to participate in the loan forgiveness program may designate for each year of midlevel practitioner study, up to a maximum of two years, an agreed amount, not to exceed \$7,000, as a qualified loan. For each year that a participant serves as a midlevel practitioner in a designated rural area, up to a maximum of four years, the higher education coordinating board shall annually repay an amount equal to one-half a qualified loan and the interest accrued on one-half a qualified loan. Participants who move their practice from one designated rural area to another remain eligible for loan repayment.

Subd. 5. [PENALTY FOR NONFULFILLMENT.] If a participant does not fulfill the service commitment required under subdivision 4 for full repayment of all qualified loans, the higher education coordinating board shall collect from the participant 100 percent of any payments made for qualified loans and interest, plus a penalty of 50 percent of the amount paid. The higher education coordinating board shall deposit the money collected in the midlevel practitioner

education account. The board shall allow waivers of all or part of the money owed the board if emergency circumstances prevented fulfillment of the required service commitment.

Sec. 4. [144.99] [SPECIAL ACCOUNT; PURPOSE.]

A special account is created within the department of health, to be known as the special account for pediatric access and training. The purpose of this account is to meet the changing health needs of Minnesota infants, children, and adolescents through the comprehensive training of pediatricians, with emphasis on those medical and psychosocial conditions encountered in outpatient practice, where most care is provided today. All money in the account is annually appropriated to the department of pediatrics, University of Minnesota school of medicine. Money in the account is to be used by the department of pediatrics to implement section 5.

Sec. 5. [144.991] [PROGRAM FOR PEDIATRIC ACCESS AND TRAINING.]

Subdivision 1. [GOALS.] The department of pediatrics in the University of Minnesota school of medicine shall administer a program for pediatric access and training. The goals of this program shall be to graduate pediatricians who:

(1) have the expertise necessary to supervise the health maintenance of infants, children, and adolescents, and treat their illnesses and disabilities in both outpatient and inpatient settings;

(2) have an interest in practicing in rural and small urban areas of the state where they are able to serve as consultants for family physicians; and

(3) as part of their practice in rural, or small urban areas, can manage conditions that are currently referred to pediatricians in large urban settings.

Subd. 2. [PROGRAM COMPONENTS.] (a) Components of the program shall include, but are not limited to:

(1) specialized training in a variety of outpatient settings;

(2) recruitment of individuals with a high probability of establishing a pediatric practice in a rural or small urban, nonmetropolitan, setting;

(3) rural training rotations; and

(4) development of peer support mechanisms for rural pediatric practitioners.

(b) The specialized training must provide pediatric trainees with substantial experience in the evaluation and management of the following conditions:

(1) disability due to birth defects and other severe illnesses of early infancy;

(2) chronic childhood disease and disability;

(3) child neglect and abuse;

(4) health problems prevalent among underserved infants and youth;

(5) physical and intellectual impairments;

(6) educational and behavioral disabilities;

(7) adolescent nutrition, pregnancy, and substance abuse; and

(8) childhood and adolescent disease and injury prevention.

Sec. 6. [144A.70] EDUCATION ACCOUNT FOR NURSES WHO AGREE TO PRACTICE IN A NURSING HOME OR INTERMEDIATE CARE FACILITY FOR PERSONS WITH MENTAL RETARDATION AND RELATED CONDITIONS.

Subdivision 1. [CREATION OF THE ACCOUNT.] An education account in the general fund is established for a loan forgiveness program for nurses who agree to practice nursing in a nursing home or intermediate facility for persons with mental retardation and related conditions. The account consists of money appropriated by the legislature and repayments and penalties collected under subdivision 4. Money from the account must be used for a loan forgiveness program.

Subd. 2. [ELIGIBILITY.] To be eligible to participate in the loan forgiveness program, a person planning to enroll in a program of study designed to prepare the person to become a registered nurse or licensed practical nurse must submit a letter of interest to the commissioner before enrolling in the nursing education program. Before completing the first year of study, the applicant must sign a contract in which the applicant agrees to practice nursing for at least one of the first two years following completion of the nursing education program providing nursing services in a licensed nursing home or intermediate care facility for persons with mental retardation and related conditions.

Subd. 3. [LOAN FORGIVENESS.] The commissioner may accept up to ten applicants a year. Applicants are responsible for securing

their own loans. For each year of nursing education, for up to two years, applicants accepted into the loan forgiveness program may designate an agreed amount, not to exceed \$3,000, as a qualified loan. For each year that a participant practices nursing in a nursing home or intermediate care facility for persons with mental retardation and related conditions, up to a maximum of two years, the commissioner shall annually repay an amount equal to one year of qualified loans and the interest accrued on the loans. Participants who move from one nursing home or intermediate care facility for persons with mental retardation and related conditions to another remain eligible for loan repayment.

Subd. 4. [PENALTY FOR NONFULFILLMENT.] If a participant does not fulfill the service commitment required under subdivision 3 for full repayment of all qualified loans, the commissioner shall collect from the participant 100 percent of any payments made for qualified loans and interest, plus a penalty of 50 percent of the amount paid. The commissioner shall deposit the collections in the general fund to be credited to the account established in subdivision 1. The commissioner may grant a waiver of all or part of the money owed as a result of a nonfulfillment penalty if emergency circumstances prevented fulfillment of the required service commitment.

Subd. 5. [RULES.] The commissioner shall adopt rules to implement this section.

Sec. 7. [MEDICAL ASSISTANCE INCREASE.]

Effective with services rendered on or after July 1, 1991, payments to physicians for office and outpatient services, obstetrical services, and preventive care services shall be calculated at the lower of (1) submitted charges, or (2) the median charges in 1989 with a 20 percent discount. Payments to physicians for critical care services and hospital medical services shall be calculated at the lower of (1) submitted charges, or (2) the median charges in 1989 with a 30 percent discount. Payments to physicians for all other services shall be calculated at the lower of (1) the submitted charges, or (2) the median charges in 1989 with a 40 percent discount.

Sec. 8. [STUDY OF OBSTETRICAL ACCESS.]

The commissioner of health shall study access to obstetrical services in Minnesota and report to the legislature by February 1, 1992. The study must examine the number of physicians discontinuing obstetrical care in recent years and the effects of high malpractice costs and low government program reimbursement for obstetrical services, and must identify areas of the state where access to obstetrical services is most greatly affected. The commissioner shall recommend ways to reduce liability costs and to encourage physicians to continue to provide obstetrical services.

Sec. 9. [GRANT PROGRAM FOR MIDDLELEVEL PRACTITIONER TRAINING.]

The higher education coordinating board shall award grants to Minnesota schools or colleges that educate midlevel practitioners, in order to establish and administer midlevel practitioner training programs in areas of rural Minnesota with the greatest need for midlevel practitioners. The program must address rural health care needs, and incorporate innovative methods of bringing together faculty and students, such as the use of telecommunications, and must provide both clinical and lecture components. The board shall award two grants for the fiscal year ending June 30, 1992.

Sec. 10. [GRANTS FOR CONTINUING EDUCATION.]

The higher education coordinating board shall establish a competitive grant program for schools of nursing and other providers of continuing nurse education, in order to develop continuing education programs for nurses working in rural areas of the state. The programs must complement, and not duplicate, existing continuing education activities, and must specifically address the needs of nurses working in rural practice settings. The board shall award two grants for the fiscal year ending June 30, 1992.

Sec. 11. [FEASIBILITY STUDIES.]

The higher education coordinating board shall conduct feasibility studies to assess: (1) the need for outreach baccalaureate nurse education programs that would offer classes and clinical experiences in sites convenient to students living in rural areas of the state with the greatest need for registered nurses; and (2) the need for a four-year, generic, baccalaureate degree program for registered nurses in northern Minnesota. The board shall present findings and recommendations to the legislature by February 15, 1992.

Sec. 12. [APPROPRIATION.]

(a) \$..... is appropriated from the general fund to the higher education coordinating board for the biennium ending June 30, 1993, for the expansion of the physician loan forgiveness program in section 2.

(b) \$..... is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1993, for the increase in medical assistance reimbursement to physicians required by section 7.

(c) \$..... is appropriated from the general fund to the commissioner of health for the fiscal year ending June 30, 1992, for the study on obstetrical access required by section 8.

(d) \$..... is appropriated from the general fund to the higher education coordinating board for the biennium ending June 30, 1993, to implement sections 3, 9, 10, and 11.

(e) \$..... is appropriated from the general fund to the special account for pediatric access and training in section 4, for the biennium ending June 30, 1993.

(f) \$..... in fiscal year 1992 and \$..... in fiscal year 1993 are appropriated from the general fund to the commissioner of health for the loan forgiveness program established in section 6."

Delete the title and insert:

"A bill for an act relating to health; modifying the physician loan forgiveness program; creating a midlevel practitioner education account; creating a special account for pediatric access and training; establishing a loan forgiveness program for nurses who agree to practice in a nursing home or intermediate care facility for persons with mental retardation and related conditions; providing an increase in medical assistance reimbursement to physicians; requiring a study of obstetrical access; establishing grant programs for midlevel practitioner and nursing education; requiring feasibility studies; appropriating money; amending Minnesota Statutes 1990, section 136A.1355, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapters 136A; 144; and 144A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 230, A bill for an act relating to education; permitting a referendum on combining certain school districts before formal cooperation begins.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 244, A bill for an act relating to traffic regulations; regulating traffic safety concerning school buses and the safety of school children; providing penalties; amending Minnesota Statutes 1990, section 171.07, by adding a subdivision; 171.17; and 171.18; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, sections 169.44; and 169.64, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [LEGISLATIVE FINDINGS; INTENT.]

The legislature finds that the number of complaints by school bus drivers regarding violations by motorists of traffic safety laws concerning the boarding and disembarking of children on and from school buses is increasing at an alarming rate; that the number of injuries to school children because of these violations is increasing; that these injuries to children are due to an increasing number of motorists violating these traffic safety laws; that continuing increases in these violations can only result in serious consequences to our children; that not all licensed drivers and law enforcement personnel are thoroughly familiar with the traffic laws enacted for the safety of school children; that increased education of motorists and peace officers will increase compliance with these laws; that cooperative, persistent, and strict enforcement and prosecution of these laws will lead to reduced violations and reduced injuries to school children; and that increased civil and criminal penalties, strictly imposed by the judicial branch, will increase compliance by motorists and reduce injuries to school children.

The legislature intends by enacting this act that a thorough knowledge of the traffic safety laws regarding school buses and children be imparted to drivers and law enforcement personnel; that cooperative and diligent efforts by appropriate school personnel, law enforcement, and prosecuting attorneys be exerted to enforce this act; that the judicial branch should consistently and vigorously punish violators with a view to prevent and deter future violations; and that this act be broadly interpreted as public policy to promote, enhance, and protect the safety of our school children.

Sec. 2. Minnesota Statutes 1990, section 169.01, subdivision 6, is amended to read:

Subd. 6. [SCHOOL BUS.] “School bus” means a motor vehicle used to transport ~~pupils~~ pre-elementary, elementary, middle, or

secondary students to or from a school defined in section 120.101, or to or from school-related activities, by the school or a school district, or by someone under an agreement with the school or a school district. A school bus includes vehicles used after August 1, 2001, to transport students under Public Law Number 99-425, the Head Start Act. A school bus does not include a motor vehicle transporting children to or from school for which parents or guardians receive direct compensation from a school district, a motor coach operating under charter carrier authority, or a transit bus providing services as defined in section 174.22, subdivision 7. A school bus may be type I, type II, or type III as follows:

(a) A "type I school bus" means a school bus of more than 10,000 pounds gross vehicle weight rating, designed for carrying more than ten persons. [MN Rules, part 3520.3701, subp 1]

(b) A "type II school bus" is a bus with a gross vehicle weight rating of 10,000 pounds or less, designed for carrying more than ten persons. It must be outwardly equipped and identified as a school bus. [MN Rules, part 3520.3701, subp 2]

(c) Type III school buses are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of ten people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less. In this subdivision, "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle. A "type III school bus" must not be outwardly equipped and identified as a school bus. [169.44, subd 15]

Sec. 3. [169.441] [SCHOOL BUS IDENTIFICATION.]

Subdivision 1. [IDENTIFICATION AND SIGNAL REQUIREMENTS, GENERALLY.] For purposes of sections 169.441 to 169.448, school bus means a motor vehicle that is outwardly equipped and identified as a school bus. A motor vehicle that satisfies the identification requirements of this section and the signal equipment requirements of section 169.442 is considered outwardly equipped and identified as a school bus. [169.44, subd 1a]

Subd. 2. [COLOR REQUIREMENTS.] (a) A new school bus must be painted national school bus glossy yellow if it (1) is purchased for delivery after June 1, 1973, (2) is to be used in Minnesota as a school bus, and (3) can seat more than ten people, including the driver.

(b) A school bus substantially repainted after June 1, 1973, must be painted national school bus glossy yellow. [169.44, subd 1a]

(c) The roof of a school bus may be painted white.

Subd. 3. [SIGN ON BUS; APPLICATION OF OTHER LAW.] Sections 169.442, subdivisions 2 and 3; 169.443, subdivision 2; and 169.444, subdivisions 1, 4, and 5, apply only if the school bus bears on its front and rear a plainly visible sign containing the words "school bus" in letters at least eight inches in height.

The sign must be removed or covered when the vehicle is being used as other than a school bus. [169.44, subd 3]

Subd. 4. ["MN" DESIGNATION IN BUS BODY SERIAL NUMBER.] School bus bodies manufactured after December 31, 1991, and used on streets and highways in Minnesota must bear the designation "MN" within the bus body identification number. The Minnesota designation may be made only by the manufacturer and must not be located on either end of the bus body identification number. The manufacturer of the school bus body certifies by the "MN" designation that the bus body has been manufactured to meet the minimum standards required of school bus bodies by law. A school bus body manufactured before January 1, 1992, that does not bear a current inspection sticker on July 1, 1992, may not be used on streets and highways in Minnesota after July 1, 1992, unless its manufacturer recertifies that the school bus body meets minimum standards required of school bus bodies by law. [169.44, subd 17]

Subd. 5. [OPTIONAL MARKINGS; RULES.] A school bus may display a plainly visible, summary message explaining section 169.444, subdivisions 1 and 2. The commissioner shall adopt rules governing the size, type, design, display, and content of the summary message that may be shown.

Sec. 4. [169.442] [SCHOOL BUS SIGNALS.]

Subdivision 1. [SIGNALS REQUIRED.] A school bus that can seat more than ten people, including the driver, must be equipped with a stop signal arm, prewarning flashing amber signals, and flashing red signals. [169.44, subd 1a]

Subd. 2. [FLASHING SIGNALS ON STOP ARM.] A school bus stop signal arm may be equipped with alternately flashing red warning signals that are visible both to the front and to the rear of the bus. School buses manufactured after July 1, 1989, must be so equipped. [169.44, subd 14; MN Rules, parts 3520.5200, subps 7 and 8, and 7425.2100, subp 1, item II]

Subd. 3. [APPROVAL OF SIGNALS.] Flashing prewarning amber signals and flashing red signals must be of a type approved by the commissioner of public safety. The signals must be a complete system meeting minimum standards required by this section and state board of education rules. [169.44, subd 10]

Subd. 4. [OPTIONAL WARNING SYSTEM.] In addition to equipment required under subdivision 1, and notwithstanding section 169.64, a school bus may be equipped with a driver-activated, exterior student-control, warning system. The driver shall activate this system when the use of the stop signal arm and flashing red signals is required under section 169.443, subdivision 1. [169.44, subd 1d]

Subd. 5. [WHITE STROBE LAMPS ON SCHOOL BUSES.] Notwithstanding sections 169.55, subdivision 1; 169.57, subdivision 3, paragraph (b), or other law to the contrary, a school bus that is subject to and complies with the color and equipment requirements of sections 169.441, subdivision 1, and 169.442, subdivision 1, may be equipped with a 360-degree, flashing strobe lamp that emits a white light with a flash rate of 60 to 120 flashes a minute. The lamp may be used only as provided in this subdivision.

The strobe lamp must be of a double flash type certified to the commissioner of public safety by the manufacturer as being weatherproof and having a minimum effective light output of 200 candelas as measured by the Blondel-Rey formula. The lamp must be permanently mounted on the longitudinal center line of the bus roof not less than two feet nor more than seven feet forward of the rear roof edge. It must operate from a separate switch containing an indicator lamp to show when the strobe lamp is in use.

The strobe lamp may be lighted only when atmospheric conditions or terrain restrict the visibility of school bus lamps and signals so as to require use of the bright strobe lamp to alert motorists to the presence of the school bus. A strobe lamp may not be lighted unless the school bus is actually being used as a school bus. [169.64, subd 7]

Sec. 5. [169.443] [SAFETY OF SCHOOL CHILDREN; BUS DRIVER'S DUTIES.]

Subdivision 1. [USING BUS SIGNALS.] A driver of a school bus shall activate the prewarning flashing amber signals of the bus before stopping to load or unload school children. The driver shall activate the amber signals at least 100 feet before stopping in a speed zone of 35 miles per hour or less and at least 300 feet before stopping in a speed zone of more than 35 miles per hour. On stopping for this purpose, the driver shall extend the stop signal arm and activate the flashing red signals. The driver shall not retract the stop signal arm nor extinguish the flashing red signals until loading or unloading is completed, students are seated, and children who must cross the roadway are safely across. [169.44, subd 2, para (a)]

Subd. 2. [USE OF STOP SIGNAL ARM.] (a) Except as provided in paragraph (b), the stop signal arm of a school bus must be used in conjunction with the flashing red signals only when the school bus

is stopped on a street or highway to load or unload school children. [169.44, subd 1]

(b) A local authority, including the governing body of an Indian tribe, may by ordinance require that a school bus activate the stop signal arm and flashing red signals while stopped to unload school children at a location other than a location on a street or highway. The ordinance must designate each location where the requirement is imposed. The requirement is effective only if the local authority has erected signs at or near the location to provide adequate notice that other vehicles are required to obey section 169.444, subdivision 1, when those signals are activated.

Subd. 3. [WHEN SIGNALS NOT USED.] School bus drivers shall not activate the prewarning flashing amber signals or flashing red signals:

(1) in special school bus loading areas where the bus is entirely off the traveled portion of the roadway and where no other motor vehicle traffic is moving or is likely to be moving within 20 feet of the bus;

(2) in residential or business districts of home rule or statutory cities when directed not to do so by the local school administrator;

(3) when a school bus is being used on a street or highway for purposes other than the actual transportation of school children to or from school or a school-approved activity;

(4) at railroad grade crossings; and

(5) when loading and unloading people while the bus is completely off the traveled portion of a separated, one-way roadway that has adequate shoulders. The driver shall drive the bus completely off the traveled portion of this roadway before loading or unloading people. [169.44, subd 2, para (b)]

Subd. 4. [STREET CROSSINGS.] Where school children must cross a roadway before getting on or after getting off the school bus, the driver of the school bus or a school bus patrol may supervise the crossing, using the standard school patrol flag or signal as approved and prescribed by the commissioner of public safety. [169.44, subd 2, para (c)]

Subd. 5. [MOVING BUS AFTER CHILDREN UNLOADED.] When children are getting off a school bus, the driver shall visually determine that they are a safe distance from the bus before moving the bus. [169.44, subd 2, para (c)]

Subd. 6. [OTHER BUSES.] The driver of a type III school bus shall

load or unload school children only from the right-hand side of the vehicle, provided that on a one-way street the driver shall load or unload school children only from the curb side of the vehicle. When loading or unloading school children, the driver shall activate the vehicle's four-way hazard lights described in section 169.59, subdivision 4. [169.44, subd 2, para (d)]

Sec. 6. [169.444] [SAFETY OF SCHOOL CHILDREN; DUTIES OF OTHER DRIVERS.]

Subdivision 1. [CHILDREN GETTING ON OR OFF SCHOOL BUS.] When a school bus is stopped on a street or highway, or other location where signs have been erected under section 169.443, subdivision 2, paragraph (b), and is displaying an extended stop signal arm and flashing red lights, the driver of a vehicle approaching the bus shall stop the vehicle at least 20 feet away from the bus. The vehicle driver shall not allow the vehicle to move until the school bus stop signal arm is retracted and the red lights are no longer flashing. [169.44, subd 1]

Subd. 2. [VIOLATIONS BY DRIVERS; PENALTIES.] (a) A person who fails to stop a vehicle or to keep it stopped, as required in subdivision 1, is guilty of a misdemeanor. [169.44, subd 1]

(b) A person is guilty of a gross misdemeanor if the person fails to stop the vehicle or to keep it stopped, as required in subdivision 1, and commits either or both of the following acts:

(1) passes or attempts to pass the school bus on the right-hand, passenger-door side of the bus; or

(2) passes or attempts to pass the school bus when a school child is outside the bus and on the roadway used by the school bus.

Subd. 3. [PROSECUTOR.] The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

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

Subd. 4. [EXCEPTION FOR SEPARATED ROADWAY.] A person driving a vehicle on a street or highway with separated roadways is not required to stop the vehicle when approaching or meeting a school bus that is on a different roadway.

"Separated roadway" means a road that is separated from a parallel road by a safety isle or safety zone. [169.44, subd 4]

Subd. 5. [CAUSE FOR ARREST.] A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 1 within the past four hours. [169.44, subd 1c, para (1)]

Subd. 6. [VIOLATION; PENALTY FOR OWNERS AND LESSEES.] (a) If a motor vehicle is operated in violation of subdivision 1, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor.

(b) The owner or lessee must not be fined under paragraph (a) if (1) another person is convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation.

(c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator for violating subdivision 1.

(e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license. [169.44, subd 1c, para (2)]

Subd. 7. [EVIDENTIARY PRESUMPTION.] There is a presumption that signals described in section 169.442 were in working order and operable during the time when a violation of subdivision 1, 2, or 5 was committed, if the signals of the applicable school bus were inspected and visually found to be in working order and operable within 12 hours preceding the incident giving rise to the violation.

Subd. 8. [SCHEDULING CASES.] When necessary or desirable to ensure that a school bus driver who witnessed or otherwise can provide relevant information concerning a violation of this section, is available to be present at a court proceeding held to determine an alleged violation of this section, the court administrator shall schedule the proceeding to be held between the hours of 10:00 a.m. and 2:00 p.m.

Sec. 7. [169.445] [COOPERATION WITH LAW ENFORCEMENT; INFORMATION; RULES; REPORTS.]

Subdivision 1. [COOPERATION OF SCHOOL AUTHORITIES.] The state board of education shall ensure that local authorities having jurisdiction over school buses shall cooperate with law enforcement and judicial authorities in reporting and prosecuting violators of sections 169.443 and 169.444.

Subd. 2. [INFORMATION; RULES.] The board shall compile information regarding violations, prosecutions, convictions or other disposition, and penalties imposed under sections 169.443 and 169.444. At the request of the board, local school authorities shall provide this information. The board may adopt rules governing the content and providing procedures for the school authorities to provide this information.

Subd. 3. [LEGISLATIVE REPORT.] The board shall submit a report to the legislature by March 1, 1992, summarizing the information compiled under subdivision 2 for the previous calendar year, listing its findings, and making recommendations it considers appropriate.

Sec. 8. [169.446] [SAFETY OF SCHOOL CHILDREN; TRAINING AND EDUCATION RULES.]

Subdivision 1. [PEACE OFFICER TRAINING.] The board of peace officer standards and training shall adopt rules requiring thorough academic instruction in the content of sections 169.441 to 169.448 and the enforcement of sections 169.443, 169.444, 169.447, and 169.448. The instruction must be conducted during, and made a part of, the board's required basic course of study for peace officer licensing and the board's required programs of continuing education for peace officers.

Subd. 2. [DRIVER TRAINING PROGRAMS.] The commissioner of public safety shall adopt rules requiring thorough instruction concerning section 169.444 for persons enrolled in driver training programs offered at private and parochial schools and commercial driver training schools. The instruction must encompass at least the responsibilities of drivers, the content and requirements of section 169.444, and the penalties for violating that section.

Subd. 3. [DRIVER EDUCATION PROGRAMS.] The state board of education shall adopt rules requiring thorough instruction concerning section 169.444 for persons enrolled in driver education programs offered at public schools. The instruction must encompass at least the responsibilities of drivers, the content and requirements of section 169.444, and the penalties for violating that section.

Sec. 9. [169.447] [SCHOOL BUS SAFETY.]

Subdivision 1. [PASSENGER SEATING.] (a) The number of pupils or other authorized passengers transported in or assigned to a school bus must not be more than the number of pupils or passengers that can be fully seated. Seating capacity must be adjusted according to each passenger's individual physical size, but not more than the manufacturers' rated seating capacity.

(b) No person shall stand when the school bus is in motion. [169.44, subd 6]

Subd. 2. [DRIVER SEAT BELTS.] New school buses purchased after July 1, 1969, must be equipped with driver seat belts and seat belt assemblies of the type described in section 169.685, subdivision 3. School bus drivers must use these seat belts. [169.44, subd 9]

Subd. 3. [RECAPPED TIRES.] Recapped tires must not be used on the front wheels of a school bus. [169.44, subd 11]

Subd. 4. [AISLE AND EXIT.] The driver of a school bus shall keep the aisle and emergency exit of a school bus unobstructed at all times when children are being transported. [169.44, subd 12]

Subd. 5. [TRAILER BEHIND SCHOOL BUS.] A school bus may pull a trailer, as defined by section 169.01, subdivision 10, only when traveling to or from cocurricular or extracurricular activities, as defined in section 123.38. [169.44, subd 13]

Subd. 6. [OVERHEAD BOOK RACKS.] Types I and II school buses may be equipped with padded, permanent overhead book racks that do not hang over the center aisle of the bus. [169.44, subd 16]

Sec. 10. [169.448] [OTHER BUSES.]

Subdivision 1. [RESTRICTIONS ON APPEARANCE; PENALTY.] A bus that is not used as a school bus must not be operated on a street or highway unless it is painted a color significantly different than national school bus glossy yellow or Minnesota school bus golden orange.

A bus that is not used as a school bus must not be equipped with school bus-related equipment and printing.

A violation of this subdivision is a misdemeanor. [169.44, subd 8]

This subdivision does not apply to a school bus owned by or under contract to a school district operated as a charter or leased bus.

Subd. 2. [SCHOOL MOTOR COACHES.] (a) Neither a school district nor a technical college may acquire a motor coach for transportation purposes after March 25, 1986.

(b) A motor coach acquired by a school district or technical college before March 26, 1986, may be used by it only to transport students participating in school activities, their instructors, and supporting personnel to and from school activities. A motor coach must not be outwardly equipped and identified as a school bus. A motor coach

operated under this subdivision is not a school bus for purposes of section 124.225. By August 1, 1986, the state board of education shall adopt rules governing the equipment, identification, operation, inspection, and certification of motor coaches operated under this subdivision.

(c) After January 1, 1998, neither a school district nor a technical college may own or operate a motor coach for any transportation purpose. [169.44, subd 18]

Sec. 11. Minnesota Statutes 1990, section 169.45, is amended to read:

169.45 [SCHOOL BUSES BUS RULES, ENFORCEMENT.]

Subdivision 1. [BOARD OF EDUCATION RULES, ENFORCEMENT.] Except as provided in subdivision 2 and section 169.451, the state board of education has sole and exclusive authority to adopt and enforce rules not inconsistent with this chapter to govern the design, color, and operation of school buses used for the transportation of school children, when owned and operated by a school or privately owned and operated under a contract with a school, and these rules must be made a part of that contract by reference. Each school, its officers and employees, and each person employed under the contract is subject to these rules.

Subd. 2. [PENALTY; ENFORCEMENT BY STATE PATROL.] The operation of a school bus on the public streets or highways in violation of rules adopted by the board under subdivision 1 is a misdemeanor. The state patrol shall enforce rules adopted under subdivision 1 when a school bus is operated on a public street or highway.

Sec. 12. Minnesota Statutes 1990, section 169.451, is amended to read:

169.451 [SCHOOL BUS INSPECTION; RULES; PENALTY.]

Subdivision 1. [ANNUAL REQUIREMENT.] The Minnesota state patrol shall inspect every school bus annually to ascertain whether its construction, design, equipment, and color comply with all provisions of law.

Subd. 2. [INSPECTION CERTIFICATE.] No person shall drive, or no owner shall knowingly permit or cause to be driven, any school

bus unless there is displayed thereon a certificate issued by the commissioner of public safety stating that on a certain date, which shall be within 13 months of the date of operation, a member of the Minnesota state patrol inspected the bus and found that on the date of inspection the bus complied with the applicable provisions of state law relating to construction, design, equipment, and color. ~~The commissioner of public safety shall provide by rule for the issuance and display of distinctive inspection certificates.~~

Subd. 3. [RULES OF COMMISSIONER.] (a) The commissioner of public safety shall provide by rule for the issuance and display of distinctive inspection certificates.

(b) The commissioner of public safety shall provide by rule a point system for evaluating the effect on safety operation of any variance from law detected during school bus inspections conducted pursuant to subdivision 1.

Subd. 4. [VIOLATIONS; PENALTY.] The state patrol shall enforce subdivision 2. A violation of subdivision 2 is a misdemeanor.

Sec. 13. Minnesota Statutes 1990, section 171.07, is amended by adding a subdivision to read:

Subd. 8. [CERTIFICATION; SCHOOL BUS SAFETY LAWS.] Before a driver's license may be issued or renewed, an applicant for a driver's license or renewal shall certify by signature that the applicant is aware of the duties and responsibilities required of drivers under section 169.444 to guard against jeopardizing the safety of school children around school buses and the penalties for violating that section. A failure to make this certification does not affect a prosecution for violation of section 169.444.

Sec. 14. Minnesota Statutes 1990, section 171.17, is amended to read:

171.17 [REVOCAATION.]

Subdivision 1. [OFFENSES.] The department shall forthwith immediately revoke the license of any a driver upon receiving a record of such the driver's conviction of any of the following offenses:

(1) manslaughter or criminal vehicular operation resulting from the operation of a motor vehicle;

(2) any a violation of section 169.121 or 609.487;

(3) any a felony in ~~the commission~~ of which a motor vehicle was used in the commission of the felony;

(4) failure to stop and disclose identity and render aid, as required under the laws of this state, in the event of a motor vehicle accident, resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement to the department under any law relating to the ownership or operation of a motor vehicle;

(6) except as this section otherwise provides, conviction, plea of guilty, or forfeiture of bail not vacated, upon three charges of violating, within a period of 12 months, any of the provisions of chapter 169, or of the rules or municipal ordinances enacted in conformance therewith with chapter 169, for which the accused may be punished upon conviction by imprisonment;

(7) conviction of two or more violations, within five years, of the misdemeanor offense described in section 169.444, subdivision 2, paragraph (a);

(8) conviction of the gross misdemeanor offense described in section 169.444, subdivision 2, paragraph (b);

(9) conviction of an offense in another state which that, if committed in this state, would be grounds for the revocation of revoking the driver's license.

Subd. 2. [OFFENSES BY JUVENILES.] When ~~any judge of a juvenile court, judge or any of its duly authorized agents, agent~~ determines under a proceeding held under chapter 260 that ~~any a~~ person under the age of 18 years has committed ~~any an~~ offense defined in this section, ~~such the~~ judge, or ~~duly~~ authorized agent, shall immediately report this determination to the department, and the commissioner shall immediately revoke the person's driver's license of that person.

Subd. 3. [NOTICE.] Upon revoking ~~the license of any person, as hereinbefore in a driver's license under this chapter authorized,~~ the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid thereon.

Sec. 15. Minnesota Statutes 1990, section 171.18, is amended to read:

171.18 [SUSPENSION.]

Subdivision 1. [OFFENSES.] The commissioner ~~shall have authority to and~~ may suspend the license of any a driver without

preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) has committed an offense for which mandatory revocation of license is required upon conviction; ~~or~~

(2) has been convicted by a court of ~~competent jurisdiction~~ for ~~violation of~~ violating a provision of the highway traffic regulation act chapter 169 or an ordinance regulating traffic and ~~where it appears from~~ department records show that the violation for which the licensee was ~~convicted~~ contributed in causing an accident resulting in the death or personal injury of another, or serious property damage; ~~or~~

(3) is an habitually reckless or negligent driver of a motor vehicle; ~~or~~

(4) is an habitual violator of the traffic laws; ~~or~~

(5) is incompetent to drive a motor vehicle as determined ~~and adjudged~~ in a judicial proceeding; ~~or~~

(6) has permitted an unlawful or fraudulent use of ~~such~~ the license; ~~or~~

(7) has committed an offense in another state ~~which that~~, if committed in this state, would be grounds for suspension; ~~or~~

(8) has committed a violation of section 169.444, subdivision 1;

(9) has committed a violation of section 171.22; ~~or~~

~~(9)~~ (10) has failed to appear in court as provided in section 169.92, subdivision 4; or

~~(10)~~ (11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges.

~~Provided, However, that any~~ an action taken by the commissioner under ~~clauses~~ clause (2) ~~and~~ or (5) ~~shall~~ must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Subd. 2. [NOTICE.] Upon suspending ~~the a~~ a driver's license of ~~any person, as hereinbefore in~~ under this section ~~authorized~~, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid ~~thereon, and~~

Subd. 3. [HEARING.] (a) The licensee's written licensee may request, in writing, a hearing. The department shall afford the requesting licensee an opportunity for a hearing within not to exceed 20 days after receipt of such the request in the county wherein where the licensee resides, unless the department and the licensee agree that such the hearing may be held in some other county.

Upon such (b) For the hearing, the commissioner or duly authorized agent may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee.

Upon such (c) Following the hearing, the department shall either rescind its order of suspension or, for good cause appearing therefor shown, may extend the suspension of such the license or revoke such the license.

(d) The department shall not suspend a license for a period of more than one year.

Sec. 16. [REVISOR'S INSTRUCTION.]

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>124.225, subd. 1</u>	<u>169.44, subd. 15</u>	<u>169.01, subd. 6, para. (c)</u>
<u>169.01, subd. 75</u>	<u>169.44, subd. 15</u>	<u>169.01, subd. 6, para. (c)</u>
<u>169.32</u>	<u>169.44</u>	<u>169.441 and 169.442, subd. 1</u>
<u>171.01, subd. 22</u>	<u>169.44, subd. 15</u>	<u>169.01, subd. 6, para. (c)</u>

Sec. 17. [REPEALER.]

Minnesota Statutes 1990, sections 169.44; and 169.64, subdivision 7, are repealed."

Delete the title and insert:

"A bill for an act relating to traffic regulations; regulating traffic safety concerning school buses and the safety of school children; providing penalties; amending Minnesota Statutes 1990, sections 169.01, subdivision 6; 169.45; 169.451; 171.07, by adding a subdivision; 171.17; and 171.18; proposing coding for new law in Minnesota

Statutes, chapter 169; repealing Minnesota Statutes 1990, sections 169.44; and 169.64, subdivision 7.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 345, A bill for an act relating to sexual abuse; extending the statute of limitations for intentional torts involving the sexual abuse of a minor; eliminating the statute of limitations in criminal sexual conduct cases involving a minor victim; amending Minnesota Statutes 1990, sections 541.073; and 628.26.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 541.073, is amended to read:

541.073 [ACTIONS FOR DAMAGES DUE TO SEXUAL ABUSE; SPECIAL PROVISIONS.]

Subdivision 1. [DEFINITIONS.] As used in this section, “sexual abuse” means conduct described in sections 609.342 to 609.345.

Subd. 2. [LIMITATIONS PERIODS.] (a) Except as otherwise provided in paragraph (b), an action for damages based on personal injury caused by sexual abuse must be commenced, in the case of an intentional tort, within two years, or, in the case of an action for negligence, within six years of the time the plaintiff knew or had reason to know that the injury was caused by the sexual abuse.

(b) If the plaintiff was a minor at the time the sexual abuse occurred, an action for damages based on personal injury caused by sexual abuse must be commenced within six years of the time the plaintiff knew or had reason to know that the injury was caused by the sexual abuse. The limitations period provided in this paragraph applies to both intentional tort actions and to actions for negligence.

(c) The plaintiff need not establish which act in a continuous series of sexual abuse acts by the defendant caused the injury.

(d) The knowledge of a parent or guardian may not be imputed to a minor.

(e) This section does not affect the suspension of the statute of limitations during a period of disability under section 541.15.

As used in this section, "sexual abuse" means conduct described in sections 609.342 to 609.345.

Subd. 3. [APPLICABILITY.] This section applies to an action for damages commenced against a person who caused the plaintiff's personal injury either by (1) committing sexual abuse against the plaintiff, or (2) negligently permitting sexual abuse against the plaintiff to occur.

Sec. 2. Minnesota Statutes 1990, section 628.26, is amended to read:

628.26 [LIMITATIONS.]

(a) Indictments or complaints for murder may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for violation of section 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(c) Indictments or complaints for violation of sections 609.342 to 609.345 if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within seven years after the commission of the offense or, if the victim failed to report the offense within this limitation period, within two years after the offense was reported to law enforcement authorities, but in no event may an indictment or complaint be found or made after the victim attains the age of 25 years may be found or made at any time after the commission of the offense.

(d) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3)(c) shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of section 609.52, subdivision 2, clause (3), items (a) and (b), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(f) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(g) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense; but the time during which the defendant shall not be an inhabitant of, or usually resident within, this state, shall not constitute any part of the limitations imposed by this section.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1991, and applies to actions pending on or commenced on or after that date. Section 2 is effective August 1, 1991, and applies to crimes committed on or after that date, and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 1991.

Sec. 4. [APPLICABILITY.]

Notwithstanding any other provision of law, a plaintiff whose claim is otherwise time-barred has until August 1, 1992, to commence a cause of action for damages based on personal injury caused by sexual abuse if the action is based on an intentional tort committed against the plaintiff when the plaintiff was a minor."

Delete the title and insert:

"A bill for an act relating to sexual abuse; extending the statute of limitations for intentional torts involving the sexual abuse of a minor; eliminating the statute of limitations in criminal sexual conduct cases involving a minor victim; amending Minnesota Statutes 1990, sections 541.073; and 628.26."

With the recommendation that when so amended the bill pass.

The report was adopted.

Beginch from the Committee on Labor-Management Relations to which was referred:

H. F. No. 352, A bill for an act relating to employment; regulating disbursements from the dislocated worker fund; extending the special assessment for the dislocated worker fund; amending Minnesota Statutes 1990, section 268.977, subdivision 2; repealing Laws 1990, chapter 568, article 6, section 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 268.975, subdivision 3, is amended to read:

Subd. 3. [DISLOCATED WORKER.] “Dislocated worker” means an individual who:

(1) has been terminated or who has received a notice of termination of from employment as a result of a plant closing or any substantial layoff at a plant, facility, or enterprise located in the state, is eligible for or has exhausted entitlement to unemployment compensation, and is unlikely to return to the previous industry or occupation;

(2) was a resident of the state at the time has been terminated or has received a notice of termination of employment or at the time of receiving the notification of termination of employment as a result of any plant closing or any substantial layoff at a plant, facility, or enterprise; and

(3) is eligible for or has exhausted unemployment compensation and is unlikely to return to the previous industry or occupation has been long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which the individual resides, including older individuals who may have substantial barriers to employment by reason of age; or

(4) has been self-employed, including farmers and ranchers, and is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters, subject to rules to be adopted by the commissioner.

A dislocated worker must have been working in Minnesota at the time employment ceased.

Sec. 2. Minnesota Statutes 1990, section 268.975, is amended by adding a subdivision to read:

Subd. 3a. [ADDITIONAL DISLOCATED WORKER.] “Additional dislocated worker” means an individual who was a full-time homemaker for a substantial number or years and derived the substantial share of his or her support from:

(1) a spouse and no longer receives such support due to the death, divorce, permanent disability of, or permanent separation from the spouse; or

(2) public assistance on account of dependents in the home and no longer receives such support.

An additional dislocated worker must have resided in Minnesota at the time the support ceased.

Sec. 3. Minnesota Statutes 1990, section 268.977, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM ESTABLISHMENT.] (a) The commissioner shall establish a rapid response program to assist employees, employers, business organizations or associations, labor organizations, local government units, and community organizations to quickly and effectively respond to announced or actual plant closings and substantial layoffs.

(b) The program must include or address at least the following:

(1) within five working days after becoming aware of an announced or actual plant closing or substantial layoff, establish on-site contact with the employer, employees, labor organizations if there is one representing the employees, and leaders of the local government units and community organizations to provide coordination of efforts to formulate a communitywide response to the plant closing or substantial layoff, provide information on the public and private service and programs that might be available, inform the affected parties of the prefeasibility study grants under section 268.978, and collect any information required by the commissioner to assist in responding to the plant closing or substantial layoff;

(2) provide ongoing technical assistance to employers, employees, business organizations or associations, labor organizations, local government units, and community organizations to assist them in reacting to or developing responses to plant closings or substantial layoffs;

(3) establish and administer the prefeasibility study grant program under section 268.978 to provide an initial assessment of the feasibility of alternatives to plant closings or substantial layoffs;

(4) work with employment and training service providers, employers, business organizations or associations, labor organizations, local government units, dislocated workers, and community organizations in providing training, education, community support service, job search programs, job clubs, and other services to address the needs of potential or actual dislocated workers;

(5) coordinate with providers of economic development related financial and technical assistance services so that communities that

are experiencing plant closings or substantial layoffs have immediate access to economic development related services; ~~and~~

(6) collect and make available information on programs that might assist dislocated workers and the communities affected by plant closings or substantial layoffs; and

(7) when they can be provided without adversely affecting delivery of services to dislocated workers, the services under clause (4) shall be available to additional dislocated workers as defined in section 268.975, subdivision 3a.

Sec. 4. [REPEALER.]

Laws 1990, chapter 568, article 6, section 4, is repealed.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to employment; defining "dislocated worker" and "additional dislocated worker" for the purposes of the dislocated worker fund; extending the special assessment for the dislocated worker fund; amending Minnesota Statutes 1990, section 268.975, subdivision 3, and by adding a subdivision; 268.977, subdivision 1; repealing Laws 1990, chapter 568, article 6, section 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 381, A bill for an act relating to education; authorizing construction at Dakota County Technical College.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 499, A bill for an act relating to education; providing for flagging of school records of missing children; proposing coding for new law in Minnesota Statutes, chapter 120.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 522, A bill for an act relating to retirement; authorizing appointed public officers to purchase public employees retirement association service credit for previous service as an elected official; amending Laws 1990, chapter 570, article 8, section 14, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 10, after "An" insert "individual who became an appointed public officer prior to May 9, 1990, or an" and delete "or appointed"

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 529, A bill for an act relating to health; clarifying requirements for vaccination of children for certain illnesses; amending Minnesota Statutes 1990, sections 123.70, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 10, and by adding a subdivision; and 151.37, by adding a subdivision.

Reported the same back with the following amendments:

Page 7, line 10, after "children" insert "under age six"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 602, A bill for an act relating to environment; limiting the application of pesticides; proposing coding for new law in Minnesota Statutes, chapter 18B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [18B.111] [REQUIREMENTS FOR PESTICIDE APPLICATION IN CERTAIN AREAS.]

Subdivision 1. [APPLICATION LIMITATIONS.] (a) No person may apply any pesticide on:

(1) any right-of-way of a public road;

(2) any railroad right-of-way; or

(3) any right-of-way owned by a company, municipality, or cooperative association that transmits electricity or provides electric service, transports natural, manufactured, or mixed gas or any other petroleum product, or provides telephone service.

(b) This subdivision does not prevent the application of a pesticide within five feet from either side of the center of a railroad track.

Subd. 2. [EXEMPTIONS.] This section does not apply to persons engaged in:

(1) farming on farmland and farm right-of-way;

(2) structural pest control;

(3) residential lawn applications;

(4) forest management activities;

(5) control of obnoxious weeds or mosquitos, arthropods, or insects of public health importance under chapter 18 or section 473.04; or

(6) pest or weed control in geographic areas unable to be reached without applying a pesticide.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective June 1, 1991."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 661, A resolution memorializing Canada to correct the new permit regulations for the Canada-Minnesota border, and to encourage federal, state, and provincial governments to resolve differences to the mutual benefit and satisfaction of the citizens of both countries.

Reported the same back with the following amendments:

Page 2, delete lines 7 to 23, and insert:

"Be It Resolved that the appropriate federal officials of both Canada and the United States immediately begin a dialogue to the mutual benefit and satisfaction of the citizens of both countries to resolve differences and restrictions to travel and freedom of passage, especially as they relate to remote areas of the United States/Canada border between the province of Ontario and the state of Minnesota that have been imposed by policy, regulation, or law by the governments of both countries.

Be It Further Resolved that state and provincial officials have direct input into the dialogue, discussion, and negotiation which takes place relating to this matter.

Be It Further Resolved that the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the Prime Minister of Canada, the Canadian Ambassador to the United States, the Ministers of Canadian Government concerned with immigration, customs and other border related matters, the President of the United States, the Secretary of State, the Secretary of the Treasury, the Attorney General of the United States, the committees of Congress concerned with foreign affairs, immigration, and trade, and Minnesota's Senators and Representatives in Congress."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 691, A bill for an act relating to health; increasing funding for the nutritional supplement program known as WIC to expand services; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 692, A bill for an act relating to human services; increasing funding for home delivered meals; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rodosovich from the Committee on Redistricting to which was referred:

H. F. No. 810, A bill for an act relating to elections; limiting certain special elections; setting times and procedures for certain boundary changes; imposing duties on the secretary of state; changing requirements for polling places; appropriating money; amending Minnesota Statutes 1990, sections 204B.135, by adding a subdivision; 204B.14, subdivisions 3, 4, and 6; 204B.16, subdivisions 1 and 2; 205.84, subdivision 2; and 205A.12, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 204B.

Reported the same back with the following amendments:

Page 4, line 20, delete "437.121" and insert "473.121"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 812, A bill for an act relating to state administration; regulating conditions of certain contracts, purchases, sales, and appropriations; clarifying insurance alternatives; setting conditions for certain land sales; appropriating money; amending Minnesota Statutes 1990, sections 16B.19, subdivision 5; 16B.48, subdivision 2; 16B.51, subdivision 3; 16B.85, subdivision 1; and 94.10, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 16B.19, subdivision 5, is amended to read:

Subd. 5. [LIMITS.] At least 75 percent of the value of the ~~subcontracts~~ subcontract amount awarded to small targeted group businesses to meet a goal set under subdivision 2c, paragraph (c), must be performed by the business to which the subcontract is awarded or by another small targeted group business.

Sec. 2. [16B.293] [ENERGY REBATES.]

When the state receives a rebate of part of the cost of electricity or gas because an agency uses energy-saving equipment, the amount of the rebate is appropriated to the agency for the purposes for which other appropriations are made to it.

Sec. 3. Minnesota Statutes 1990, section 16B.48, subdivision 2, is amended to read:

Subd. 2. [PURPOSE OF FUNDS.] Money in the state treasury credited to the general services revolving fund and money that is deposited in the fund is appropriated annually to the commissioner for the following purposes:

(1) to operate a central store and equipment service;

(2) to operate a central duplication and printing service;

(3) to purchase postage and related items and to refund postage deposits as necessary to operate the central mailing service;

(4) to operate a documents service as prescribed by section 16B.51;

(5) to provide advice and other services to political subdivisions for the management of their telecommunication systems;

(6) to provide services for the maintenance, operation, and upkeep of buildings and grounds managed by the commissioner of administration;

(7) to provide analytical, statistical, and organizational development services to state agencies, local units of government, metropolitan and regional agencies, and school districts;

(8) to provide capitol security services through the department of public safety; and

(9) to perform services for any other agency. Money may be expended for this purpose only when directed by the governor. The agency receiving the services shall reimburse the fund for their cost, and the commissioner shall make the appropriate transfers when requested. The term "services" as used in this clause means compensation paid officers and employees of the state government; supplies, materials, equipment, and other articles and things used by or furnished to an agency; and utility services and other services for the maintenance, operation, and upkeep of buildings and offices of the state government. The term "agency" as used in this subdivision means an officer, employee, or agency of the executive, legislative, and judicial departments of state government.

Sec. 4. Minnesota Statutes 1990, section 16B.51, subdivision 3, is amended to read:

Subd. 3. [SALE OF PUBLICATIONS.] The commissioner may sell official reports, documents, and other publications of all kinds, may delegate their sale to state agencies, and may establish facilities for their sale within the department of administration and elsewhere within the state service. The commissioner may remit a portion of the price of any publication to the agency producing the publication. Money that is remitted to an agency is appropriated to it to discharge the costs of preparing publications.

Sec. 5. Minnesota Statutes 1990, section 16B.85, subdivision 1, is amended to read:

Subdivision 1. [ALTERNATIVES TO CONVENTIONAL INSUR-

ANCE.] The commissioner may implement programs of insurance or alternatives to the purchase of conventional insurance for areas of risk:

(1) not subject to collective bargaining agreements, plans established under section 43A.18, or programs established under sections 176.540 to 176.611; or

(2) in the department of administration.

The mechanism for implementing possible alternatives to conventional insurance is the risk management fund created in subdivision 2.

Sec. 6. Minnesota Statutes 1990, section 94.10, subdivision 1, is amended to read:

Subdivision 1. Before offering any surplus state owned lands for sale, the commissioner of administration may survey ~~such~~ the lands, and if ~~the~~ their value ~~thereof~~ is estimated to be ~~\$20,000~~ \$40,000 or less, may have ~~such~~ the lands appraised. The commissioner shall have the lands appraised if the estimated value is in excess of ~~\$20,000~~ \$40,000. The appraisal ~~shall~~ must be made by ~~not less than three appraisers, at least two of whom shall be residents an appraiser who, if possible, is a resident of the county in which the lands are situated.~~ Each appraiser shall before entering upon the duties of the office take and subscribe an oath that the appraiser will faithfully and impartially discharge the duties as appraiser according to the best of the appraiser's ability and that the appraiser is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements ~~thereon~~ on it or in ~~the~~ its purchase ~~thereof~~ and has entered into no agreement or combination to purchase ~~the same or any part thereof, which oath shall all or part of the land.~~ A copy of the oath must be attached to the report of ~~such~~ the appraisal. Before offering ~~such~~ surplus state owned lands for public sale, ~~such~~ the lands shall ~~must~~ first be offered to the city, county, town, school district, or other public body ~~corporate or politic~~ in which the lands are situated for public purposes, and they may be sold for ~~such~~ public purposes for not less than ~~the~~ their appraised value ~~thereof~~. To determine whether a public body desires to purchase the surplus land, the commissioner of administration shall give a written notice to the governing body of each political subdivision whose jurisdictional boundaries include or are adjacent to the surplus land. If a public body desires to purchase the surplus land, it shall submit a written offer to the commissioner not later than two weeks after receipt of notice, setting forth in detail its reasons for desiring to acquire and its intended use of the land. In the event that more than one public body tenders an offer, the commissioner shall determine which party ~~shall~~ is to receive the property, and shall submit written findings regarding the decision. If lands are offered for sale for ~~such~~ public purposes, and if a public body notifies the

commissioner of administration of its desire to acquire ~~such~~ the lands, the public body may have ~~not to exceed~~ no more than two years from the date of the accepted offer to commence payment for the lands in the manner provided by law.

Sec. 7. Minnesota Statutes 1990, section 116J.63, subdivision 2, is amended to read:

Subd. 2. Fees for reports, publications, or related publicity or promotional material are not subject to the rulemaking requirements of chapter 14 and are not subject to sections 16A.128 and 16A.1281. The fees prescribed by the commissioner must be commensurate with the distribution objective of the department for the material produced or with the cost of furnishing the services. ~~All fees for materials and services must be deposited in the general fund.~~"

Amend the title as follows:

Page 1, line 8, delete "and"

Page 1, line 9, after "1;" insert "and 116J.63, subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 910, A bill for an act relating to energy; requiring low-income housing to be built according to energy efficiency standards; amending Minnesota Statutes 1990, section 16B.61, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rodosovich from the Committee on Redistricting to which was referred:

House Concurrent Resolution No. 1, A house concurrent resolution relating to congressional redistricting; establishing standards for redistricting plans.

Reported the same back with the following amendments:

Page 1, after line 15, insert:

“(4) The districts must be numbered in a regular series, beginning with congressional district 1 in the southeast corner of the state and ending with district 8 in the northeast corner of the state.”

Page 1, line 17, after the period insert “Where a concentration of a racial or language minority population makes it possible, the districts must increase the probability that members of the minority will be elected.”

Page 1, line 18, delete “must” and insert “should”

Page 2, line 12, delete everything after the period

Page 2, delete line 13

Renumber the clauses in sequence

With the recommendation that when so amended the house concurrent resolution be adopted and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Rodosovich from the Committee on Redistricting to which was referred:

House Concurrent Resolution No. 2, A house concurrent resolution relating to legislative redistricting; establishing standards for redistricting plans.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

“(1) The Senate must be composed of 67 members. The House of Representatives must be composed of 134 members.”

Page 1, after line 17, insert:

“(6) The districts must be numbered in a regular series, beginning with House district 1A in the northwest corner of the state and proceeding across the state from west to east, north to south, but

bypassing the seven-county metropolitan area until the southeast corner has been reached; then to the seven-county metropolitan area outside the cities of Minneapolis and St. Paul; then in Minneapolis and St. Paul.”

Page 1, line 19, after the period insert “Where a concentration of a racial or language minority makes it possible, the districts must increase the probability that members of the minority will be elected.”

Page 1, line 20, delete “must” and insert “should”

Page 2, line 14, delete everything after the period

Page 2, delete line 15

Renumber the clauses in sequence

With the recommendation that when so amended the house concurrent resolution be adopted and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 41, 44, 71, 161, 230, 345, 352, 381, 499, 522, 529, 602, 661, 812 and 910 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 443 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Schreiber, Scheid, Jacobs, Carruthers and Limmer introduced:

H. F. No. 939, A bill for an act relating to taxation; property; increasing a special levy for the cities of Maple Grove, Brooklyn Park, Brooklyn Center, and Coon Rapids for certain costs of provid-

ing drug abuse resistance education; amending Minnesota Statutes 1990, section 275.50, subdivision 5a; and Laws 1990, chapter 604, article 3, section 60.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Stanius introduced:

H. F. No. 940, A bill for an act relating to natural resources; providing for enforcement of sanctions for hunting while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1990, section 97B.065; proposing coding for new law in Minnesota Statutes, chapter 97B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Bodahl; Janezich; Johnson, V.; Dille and Cooper introduced:

H. F. No. 941, A bill for an act relating to locally collected fees; setting fees for certain public services; providing authority to set fees for certain public services; amending Minnesota Statutes 1990, sections 84.82, subdivision 2; 86B.415, subdivision 8; 97A.485, subdivisions 6 and 7; 171.06, subdivision 4; 272.46, subdivision 1; 272.47; and 624.7131, subdivision 5.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Dawkins, Hausman, Trimble, Hufnagle and Murphy introduced:

H. F. No. 942, A bill for an act relating to public utilities; certificates of need for large power facilities; requiring utilities to justify the use of nonrenewable resources for new large energy facilities; amending Minnesota Statutes 1990, section 216B.243, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Energy.

Weaver, Scheid, Lynch, Abrams and Dorn introduced:

H. F. No. 943, A bill for an act relating to elections; allowing school meetings on certain election days; amending Minnesota Statutes 1990, section 204C.03, subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Dorn, Scheid and Weaver introduced:

H. F. No. 944, A bill for an act relating to elections; changing the prohibition on school events on election day; amending Minnesota Statutes 1990, section 204C.03, subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Hartle, Munger, Sarna, Krinkie and Heir introduced:

H. F. No. 945, A bill for an act relating to game and fish; requiring certain hunters to have completed firearms safety and wildlife identification courses; amending Minnesota Statutes 1990, section 97A.405, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Runbeck, Pauly, Newinski, Welker and Valento introduced:

H. F. No. 946, A bill for an act relating to salary of legislators; freezing legislators' salaries; limiting the appropriation for the House of Representatives; restricting the carryover of legislative funds; providing the manner of determination of unexpended funds.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Farrell, Krueger, Sarna, Welker and Newinski introduced:

H. F. No. 947, A bill for an act relating to unclaimed property; providing for payment of certain expenses for claims made in other states; proposing coding for new law in Minnesota Statutes, chapter 345.

The bill was read for the first time and referred to the Committee on Commerce.

Valento introduced:

H. F. No. 948, A bill for an act relating to real property; providing

for duties of municipal boundary commissions; amending Minnesota Statutes 1990, section 465.79, subdivisions 2 and 4.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Valento introduced:

H. F. No. 949, A bill for an act relating to real property; authorizing the recording of monuments on plats before actual placement; amending Minnesota Statutes 1990, sections 465.79, subdivisions 2 and 4; 505.02, subdivision 1; and 505.03, subdivision 1.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

McEachern; Bauerly; Johnson, R.; Weaver and Olson, K., introduced:

H. F. No. 950, A bill for an act relating to game and fish; authorizing residents of boarding care and board and lodging facilities to fish without a license; amending Minnesota Statutes 1990, section 97A.445, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dorn, Frederick, Long, Munger and Ogren introduced:

H. F. No. 951, A bill for an act relating to local government; permitting the cities of Mankato and North Mankato to incur debt and tax for certain improvements.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Hanson, Garcia, Pellow, Dauner and Waltman introduced:

H. F. No. 952, A bill for an act relating to drivers' licenses; clarifying definition of conviction; amending Minnesota Statutes 1990, section 171.01, subdivision 13.

The bill was read for the first time and referred to the Committee on Judiciary.

Jaros and Munger introduced:

H. F. No. 953, A bill for an act relating to the city of Duluth; providing for certain city tax revenues; amending Laws 1980, chapter 511, section 1, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Jaros introduced:

H. F. No. 954, A bill for an act relating to retirement; public employees retirement association; granting the equivalent of two months maternity leave to a certain St. Louis county employee.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jaros introduced:

H. F. No. 955, A bill for an act relating to health; providing additional funding for family planning grants; establishing an outreach program for pregnant women eligible for medical assistance; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Johnson, R.; Simoneau; Lourey; Wejcman and O'Connor introduced:

H. F. No. 956, A bill for an act relating to state government; providing an early retirement incentive for public employees; amending Minnesota Statutes 1990, sections 275.125, by adding a subdivision; and 275.50, subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, I.; Osthoff; Janezich; Schreiber and Bauerly introduced:

H. F. No. 957, A bill for an act relating to state government; permitting the commissioner of administration to make certain leases; amending Minnesota Statutes 1990, section 16B.24, subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sparby; Johnson, V.; Stanius and Solberg introduced:

H. F. No. 958, A bill for an act relating to agriculture; providing for development of aquaculture; amending Minnesota Statutes 1990, section 17.49; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1990, sections 17.491; and 17.492.

The bill was read for the first time and referred to the Committee on Economic Development.

Simoneau, Hausman and Lourey introduced:

H. F. No. 959, A bill for an act relating to public contracts; requiring school districts to include employees of food service contractors in their comparable work job evaluation systems; requiring school food service contractors to pay their employees at levels that maintain equitable compensation relationships; amending Minnesota Statutes 1990, section 471.992, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dawkins and Trimble introduced:

H. F. No. 960, A bill for an act relating to public utilities; prescribing conditions for offering and billing for utility and telephone services not subject to rate regulation by the public utilities commission; proposing coding for new law in Minnesota Statutes, chapters 216B and 237.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Nelson, S.; Winter; Sparby; Uphus and Wenzel introduced:

H. F. No. 961, A bill for an act relating to agriculture; extending the farmer-lender mediation act; providing for the assessment of mediation fees; appropriating money; amending Laws 1986, chapter 398, article 1, section 18, as amended; proposing coding for new law in Minnesota Statutes, chapter 583.

The bill was read for the first time and referred to the Committee on Agriculture.

Segal; Greenfield; Anderson, R.; Rodosovich and Welle introduced:

H. F. No. 962, A bill for an act relating to human services; requiring the commissioner to develop specialized residential treatment services for children with emotional disturbances for whom there are no appropriate services available in Minnesota; establishing a commission on specialized children's mental health resources; amending Minnesota Statutes 1990, section 245.4882, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Anderson, I.; Kinkel; Rukavina; Begich and Battaglia introduced:

H. F. No. 963, A bill for an act relating to game and fish; granting free deer licenses to residents age 70 or over; amending Minnesota Statutes 1990, section 97A.441, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Winter, Ostrom, Hugoson, Pelowski and Olson, E., introduced:

H. F. No. 964, A bill for an act relating to taxation; excluding the captured tax capacity of certain districts in determining the state tax increment financing aid reduction; extending the duration limits of certain districts; amending Minnesota Statutes 1990, section 273.1399, subdivision 1; and 469.176, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Welker, Girard, Smith, Koppendraye and Hufnagle introduced:

H. F. No. 965, A bill for an act relating to insurance; accident and health; requiring the commissioner of commerce to administer health care plans for Minnesota residents who are not covered by other plans; establishing minimum benefits for these plans; allowing a tax credit for premiums paid for coverage; appropriating money; amending Minnesota Statutes 1990, sections 290.01, subdivision 19a; and 290.92, subdivisions 5 and 5a; proposing coding for new law in Minnesota Statutes, chapter 290; proposing coding for new law as Minnesota Statutes, chapter 62K.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

O'Connor; Johnson, R.; Reding; Hanson and Anderson, I., introduced:

H. F. No. 966, A bill for an act relating to retirement; adopting a rule of 85 for state and public employees and teachers; amending Minnesota Statutes 1990, sections 352.116, subdivision 1; 353.30, subdivision 1a; 354.44, subdivision 6; and 354A.31, subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Blatz, Wagenius, Vellenga, Solberg and Heir introduced:

H. F. No. 967, A bill for an act relating to child support; requiring the child support guidelines to apply to all court orders for child support; establishing standards for deviations from the guidelines; requiring the commissioner of human services to regularly review and report on the guidelines; amending Minnesota Statutes 1990, section 518.551, subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

Winter, Segal, Lourey, Frerichs and Rice introduced:

H. F. No. 968, A bill for an act relating to economic development; creating a commission on economic development policy; appropriating money.

The bill was read for the first time and referred to the Committee on Economic Development.

Schreiber, Scheid, Osthoff, Jacobs and Stanius introduced:

H. F. No. 969, A bill for an act relating to taxation; property; modifying certain definitions in the fiscal disparities program; amending Minnesota Statutes 1990, section 473F.02, subdivisions 12 and 13.

The bill was read for the first time and referred to the Committee on Taxes.

Blatz, Macklin, Clark, Hasskamp and Frerichs introduced:

H. F. No. 970, A bill for an act relating to negligence; volunteers; providing volunteers immunity from civil liability for injuries

arising from volunteer activities; proposing coding for new law in Minnesota Statutes, chapter 604.

The bill was read for the first time and referred to the Committee on Judiciary.

Greenfield introduced:

H. F. No. 971, A bill for an act relating to health; requiring nursing homes to use efficiency incentive payments to correct licensing violations; authorizing grants to nursing homes to develop innovative programs; providing for inflationary increases to the efficiency incentive; withholding efficiency incentives for uncorrected license violations; requiring reports; appropriating money; amending Minnesota Statutes 1990, sections 144A.10, subdivision 4; 144A.31, by adding a subdivision; and 256B.431, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield, Clark, Vellenga, Gruenes and Wagenius introduced:

H. F. No. 972, A bill for an act relating to human services; requiring a study of the feasibility of state takeover of the responsibility for child support enforcement and collection.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Kelso, Ostrom, Tunheim, McEachern and Hugoson introduced:

H. F. No. 973, A bill for an act relating to education; providing the conditions for severance pay for teachers; amending Minnesota Statutes 1990, sections 120.08, subdivision 3; 122.535, subdivision 6; and 275.125, subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

Pugh, Kahn, Bishop, Frerichs and Trimble introduced:

H. F. No. 974, A bill for an act relating to state finance; providing for the uses of imprest funds, the cancellation of warrants, the costs of data searches, the conditions and uses of bonds, and certain account rules; appropriating money; amending Minnesota Statutes 1990, sections 15.191, subdivision 1; 16A.45, subdivision 1; 16A.641,

subdivision 3; 16A.662, subdivision 4; 16A.672, subdivision 9; and 16A.721, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on Appropriations.

Stanius, Sarna, Osthoff, Battaglia and Heir introduced:

H. F. No. 975, A bill for an act relating to game and fish; requiring stamps of fishing tournament entrants; dedicating revenue; amending Minnesota Statutes 1990, sections 97A.075, by adding a subdivision; and 97A.475, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97C.

The bill was read for the first time and referred to the Committee on Commerce.

Sparby, Jennings, Solberg, Begich and Pellow introduced:

H. F. No. 976, A bill for an act relating to the environment; petrofund; amending Minnesota Statutes 1990, sections 115C.09, subdivisions 1, 2, 3, and 5; 116.46, subdivision 7; 116.491, subdivision 1; and 116.50; proposing coding for new law in Minnesota Statutes, chapter 115C.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Solberg; Pugh; Johnson, V., and Heir introduced:

H. F. No. 977, A bill for an act relating to the environment; prescribing who must prevent, prepare for, and respond to worst case discharges of oil and hazardous substances; describing response plans; authorizing the commissioners of the pollution control agency and departments of agriculture and public safety to order compliance; providing for good samaritan assistance; authorizing cooperation between public and private responders; requiring the establishment of a single answering point system; providing penalties; amending Minnesota Statutes 1990, section 116.072, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 115E.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Orfield, Murphy, Munger, Gutknecht and Johnson, V., introduced:

H. F. No. 978, A bill for an act relating to the environment; requiring the governor to submit a biennial policy report to the legislature on energy and the environment; proposing coding for new law in Minnesota Statutes, chapter 116D.

The bill was read for the first time and referred to the Committee on Energy.

Stanius introduced:

H. F. No. 979, A bill for an act relating to drivers' licenses; authorizing a showing of probable cause before cancellation of a driver's license for a seizure-related condition; amending Minnesota Statutes 1990, section 171.14.

The bill was read for the first time and referred to the Committee on Judiciary.

Long; Johnson, R.; Reding; Knickerbocker and Jefferson introduced:

H. F. No. 980, A bill for an act relating to the legislature; authorizing joint legislative commissions to issue subpoenas; amending Minnesota Statutes 1990, section 3.153.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Sparby, Long, Bertram, Winter and Dempsey introduced:

H. F. No. 981, A bill for an act relating to the environment; petrofund; amending Minnesota Statutes 1990, sections 115C.09, subdivisions 1, 2, 3, and 5; 116.46, subdivision 7; 116.491, subdivision 1; and 116.50; proposing coding for new law in Minnesota Statutes, chapter 115C.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Wenzel introduced:

H. F. No. 982, A bill for an act relating to hunting; amending Minnesota Statutes 1990, section 97A.441, subdivision 6.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

McGuire, Stanius, Dawkins and Vellenga introduced:

H. F. No. 983, A bill for an act relating to Ramsey county; changing Ramsey county special laws to make them consistent with the county home rule charter; amending Minnesota Statutes 1990, sections 383A.06, subdivision 2; 383A.16, subdivision 4; 383A.20, subdivision 10; 383A.32, subdivision 1; and 383A.50, subdivision 4; repealing Minnesota Statutes 1990, sections 383A.04; 383A.06, subdivision 3; 383A.07, subdivisions 6, 15, and 20; 383A.16, subdivision 5; 383A.20, subdivisions 1, 6 to 9, and 11; 383A.23, subdivision 1; 383A.24; 383A.25; 383A.45; 383A.46; 383A.48; 383A.49; and 383A.50, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Bauerly, Steensma, Brown, Winter and Wenzel introduced:

H. F. No. 984, A bill for an act relating to agriculture; authorizing reimbursement to school districts for purchase of Minnesota commodities for school lunches; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

The bill was read for the first time and referred to the Committee on Education.

Olson, K.; Bauerly; Tunheim; Kinkel and Schafer introduced:

H. F. No. 985, A bill for an act relating to education; providing for the calculation of fund balance pupil units for districts receiving cooperation and combination revenue; amending Minnesota Statutes 1990, section 124.2725, subdivision 16.

The bill was read for the first time and referred to the Committee on Education.

Gruenes introduced:

H. F. No. 986, A bill for an act relating to retirement; amending provisions governing receipt of combined service annuities; amending Minnesota Statutes 1990, section 356.30, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wejcman and Clark introduced:

H. F. No. 987, A bill for an act relating to occupations and professions; creating a board of massage therapy; providing rule-making authority; amending Minnesota Statutes 1990, section 214.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Wagenius; Nelson, K.; Blatz and Skoglund introduced:

H. F. No. 988, A bill for an act relating to watershed districts; expanding the authority of watershed districts to assess costs of remedial work; clarifying and expanding judicial review procedures; allowing watershed districts to prosecute certain violations; allowing recovery of attorneys fees; providing administrative penalties; amending Minnesota Statutes 1990, sections 103D.335, subdivision 19; 103D.535, subdivision 1; and 103D.545; proposing coding for new law in Minnesota Statutes, chapter 103D.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Bishop, Krueger, Kahn, Reding and Koppendrayer introduced:

H. F. No. 989, A bill for an act relating to economic development; changing the name of the Greater Minnesota Corporation; adding duties; providing for a new structure for the board of directors; amending Minnesota Statutes 1990, sections 116O.03, subdivision 2; 116O.04, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 116O; repealing Minnesota Statutes 1990, sections 116J.970; 116J.971; and 116O.03, subdivision 2a.

The bill was read for the first time and referred to the Committee on Economic Development.

Olson, E.; Anderson, R.; Blatz; Rest and Anderson, I., introduced:

H. F. No. 990, A bill for an act relating to taxes; establishing a Minnesota residential property tax study commission.

The bill was read for the first time and referred to the Committee on Taxes.

Bauerly, Marsh, Omann, Bertram and Gruenes introduced:

H. F. No. 991, A bill for an act relating to railroads; requiring establishment of a grade crossing in the city of St. Cloud.

The bill was read for the first time and referred to the Committee on Transportation.

Kinkel, Sarna, Hasskamp, Abrams and Smith introduced:

H. F. No. 992, A bill for an act relating to watercraft; regulating the use and operation of personal watercraft; amending Minnesota Statutes 1990, section 86B.005, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 86B.

The bill was read for the first time and referred to the Committee on Commerce.

McEachern; Nelson, K.; Johnson, A.; Kelso and Bauerly introduced:

H. F. No. 993, A bill for an act relating to education; proposing a Minnesota schools of excellence pilot program; appropriating money; amending Minnesota Statutes 1990, section 121.612, subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

Rukavina, Battaglia, Begich, Janezich and Murphy introduced:

H. F. No. 994, A bill for an act relating to state lands; authorizing sale of tax-forfeited lands and an easement in St. Louis county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Gruenes and Marsh introduced:

H. F. No. 995, A bill for an act relating to game and fish; authorizing certain disabled permit holders to take deer of either sex; amending Minnesota Statutes 1990, section 97B.055, subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pelowski, Ogren, Jacobs, Stanius and Kelso introduced:

H. F. No. 996, A bill for an act relating to utilities; requiring that applicants under the telephone assistance plan be certified by the department of human services for eligibility before receiving benefits; requiring reports; amending Minnesota Statutes 1990, section 237.70, subdivision 7.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Orenstein, O'Connor and Hanson introduced:

H. F. No. 997, A bill for an act relating to port authorities; providing for extraterritorial exercise of port authority powers to assist economic development projects; authorizing affected governmental units to contribute funds in support of port authority financing; amending Minnesota Statutes 1990, section 469.062, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Economic Development.

Winter introduced:

H. F. No. 998, A bill for an act relating to commerce; requiring an insurer to notify a secured party if the debtor chooses not to repair an automobile with insurance proceeds; prohibiting secured parties from preventing the repair of automobiles with insurance proceeds; amending Minnesota Statutes 1990, section 72A.201, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Commerce.

Jennings, Dille, Munger and Steensma introduced:

H. F. No. 999, A bill for an act relating to waters; exempting certain proceedings by the board of water and soil resources from the administrative procedure act; authorizing appeals to the court of appeals; amending Minnesota Statutes 1990, sections 103B.345, subdivisions 2 and 4; 103D.105, subdivision 1; and 103D.111.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dille, Wenzel, Cooper, Bettermann and Steensma introduced:

H. F. No. 1000, A bill for an act relating to farm safety; authorizing a program for training youth in the safe operation of farm equipment; establishing a farm injuries surveillance system; requiring a farm safety specialist; providing for a pilot project of comprehensive farm safety audits; requiring certain safety equipment on farm tractors at time of sale; establishing a research center for agricultural health and safety; requiring certain studies and reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 17; 137; and 325F.

The bill was read for the first time and referred to the Committee on Agriculture.

Trimble, Reding, Waltman, Battaglia and Peterson introduced:

H. F. No. 1001, A bill for an act relating to game and fish; authorizing radio communication between a handler and dog; amending Minnesota Statutes 1990, section 97B.085, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Clark, Wejcman, Runbeck, Bodahl and Dawkins introduced:

H. F. No. 1002, A bill for an act relating to housing; authorizing the Minnesota housing finance agency to establish a shallow rent subsidy program, a lease-purchase housing program, a blighted property acquisition program, and a housing capital reserve program; appropriating money; amending Minnesota Statutes 1990, sections 273.124, subdivision 7; and 462A.05, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 462A.

The bill was read for the first time and referred to the Committee on Housing.

Knickerbocker, Abrams, Rest, Carlson and Wagenius introduced:

H. F. No. 1003, A bill for an act relating to courts; providing for fees for law libraries; amending Minnesota Statutes 1990, section 134A.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Koppendrayer, Bettermann, Reding and Bishop introduced:

H. F. No. 1004, A bill for an act relating to economic development; increasing the limit on issuance of certain bonds; amending Minnesota Statutes 1990, section 446A.12, subdivision 1.

The bill was read for the first time and referred to the Committee on Economic Development.

Johnson, R.; Rukavina and Solberg introduced:

H. F. No. 1005, A bill for an act relating to commerce; restraint of trade; prohibiting the charging of unconscionable prices for motor fuel; providing for investigations, enforcement, and remedies; establishing a volunteer corps to aid in enforcement; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 325D.

The bill was read for the first time and referred to the Committee on Commerce.

Lourey, Ogren, Murphy and Anderson, I., introduced:

H. F. No. 1006, A bill for an act relating to state lands; transferring state land to the city of Moose Lake.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Orfield, Beard and Johnson, V., introduced:

H. F. No. 1007, A bill for an act relating to health; asbestos abatement; clarifying standards and licensing requirements for asbestos abatement; amending Minnesota Statutes 1990, sections 326.71, subdivisions 3, 4, 5, 6, 8, and by adding subdivisions; 326.72; 326.73; 326.74; 326.75, subdivisions 1, 2, and 3; 326.76; 326.78; 326.79; 326.80; and 326.81; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 1990, sections 326.71, subdivision 7; and 326.75, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Segal, Greenfield, Lourey, Carlson and Anderson, R., introduced:

H. F. No. 1008, A bill for an act relating to vocational rehabilitation; establishing grant programs for special employability and supported education services for persons with serious and persistent

mental illness; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 268A.

The bill was read for the first time and referred to the Committee on Education.

Jennings; Munger; Johnson, V.; Battaglia and Blatz introduced:

H. F. No. 1009, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing nonpark use of a portion of Interstate park; authorizing the sale of certain deleted lands.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Macklin, Vellenga, Blatz, Segal and Rodosovich introduced:

H. F. No. 1010, A bill for an act relating to human services; authorizing a grant program to establish two pilot children's safety centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256F.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Frederick; Wenzel; Olson, K.; Dempsey and Haukoos introduced:

H. F. No. 1011, A bill for an act relating to education; transferring the Waseca campus to the state board of technical colleges; specifying conditions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

The bill was read for the first time and referred to the Committee on Education.

Segal and Greenfield introduced:

H. F. No. 1012, A bill for an act relating to human services; allowing general assistance medical care for a person in a correctional or detention facility if the person is eligible at the time of detention; amending Minnesota Statutes 1990, section 256D.03, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Peterson, Reding, Munger and Johnson, V., introduced:

H. F. No. 1013, A bill for an act repealing certain pipeline approval authority of the commissioner of natural resources; repealing Minnesota Statutes 1990, section 117.49.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Weaver introduced:

H. F. No. 1014, A bill for an act relating to military affairs; appropriating money to pay a local assessment against a state armory in the city of Anoka.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Kinkel introduced:

H. F. No. 1015, A bill for an act relating to education; authorizing a fund balance correction.

The bill was read for the first time and referred to the Committee on Education.

Murphy, Rodosovich, Begich and Greenfield introduced:

H. F. No. 1016, A bill for an act relating to health; employee drug testing; clarifying requirements for labs that test employees for drugs; amending Minnesota Statutes 1990, sections 181.950, subdivisions 2, 5, 8, and 10; 181.951, subdivision 1; 181.953, subdivisions 1, 3, 5, and 9; and 626.5562, subdivision 5; repealing Minnesota Statutes 1990, sections 181.950, subdivision 3; and 181.953, subdivision 2; Minnesota Rules, parts 4740.0100 to 4740.1090.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Bertram, Steensma, Koppendrayner, Dauner and Morrison introduced:

H. F. No. 1017, A bill for an act relating to agriculture; regulating certain sales and services offered by grocery stores; limiting applicability of certain licensing and regulatory provisions; amending Minnesota Statutes 1990, sections 28A.05; 157.01, subdivision 1; and 412.221, subdivision 30.

The bill was read for the first time and referred to the Committee on Commerce.

Leppik, McEachern, Garcia, Dempsey and Hartle introduced:

H. F. No. 1018, A bill for an act relating to education; clarifying the status of foreign exchange students who have graduated from high school; limiting foreign exchange student participation in the post-secondary enrollment options program; amending Minnesota Statutes 1990, sections 123.35, by adding a subdivision; and 123.3514, subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

Koppendrayer, Schreiber, Dauner, Lasley and Blatz introduced:

H. F. No. 1019, A bill for an act relating to taxation; providing for an increase in the levy limit base of Mille Lacs county; providing that a penalty not be imposed on Mille Lacs county for an excess levy.

The bill was read for the first time and referred to the Committee on Taxes.

Orfield, Pelowski, Garcia, Vellenga and Farrell introduced:

H. F. No. 1020, A bill for an act relating to state parks; authorizing handicapped permits for display on handicapped vehicle identifying certificates; amending Minnesota Statutes 1990, section 85.053, subdivisions 2 and 7.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kelso, Pauly, Bodahl and Limmer introduced:

H. F. No. 1021, A bill for an act relating to metropolitan transit; providing for financial assistance to and the administration of opt-out transit service programs; amending Minnesota Statutes 1990, sections 473.375, subdivisions 13 and 15; 473.377, subdivision 1; and 473.388.

The bill was read for the first time and referred to the Committee on Transportation.

Reding and Johnson, R., introduced:

H. F. No. 1022, A bill for an act relating to retirement; permitting certain persons to transfer coverage from the individual retirement account plan to the teachers retirement association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding; Johnson, R., and Marsh introduced:

H. F. No. 1023, A bill for an act relating to retirement; permitting repayment of certain omitted deductions to the college supplemental retirement fund.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding; Johnson, R.; Dorn and Marsh introduced:

H. F. No. 1024, A bill for an act relating to retirement; delaying transfer of certain administrative responsibilities from the teachers retirement association to the state university and community college boards; amending Minnesota Statutes 1990, section 136.81, subdivision 1a; and Laws 1990, chapter 570, article 3, section 13.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding; Johnson, R.; Dorn; Pelowski and Marsh introduced:

H. F. No. 1025, A bill for an act relating to retirement; eliminating the additional employer contribution to the teachers retirement association on behalf of employees participating in the individual retirement account plan; amending Minnesota Statutes 1990, section 354B.04, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Carruthers, Ogren, Pugh, Dempsey and Milbert introduced:

H. F. No. 1026, A bill for an act relating to taxation; providing an exemption from the withholding tax requirement on royalties upon ore; amending Minnesota Statutes 1990, section 290.923, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Welle; Nelson, K.; Greenfield; McEachern and Dempsey introduced:

H. F. No. 1027, A bill for an act relating to human services; the Minnesota equal access to employment opportunities for persons with severe disabilities act; providing for equal employment opportunities for persons with severe disabilities; establishing rights; appropriating money; amending Minnesota Statutes 1990, sections 43A.191, subdivision 2; 120.183; 252.40; 268A.08, subdivision 2; and 268A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16B and 120.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Stanis and Koppendraye introduced:

H. F. No. 1028, A bill for an act relating to game and fish; authorizing an experimental season on mourning doves in a designated area; requiring mourning dove stamps and setting a fee for them; requiring a report to the legislature on the experimental season.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Janezich; Solberg; Sarna; Anderson, R., and Sparby introduced:

H. F. No. 1029, A bill for an act relating to commerce; prohibiting motor fuel franchises from requiring certain hours of operation; regulating the pricing of petroleum products; amending Minnesota Statutes 1990, section 325D.67, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 80C.

The bill was read for the first time and referred to the Committee on Commerce.

Janezich; Solberg; Sarna; Anderson, R., and Sparby introduced:

H. F. No. 1030, A bill for an act relating to commerce; granting motor fuel retailers the option to purchase from wholesalers other than the refiner; proposing coding for new law in Minnesota Statutes, chapter 80C.

The bill was read for the first time and referred to the Committee on Commerce.

Wagenius, Vellenga, Blatz, Welle and Gruenes introduced:

H. F. No. 1031, A bill for an act relating to human services; providing for clarification and changes in law relating to child support enforcement; amending Minnesota Statutes 1990, sections 256B.031, subdivision 5; 518.131, subdivision 7; 518.17, subdivision 6; 518.551, subdivisions 5, 5a, and 6; 518.57, subdivision 1; and 518.64; proposing coding for new law in Minnesota Statutes, chapter 518.

The bill was read for the first time and referred to the Committee on Judiciary.

Orenstein, Simoneau, Vellenga, Long and Nelson, K., introduced:

H. F. No. 1032, A bill for an act relating to crimes; increasing penalties for felonies committed with an illegal weapon; creating a permissive inference of possession with respect to a firearm in an automobile; prohibiting the ownership, possession, or operation of military assault weapons except under certain circumstances; requiring the issuance of permits to existing owners of military assault weapons; defining terms; providing penalties; amending Minnesota Statutes 1990, sections 609.11, by adding a subdivision; and 609.67; proposing coding for new law in Minnesota Statutes, chapters 609 and 624.

The bill was read for the first time and referred to the Committee on Judiciary.

Winter; Sparby; Cooper; Anderson, R., and Pelowski introduced:

H. F. No. 1033, A bill for an act relating to economic development; establishing a small business development center program; appropriating money.

The bill was read for the first time and referred to the Committee on Economic Development.

Wenzel; Olson, E., and Omann introduced:

H. F. No. 1034, A bill for an act relating to game and fish; lowering certain hunting and fishing license fees for young resident licensees; amending Minnesota Statutes 1990, section 97A.475, subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Johnson, R.; Reding; Jefferson; O'Connor and Knickerbocker introduced:

H. F. No. 1035, A bill for an act relating to retirement; teachers retirement association; making various changes in laws governing the administration of the association; amending Minnesota Statutes 1990, sections 136.82, subdivision 1; 176.021, subdivision 7; 354.05, subdivisions 5, 13, 22, 35, 35a, and by adding a subdivision; 354.071, subdivision 2; 354.092; 354.093; 354.094, subdivision 1; 354.095; 354.10, subdivisions 1, 2, and 4; 354.33, subdivision 6; 354.35; 354.41, subdivision 7; 354.46, subdivision 2; 354.48, subdivisions 2, 4, 6, 7, and 8; 354.49, subdivision 3; 354.50, subdivision 1; 354.52, subdivision 2, and by adding a subdivision; 356.30, by adding a subdivision; and 356.87; repealing Minnesota Statutes 1990, sections 354.094, subdivisions 1a and 1b; and 354.48, subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Trimble introduced:

H. F. No. 1036, A bill for an act relating to game and fish; authorizing anglers to use two lines; amending Minnesota Statutes 1990, section 97C.315, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sviggum, Jefferson, Runbeck, Vellenga and Welle introduced:

H. F. No. 1037, A bill for an act relating to human services; family preservation; clarifying requirements for grants to counties; authorizing grants for family-based crisis services; amending Minnesota Statutes 1990, sections 256F.01; 256F.02; 256F.03, subdivision 5; 256F.04; 256F.05; 256F.06; 256F.07, subdivisions 1, 2, and 3; and 257.3579.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Sparby, Frerichs, Hasskamp, Skoglund and Blatz introduced:

H. F. No. 1038, A bill for an act relating to checks; increasing bank verification requirements for opening checking accounts; prohibit-

ing service charges for dishonored checks on persons other than the issuer; regulating check numbering procedures; requiring the commissioner of commerce to adopt rules regarding verification procedure requirements; authorizing fees for obtaining certain information from financial institutions; modifying procedures and liability for civil restitution for holders of worthless checks; authorizing service charges for use of law enforcement agencies; clarifying criminal penalties; increasing information that banks must provide to holders of worthless checks; imposing penalties; amending Minnesota Statutes 1990, sections 48.512, subdivisions 4, 5, 7, and by adding subdivisions; 332.50, subdivisions 1 and 2; and 609.535, subdivisions 2a, 6, and 7; proposing coding for new law in Minnesota Statutes, chapter 48.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Wejcman, Farrell, Jefferson, Goodno and Krinkie introduced:

H. F. No. 1039, A bill for an act relating to public employees; regulating insurance benefits; amending Minnesota Statutes 1990, sections 43A.13, by adding a subdivision; and 43A.316, subdivision 8.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Winter and Bishop introduced:

H. F. No. 1040, A bill for an act relating to state parks; regulating the use of metal detectors in state parks; proposing coding for new law in Minnesota Statutes, chapter 85.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Munger, Orfield, Wagenius, Pauly and Weaver introduced:

H. F. No. 1041, A bill for an act relating to the environment; setting a goal for reduction of toxic pollutant releases; expanding the required contents of toxic pollution prevention plan progress reports; requiring a notice of plan completion; increasing pollution prevention fees; requiring establishment of a toxic pollution prevention advisory council; requiring reports; requiring the pollution control agency to adopt rules; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 115D.02; 115D.04, subdivision 2; 115D.08, subdivision 1; and 115D.12, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 115D.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Winter, Kahn, Bettermann and Reding introduced:

H. F. No. 1042, A bill for an act relating to economic development; changing the organization of the department of trade and economic development; amending Minnesota Statutes 1990, section 116J.01, subdivision 3.

The bill was read for the first time and referred to the Committee on Economic Development.

Rest and Seaberg introduced:

H. F. No. 1043, A bill for an act relating to domestic abuse; providing that violation of a domestic abuse order for protection is grounds for the issuance of a new order under certain circumstances; permitting courts to place persons convicted of a misdemeanor-level domestic assault on probation for up to two years; amending Minnesota Statutes 1990, sections 518B.01, subdivision 14; and 609.135, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Beard introduced:

H. F. No. 1044, A bill for an act relating to retirement; authorizing purchase of military service credit by a certain teachers retirement association member.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Bishop, Kahn, Lourey and Krueger introduced:

H. F. No. 1045, A bill for an act relating to state government; authorizing a study to develop models for STARS regions; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Begich and Rukavina introduced:

H. F. No. 1046, A bill for an act relating to workers' compensation; requiring all employers to purchase workers' compensation insurance from the state insurance fund; amending Minnesota Statutes 1990, sections 176.185, by adding subdivisions; 176A.02, subdivision 1; 176A.03, subdivision 2; and 176A.08; proposing coding for new law in Minnesota Statutes, chapter 176A.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

McPherson, Weaver, Onnen, Lynch and Hanson introduced:

H. F. No. 1047, A bill for an act relating to waste management; abolishing the inventory process for solid waste disposal facilities in the metropolitan area; amending Minnesota Statutes 1990, sections 473.145, subdivisions 2c, 2e, and 4; 473.803, subdivision 4; 473.811, subdivisions 1, 1a, 4a, 6, 7, 8, and 9; 473.823, subdivision 6; 473.831, subdivision 2; 473.840, subdivisions 2, 3, 4, and 7; and 473.845, subdivision 3; repealing Minnesota Statutes 1990, sections 473.149, subdivision 2b; 473.803, subdivision 1a; 473.806; and 473.833.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kelso introduced:

H. F. No. 1048, A bill for an act relating to highways; designating the Walter Harbeck highway; amending Minnesota Statutes 1990, section 161.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Stanius, Trimble, Skoglund, Ozment and Runbeck introduced:

H. F. No. 1049, A bill for an act relating to commercial fishing; requiring biodegradable gill nets; proposing coding for new law in Minnesota Statutes, chapter 97C.

The bill was read for the first time and referred to the Committee on Commerce.

Orfield, Reding and O'Connor introduced:

H. F. No. 1050, A bill for an act relating to state government;

requiring certain notice of proposed executive reorganization orders; amending Minnesota Statutes 1990, section 16B.37, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna, Beard, McEachern, Kinkel and Pellow introduced:

H. F. No. 1051, A bill for an act relating to game and fish; approval of fishing contests by the commissioner of natural resources; amending Minnesota Statutes 1990, section 97C.081, subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce.

Milbert introduced:

H. F. No. 1052, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1990, sections 3C.04, subdivision 3; 14.47, subdivision 5; 15.39, subdivision 2; 15.45, subdivision 1; 16B.06, subdivision 2a; 16B.19, subdivision 2b; 16B.21, subdivision 1; 16B.405, subdivision 2; 18B.05, subdivision 1; 27.138, subdivision 4; 41A.066, subdivision 1; 60A.13, subdivision 3a; 60B.25; 62E.19, subdivision 1; 84B.09; 89.37, subdivision 4; 97A.101, subdivision 2; 103A.405; 103B.211, subdivision 4; 103F.215, subdivision 1; 103G.545, subdivision 2; 115A.06, subdivision 4; 115B.25, subdivision 4; 115B.26, subdivisions 1 and 4; 115B.30, subdivision 1; 115B.31; 115B.32, subdivision 1; 115C.08, subdivision 5; 115D.02; 116.733; 116J.68, subdivision 2; 121.88, subdivision 5; 123.702, subdivision 2; 124.195, subdivision 9; 124.225, subdivision 8l; 124.245, subdivision 6; 124A.036, subdivision 5; 125.032, subdivision 2; 126.036; 126.071, subdivision 1; 127.19; 136.82, subdivision 1; 144.49, subdivision 8; 144.804, subdivision 1; 144.8097, subdivision 2; 144A.29, subdivisions 2 and 3; 147.01, subdivision 1; 148.03; 148.52; 148.90, subdivision 3; 150A.02, subdivision 1; 151.03; 152.022, subdivision 1; 152.023, subdivision 2; 153.02; 154.22; 156.01; 161.17, subdivision 2; 168.325, subdivision 3; 222.63, subdivision 4; 237.161, subdivision 1; 256.035, subdivision 8; 256B.059, subdivision 4; 268.38, subdivision 12; 270.42; 273.1392; 273.1398, subdivision 5a; 275.065, subdivision 1; 275.50, subdivision 5; 290A.04, subdivision 2h; 297A.25, subdivision 8; 298.17; 299A.24, subdivision 1; 299A.41, subdivision 1; 299D.03, subdivision 12; 299F.361, subdivision 1; 299F.451, subdivision 1; 299F.72, subdivision 1; 317A.021, subdivision 7; 325E.045, subdivision 1; 326.04; 341.01; 354A.094, subdivision 7; 356.215, subdivision 4d; 384.14; 386.63, subdivision 1; 400.03, subdivision 1; 423.806,

subdivision 1; 446A.10, subdivision 2; 469.129, subdivision 1; 473.844, subdivision 1; 473.845, subdivision 1; 508.36; 529.16; 551.05, subdivision 1; 571.75, subdivision 2; 571.81, subdivision 2; 604.06; 609.531, subdivision 1; 609.892, subdivision 1; Laws 1990, chapter 562, article 8, section 38; chapter 602, article 2, section 10; and chapter 606, article 4, section 1, subdivisions 2 and 6; reenacting Minnesota Statutes 1988, section 169.126, subdivision 2, as amended; repealing Minnesota Statutes 1990, sections 103B.211, subdivision 5; 103I.005, subdivision 18; 117.31; 124.47; 171.015, subdivision 4; 299D.01, subdivision 5; 299F.01, subdivision 3; 299F.362, subdivision 8; 474A.081, subdivisions 1, 2, and 4; 593.40, subdivision 6; and 626A.21.

The bill was read for the first time and referred to the Committee on Judiciary.

Scheid, Solberg and Osthoff introduced:

H. F. No. 1053, A bill for an act relating to elections and government ethics; reducing the contribution limits to constitutional officer candidates; limiting preprimary expenditures to the spending limit; including cost of food and beverages for volunteers as a noncampaign disbursement; reducing the public subsidy to unopposed candidates; requiring candidates to file a campaign spending report 30 days before the general election; increasing late filing fees; requiring lobbyists to report names and addresses of principals; providing for administrative enforcement of the prohibition on fundraising during legislative sessions; requiring reporting of the sum of noncampaign disbursements; requiring the reporting of last-minute loans; imposing a late filing fee for failing to correct incorrect documents; providing for withholding of public subsidy for filing a false affidavit of matching funds; requiring candidates for county attorney to be licensed to practice law in Minnesota; amending Minnesota Statutes 1990, sections 6.76; 10A.01, subdivisions 10, 10c, 25, and 26; 10A.02, subdivision 9; 10A.03, subdivision 2; 10A.04, subdivisions 5, 6, and 7; 10A.065, subdivision 3, and by adding a subdivision; 10A.09, subdivisions 2, 6a, and 7; 10A.20, subdivisions 2, 3, 5, and 12; 10A.23; 10A.25, subdivisions 5, 7, 10, and by adding a subdivision; 10A.255, subdivision 3; 10A.27, subdivision 1; 10A.30, subdivision 2; 10A.31, subdivisions 3, 10, and by adding a subdivision; 10A.322, subdivisions 1 and 4; 10A.323; 10A.324, subdivision 3; 10A.43, subdivisions 3 and 4; 10A.44, subdivision 4; 201.091, subdivision 4; 204B.06, subdivision 4; 204C.32, subdivision 2; 204C.33, subdivision 3; 290.06, subdivision 23; 383B.053, subdivision 1; and 388.01.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Stanisus introduced:

H. F. No. 1054, A bill for an act relating to retirement; teachers retirement association; permitting purchases of prior services by certain employees for periods of leave.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Greenfield, Segal, Gruenes and Wejcman introduced:

H. F. No. 1055, A bill for an act relating to jobs and training; requiring the commissioner of jobs and training to contract for the provision of comprehensive adjustment-to-blindness training services; amending Minnesota Statutes 1990, section 248.07, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Welle introduced:

H. F. No. 1056, A bill for an act relating to human services; changing priorities and requirements for the AFDC and basic sliding fee child care programs; amending Minnesota Statutes 1990, sections 256H.03, subdivisions 2b and 3; 256H.05, subdivisions 1b and 3; 256H.08; and 256H.09, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Welle introduced:

H. F. No. 1057, A bill for an act relating to retirement; authorizing certain members of the Minnesota state retirement system to purchase service credit for a period of authorized educational leave.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sparby, Janezich, Pugh, Blatz and Greenfield introduced:

H. F. No. 1058, A bill for an act relating to insurance; accident and health; requiring coverage for mental or nervous disorders treatment provided by licensed mental health professionals; amending Minnesota Statutes 1990, section 62A.152, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Lourey, Ogren, Welle and Jaros introduced:

H. F. No. 1059, A bill for an act relating to taxation; permitting counties to appropriate money from county welfare funds for the support of hospitals without penalty; amending Minnesota Statutes 1990, section 376.09.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Lourey; Olson, K.; Janezich; Clark and Jefferson introduced:

H. F. No. 1060, A bill for an act relating to human services; requiring increases in rates for salaries of employees of intermediate care facilities for persons with mental retardation, home and community-based waived services, developmental achievement centers, and semi-independent living services programs; amending Minnesota Statutes 1990, sections 245.465; 252.24, by adding a subdivision; 252.275, by adding a subdivision; 252.28, by adding a subdivision; 256B.491, by adding a subdivision; and 268A.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Lourey; Nelson, S.; Dille; Lasley and Olson, K., introduced:

H. F. No. 1061, A bill for an act relating to health; modifying the procedure for vendor error notification; excluding the salaries of doctors of osteopathy from certain limitations; requiring flexibility in implementing the state health plan; providing rural hospital assistance grants; modifying nonprofit corporation powers; extending the medical assistance adjustment for hospitals with small volumes; modifying the criteria for establishing a hospital district; appropriating money; amending Minnesota Statutes 1990, sections 16A.124, subdivisions 1 and 4; 43A.17, subdivision 9; 43A.23, by adding a subdivision; 144.581, subdivision 1; 256.969, subdivision 6a; and 447.31, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Skoglund introduced:

H. F. No. 1062, A bill for an act relating to crimes; considering certain acts of theft that result in or contribute to the impairment or insolvency of an insurance company as criminal acts for purposes of the state racketeering statutes; amending Minnesota Statutes 1990, section 609.902, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 104, A bill for an act relating to consumer protection; regulating automatic garage door opening systems; amending Minnesota Statutes 1990, sections 325F.82, subdivision 2, and by adding a subdivision; and 325F.83, subdivisions 1, 3, and 4.

H. F. No. 290, A bill for an act relating to state employees; increasing the amount of vacation time a state employee may donate for the benefit of another state employee; amending Minnesota Statutes 1990, section 43A.181, subdivision 1.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 196, A resolution memorializing the Congress of the United States to enact the POW/MIA truth bill, that relates to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea, and Vietnam.

PATRICK E. FLAHAVER, Secretary of the Senate

Beard moved that the House refuse to concur in the Senate amendments to H. F. No. 196, that the Speaker appoint a Conference

Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 6, A senate concurrent resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

SUSPENSION OF RULES

Long moved that the rules be so far suspended that Senate Concurrent Resolution No. 6 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 6

A senate concurrent resolution relating to adjournment for more than three days.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon their adjournments on March 27, 1991, the Senate and House of Representatives may each set its next day of meeting for April 2, 1991.

2. Each house consents to adjournment of the other house for more than three days.

Long moved that Senate Concurrent Resolution No. 6 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 6 was adopted.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 34 and 132.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 34, A bill for an act relating to the state agricultural society; including the Red River Valley Winter Shows as a state agricultural society member; amending Minnesota Statutes 1990, section 37.03, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

S. F. No. 132, A bill for an act relating to public safety; providing for wheelchair securement devices in transit vehicles for transporting disabled people; amending Minnesota Statutes 1990, sections 299A.11; 299A.12, subdivision 1, and by adding a subdivision; and 299A.14, subdivision 3.

The bill was read for the first time.

Mariani moved that S. F. No. 132 and H. F. No. 465, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

H. F. No. 126, A bill for an act relating to highways; designating the Paul Bunyan Expressway from Little Falls through Cass Lake to Bemidji; amending Minnesota Statutes 1990, section 161.14, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Bodahl	Erhardt	Hasskamp	Johnson, A.
Anderson, I.	Boo	Farrell	Haukoos	Johnson, R.
Anderson, R.	Carlson	Frederick	Hausman	Johnson, V.
Anderson, R. H.	Carruthers	Frerichs	Heir	Kahn
Battaglia	Clark	Garcia	Henry	Kalis
Bauerly	Cooper	Girard	Hufnagle	Kelso
Beard	Dauner	Goodno	Hugoson	Kinkel
Begich	Davids	Greenfield	Jacobs	Knickerbocker
Bertram	Dawkins	Gruenes	Janezich	Koppendrayner
Bettermann	Dempsey	Gutknecht	Jaros	Krinkie
Bishop	Dille	Hanson	Jefferson	Krueger
Blatz	Dorn	Hartle	Jennings	Lasley

Leppik	Murphy	Ozment	Segal	Valento
Lieder	Nelson, K.	Pauly	Simoneau	Vellenga
<i>Limmer</i>	Nelson, S.	Pellow	Skoglund	Wagenius
Long	Newinski	Peterson	Smith	Waltman
Lourey	O'Connor	Pugh	Solberg	Weaver
Lynch	Ogren	Reding	Sparby	Wejman
Macklin	Olsen, S.	Rest	Stanius	Welker
Mariani	Olson, E.	Rodosovich	Steensma	Welle
Marsh	Olson, K.	Rukavina	Sviggum	Wenzel
McEachern	Omann	Runbeck	Swenson	Winter
McGuire	Onnen	Sarna	Thompson	Spk. Vanasek
<i>McPherson</i>	<i>Orenstein</i>	Schafer	Tompkins	
Milbert	Orfield	Scheid	Trimble	
Morrison	Osthoff	Schreiber	Tunheim	
Munger	Ostrom	Seaberg	Uphus	

Those who voted in the negative were:

Rice

The bill was passed and its title agreed to.

H. F. No. 331, A bill for an act relating to education; permitting education districts and districts operating under joint powers agreements to conduct meetings via interactive television; amending Minnesota Statutes 1990, sections 122.92, subdivision 1; 136C.61, subdivision 7; and 471.59, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Jacobs	Lynch	Orfield
Anderson, I.	Dille	Janezich	Macklin	Osthoff
Anderson, R.	Dorn	Jaros	Mariani	Ostrom
Anderson, R. H.	Erhardt	Jefferson	Marsh	Ozment
Battaglia	Farrell	Jennings	McEachern	Pauly
Bauerly	Frederick	Johnson, A.	McGuire	Pellow
Beard	Frerichs	Johnson, R.	McPherson	Pelowski
Begich	Garcia	Johnson, V.	Milbert	Peterson
Bertram	Girard	Kahn	Morrison	Pugh
Bettermann	<i>Goodno</i>	Kalis	Munger	Reding
Bishop	Greenfield	Kelso	Murphy	Rest
Blatz	Gruenes	Kinkel	Nelson, K.	Rice
Bodahl	Gutknecht	Knickerbocker	Nelson, S.	Rodosovich
Boo	Hanson	Koppendrayer	Newinski	Rukavina
Brown	Hartle	Krinkie	O'Connor	Runbeck
Carlson	Hasskamp	Krueger	Ogren	Sarna
Carruthers	Haukoos	Lasley	Olson, S.	Schafer
Clark	Hausman	Leppik	Olson, E.	Scheid
Cooper	Heir	Lieder	Olson, K.	Schreiber
Dauner	Henry	Limmer	Omann	Seaberg
Davids	Hufnagle	Long	Onnen	Segal
Dawkins	Hugoson	Lourey	Orenstein	Simoneau

Skoglund	Steensma	Trimble	Wagenius	Welle
Smith	Sviggun	Tunheim	Waltman	Wenzel
Solberg	Swenson	Uphus	Weaver	Winter
Sparby	Thompson	Valento	Wejzman	Spk. Vanasek
Stanius	Tompkins	Vellenga	Welker	

The bill was passed and its title agreed to.

H. F. No. 595 was reported to the House.

McEachern moved to amend H. F. No. 595, as follows:

Page 1, line 15, strike "124.2725" and insert "124.2721"

The motion prevailed and the amendment was adopted.

H. F. No. 595, A bill for an act relating to education; providing for joinder with and withdrawal from education districts in certain cases; amending Minnesota Statutes 1990, section 122.91, subdivision 5.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Jennings	Milbert	Reding
Anderson, I.	Erhardt	Johnson, A.	Morrison	Rest
Anderson, R.	Farrell	Johnson, R.	Munger	Rice
Anderson, R. H.	Frederick	Johnson, V.	Murphy	Rodosovich
Battaglia	Frerichs	Kalis	Nelson, K.	Rukavina
Bauerly	Garcia	Kelso	Nelson, S.	Runbeck
Beard	Girard	Kinkel	Newinski	Sarna
Begich	Goodno	Knickerbocker	O'Connor	Schafer
Bertram	Greenfield	Koppendray	Ogren	Scheid
Bettermann	Gruenes	Krinkie	Olsen, S.	Schreiber
Bishop	Gutknecht	Krueger	Olson, E.	Seaberg
Blatz	Hanson	Lasley	Olson, K.	Segal
Bodahl	Hartle	Leppik	Omann	Simoneau
Boo	Hasskamp	Lieder	Onnen	Skoglund
Brown	Haukoos	Limmer	Orenstein	Smith
Carlson	Hausman	Long	Orfield	Solberg
Carruthers	Heir	Lourey	Osthoff	Sparby
Clark	Henry	Lynch	Ostrom	Stanius
Cooper	Hufnagle	Macklin	Ozment	Steensma
Dauner	Hugoson	Mariani	Pauly	Sviggun
Davids	Jacobs	Marsh	Pellow	Swenson
Dawkins	Janezich	McEachern	Pelowski	Thompson
Dempsey	Jaros	McGuire	Peterson	Tompkins
Dille	Jefferson	McPherson	Pugh	Trimble

Tunheim	Vellenga	Weaver	Welle	Spk. Vanasek
Uphus	Wagenius	Wejcman	Wenzel	
Valento	Waltman	Welker	Winter	

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

H. F. No. 752, A bill for an act relating to education; providing for school consolidation in certain circumstances.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Smith
Battaglia	Goodno	Krinkie	Omann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Sviggum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Davids	Jefferson	Morrison	Rukavina	Wejcman
Dawkins	Jennings	Munger	Runbeck	Welker
Dempsey	Johnson, A.	Murphy	Sarna	Welle
Dille	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dorn	Johnson, V.	Nelson, S.	Scheid	Winter
Erhardt	Kahn	Newinski	Schreiber	Spk. Vanasek
Farrell	Kalis	O'Connor	Seaberg	

The bill was passed and its title agreed to.

S. F. No. 393, A bill for an act relating to state lands; authorizing commissioner of administration to return land to a veterans organization who had originally donated the land for purposes of a state veterans cemetery.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Smith
Battaglia	Goodno	Krinkie	Olmann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Sviggum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejeman
Davids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Schreiber	
Farrell	Kalis	O'Connor	Seaberg	

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 7, A bill for an act relating to crimes; clarifying that alcoholic beverages are prohibited in public elementary and secondary schools; amending Minnesota Statutes 1990, section 624.701, subdivisions 1 and 1a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abrams	Beard	Bodahl	Cooper	Erhardt
Anderson, I.	Begich	Boo	Dauner	Farrell
Anderson, R.	Bertram	Brown	Dawkins	Frederick
Anderson, R. H.	Bettermann	Carlson	Dempsey	Frerichs
Battaglia	Bishop	Carruthers	Dille	Garcia
Bauerly	Blatz	Clark	Dorn	Girard

Goodno	Johnson, V.	McGuire	Pelowski	Steensma
Greenfield	Kahn	McPherson	Peterson	Sviggum
Gruenes	Kalis	Milbert	Pugh	Swenson
Gutknecht	Kelso	Morrison	Reding	Thompson
Hanson	Kinkel	Munger	Rest	Tompkins
Hartle	Knickerbocker	Murphy	Rice	Trimble
Hasskamp	Koppendraye	Nelson, K.	Rodosovich	Tunheim
Haukoos	Krinkie	Nelson, S.	Rukavina	Uphus
Hausman	Krueger	Newinski	Runbeck	Valento
Heir	Lasley	O'Connor	Sarna	Vellenga
Henry	Leppik	Ogren	Schafer	Wagenius
Hufnagle	Lieder	Olsen, S.	Schreiber	Waltman
Hugoson	Limmer	Olson, E.	Seaberg	Weaver
Jacobs	Long	Omann	Segal	Wejzman
Janezich	Lourey	Orenstein	Simoneau	Welker
Jaros	Lynch	Orfield	Skoglund	Welle
Jefferson	Macklin	Ostrom	Smith	Wenzel
Jennings	Mariani	Ozment	Solberg	Winter
Johnson, A.	Marsh	Pauly	Sparby	Spk. Vanasek
Johnson, R.	McEachern	Pellow	Stanius	

Those who voted in the negative were:

Davids	Olson, K.	Onnen	Osthoff	Scheid
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The bill was passed and its title agreed to.

H. F. No. 291, A bill for an act relating to local government; authorizing the city of Minneapolis, special school district No. 1, the Minneapolis library board, and the Minneapolis park and recreation board to impose residency requirements as a condition of employment.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 96 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Farrell	Johnson, R.	Munger	Reding
Anderson, R.	Frerichs	Johnson, V.	Nelson, K.	Rice
Battaglia	Goodno	Kahn	Nelson, S.	Rodosovich
Bauerly	Greenfield	Kalis	O'Connor	Rukavina
Beard	Gutknecht	Kelso	Ogren	Runbeck
Begich	Hanson	Kinkel	Olson, E.	Sarna
Bertram	Hartle	Krinkie	Olson, K.	Scheid
Bettermann	Hasskamp	Lieder	Omann	Segal
Bishop	Haukoos	Long	Orenstein	Simoneau
Boo	Heir	Lourey	Orfield	Skoglund
Brown	Hufnagle	Mariani	Osthoff	Smith
Carruthers	Jacobs	Marsh	Ostrom	Solberg
Clark	Janezich	McEachern	Pauly	Sparby
Dauner	Jaros	McGuire	Pellow	Steensma
Dawkins	Jefferson	McPherson	Pelowski	Thompson
Dempsey	Jennings	Milbert	Peterson	Tompkins
Dille	Johnson, A.	Morrison	Pugh	Trimble

Tunheim	Waltman	Welker	Winter
Uphus	Weaver	Welle	Spk. Vanasek
Wagenius	Wejzman	Wenzel	

Those who voted in the negative were:

Abrams	Erhardt	Koppendrayer	Newinski	Stanius
Anderson, R. H.	Frederick	Krueger	Olsen, S.	Swiggum
Blatz	Garcia	Lasley	Onnen	Swenson
Bodahl	Girard	Leppik	Ozment	Valento
Carlson	Gruenes	Limmer	Rest	Vellenga
Cooper	Henry	Lynch	Schafer	
Davids	Hugoson	Macklin	Schreiber	
Dorn	Knickerbocker	Murphy	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 575 was reported to the House.

Simoneau moved that H. F. No. 575 be continued on the Calendar. The motion prevailed.

H. F. No. 646, A bill for an act relating to state government; purchases; amending the definition of "manufactured in the United States"; amending Minnesota Statutes 1990, section 16B.101, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dille	Jennings	Morrison	Pugh
Anderson, R.	Dorn	Johnson, A.	Munger	Reding
Anderson, R. H.	Erhardt	Johnson, R.	Murphy	Rest
Battaglia	Farrell	Johnson, V.	Nelson, K.	Rice
Bauerly	Frederick	Kalis	Nelson, S.	Rodosovich
Beard	Garcia	Kelso	Newinski	Rukavina
Begich	Girard	Kinkel	O'Connor	Runbeck
Bertram	Goodno	Knickerbocker	Ogren	Sarna
Bettermann	Greenfield	Koppendrayer	Olsen, S.	Seaberg
Bodahl	Gruenes	Krueger	Olson, E.	Segal
Boo	Hanson	Lasley	Olson, K.	Simoneau
Brown	Hartle	Leppik	Omann	Skoglund
Carlson	Hasskamp	Lieder	Onnen	Smith
Carruthers	Hausman	Long	Orenstein	Solberg
Clark	Heir	Lourey	Orfield	Sparby
Cooper	Hugoson	Macklin	Ostrom	Stanius
Dauner	Jacobs	Mariani	Ozment	Steensma
Davids	Janezich	McEachern	Pellow	Swiggum
Dawkins	Jaros	McGuire	Pelowski	Swenson
Dempsey	Jefferson	McPherson	Peterson	Thompson

Tompkins	Uphus	Wagenius	Wejcman	Winter
Trimble	Valento	Waltman	Welle	Spk. Vanasek
Tunheim	Vellenga	Weaver	Wenzel	

Those who voted in the negative were:

Abrams	Henry	Limmer	Schafer
Frerichs	Hufnagle	Marsh	Scheid
Gutknecht	Kahn	Milbert	Schreiber
Haukoos	Krinkie	Pauly	Welker

The bill was passed and its title agreed to.

S. F. No. 141, A bill for an act relating to human services; delaying the effective date of the moratorium on new negotiated rate facility agreements.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Smith
Battaglia	Goodno	Krinkie	Omann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Sviggum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Davids	Jefferson	Morrison	Rukavina	Wejcman
Dawkins	Jennings	Munger	Runbeck	Welker
Dempsey	Johnson, A.	Murphy	Sarna	Welle
Dille	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dorn	Johnson, V.	Nelson, S.	Scheid	Winter
Erhardt	Kahn	Newinski	Schreiber	Spk. Vanasek
Farrell	Kalis	O'Connor	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 154, A bill for an act relating to the Uniform Commercial

Code; enacting conforming amendments proposed by the Uniform Laws Conference; proposing changes to articles relating to leases and bulk sales; amending Minnesota Statutes 1990, sections 47.015, by adding a subdivision; 336.1-105; 336.2-403; 336.2A-103; 336.2A-209; 336.2A-303; 336.2A-304; 336.2A-307; 336.2A-309; 336.2A-407; 336.2A-501; 336.2A-503; 336.2A-507; 336.2A-508; 336.2A-516; 336.2A-517; 336.2A-518; 336.2A-519; 336.2A-523; 336.2A-525; 336.2A-527; 336.2A-528; 336.2A-529; proposing coding for new law in Minnesota Statutes, chapter 336; repealing Minnesota Statutes 1990, sections 336.6-101 to 336.6-111; and 336.9-111.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kinkel	Olsen, S.	Skoglund
Anderson, I.	Frerichs	Knickerbocker	Olson, E.	Smith
Anderson, R.	Girard	Koppendrayner	Olson, K.	Solberg
Anderson, R. H.	Goodno	Krinkie	Omann	Sparby
Battaglia	Greenfield	Krueger	Onnen	Stanisus
Bauerly	Gruenes	Lasley	Orenstein	Steensma
Beard	Gutknecht	Leppik	Orfield	Sviggum
Begich	Hanson	Lieder	Osthoff	Swenson
Bertram	Hartle	Limmer	Ostrom	Thompson
Bettermann	Hasskamp	Long	Ozment	Tompkins
Bishop	Haukoos	Lourey	Pauly	Trimble
Blatz	Hausman	Lynch	Pellow	Tunheim
Bodahl	Heir	Macklin	Pelowski	Uphus
Boo	Henry	Mariani	Peterson	Valento
Brown	Hufnagle	Marsh	Pugh	Vellenga
Carlson	Hugoson	McEachern	Reding	Wagenius
Carruthers	Jacobs	McGuire	Rest	Waltman
Clark	Janezich	McPherson	Rodosovich	Weaver
Cooper	Jaros	Milbert	Rukavina	Wejcmán
Dauner	Jefferson	Morrison	Runbeck	Welker
Davids	Jennings	Munger	Sarna	Welle
Dawkins	Johnson, A.	Murphy	Schafer	Wenzel
Dempsey	Johnson, R.	Nelson, K.	Scheid	Winter
Dille	Johnson, V.	Nelson, S.	Schreiber	Spk. Vanasek
Dorn	Kahn	Newinski	Seaberg	
Erhardt	Kalis	O'Connor	Segal	
Farrell	Kelso	Ogren	Simoneau	

Those who voted in the negative were:

Rice

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the

Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. Schreiber presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 236, 239, 357, 365, 472 and 85 were recommended to pass.

S. F. No. 443 was recommended to pass.

H. F. No. 172 was recommended for progress until Thursday, April 4, 1991.

On the motion of Long the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.06, the following roll calls were taken in the Committee of the Whole:

Welker moved to amend H. F. No. 472, as follows:

Page 1, after line 15, insert:

“Sec. 2. 326.522 [CIVIL LIABILITY.]

(a) The department of labor and industry and an inspector employed by the department are jointly and severally liable for civil damages that result from the defective construction or installation of high pressure piping that the inspector has approved under sections 326.46 to 326.52. No other person is liable under this paragraph.

(b) If a municipality has provided for the inspection of high pressure piping under section 326.47, subdivision 2, the municipality and an inspector employed by the municipality are jointly and severally liable for civil damages that result from the defective construction or installation of high pressure piping that the inspector has approved under sections 326.46 to 326.52. No other person is liable under this paragraph.”

Delete the title and insert:

"A bill for an act relating to occupations and professions; amending the definition of high pressure piping; providing that the department of labor and industry, municipalities that provide for inspections, and inspectors employed by the department or municipalities are liable for defective installations; amending Minnesota Statutes 1990, section 326.461, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 326."

The question was taken on the Welker amendment and the roll was called. There were 15 yeas and 116 nays as follows:

Those who voted in the affirmative were:

Boo	Frerichs	Henry	Limmer	Sviggum
Davids	Girard	Hugoson	Schafer	Valento
Dempsey	Haukoos	Krinkie	Smith	Welker

Those who voted in the negative were:

Abrams	Garcia	Koppendraye	Olson, K.	Skoglund
Anderson, I.	Goodno	Krueger	Omann	Solberg
Anderson, R.	Greenfield	Leppik	Onnen	Sparby
Anderson, R. H.	Gruenes	Lieder	Orenstein	Stanius
Battaglia	Gutknecht	Long	Orfield	Steensma
Bauerly	Hanson	Lourey	Osthoff	Swenson
Beard	Hartle	Lynch	Ostrom	Thompson
Begich	Hasskamp	Macklin	Ozment	Tompkins
Bertram	Hausman	Mariani	Pauly	Trimble
Bettermann	Heir	Marsh	Pellow	Tunheim
Blatz	Hufnagle	McEachern	Pelowski	Uphus
Bodahl	Jacobs	McGuire	Peterson	Vellenga
Brown	Janezich	McPherson	Pugh	Wagenius
Carlson	Jaros	Milbert	Reding	Waltman
Carruthers	Jefferson	Morrison	Rest	Weaver
Clark	Jennings	Munger	Rice	Wejcman
Cooper	Johnson, A.	Murphy	Rodosovich	Welle
Dauner	Johnson, R.	Nelson, K.	Rukavina	Wenzel
Dawkins	Johnson, V.	Nelson, S.	Runbeck	Winter
Dille	Kahn	Newinski	Sarna	Spk. Vanasek
Dorn	Kalis	O'Connor	Scheid	
Erhardt	Kelso	Ogren	Seaberg	
Farrell	Kinkel	Olsen, S.	Segal	
Frederick	Knickerbocker	Olson, E.	Simoneau	

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

The question was taken on the motion to recommend passage of H. F. No. 472 and the roll was called. There were 92 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Battaglia	Beard	Bertram	Boo
Anderson, R.	Bauerly	Begich	Bodahl	Brown

Carlson	Janezich	Macklin	Osthoff	Solberg
Carruthers	Jaros	Mariani	Ostrom	Stanius
Clark	Jefferson	Marsh	Ozment	Steensma
Cooper	Johnson, A.	McEachern	Pelowski	Thompson
Dauner	Johnson, R.	McGuire	Peterson	Tompkins
Dawkins	Kahn	McPherson	Pugh	Trimble
Dorn	Kalis	Milbert	Reding	Tunheim
Farrell	Kelso	Munger	Rest	Vellenga
Garcia	Kinkel	Murphy	Rice	Wagenius
Greenfield	Knickerbocker	Nelson, K.	Rodosovich	Weaver
Gruenes	Krueger	Nelson, S.	Rukavina	Wejzman
Gutknecht	Lasley	Newinski	Sarna	Wenzel
Hanson	Leppik	O'Connor	Scheid	Winter
Hasskamp	Lieder	Ogren	Seaberg	Spk. Vanasek
Hausman	Long	Olsen, S.	Segal	
Heir	Lourey	Orenstein	Simoneau	
Jacobs	Lynch	Orfield	Skoglund	

Those who voted in the negative were:

Abrams	Frederick	Hugoson	Olson, K.	Sviggum
Anderson, R. H.	Frerichs	Jennings	Omann	Swenson
Bettermann	Girard	Johnson, V.	Onnen	Uphus
Blatz	Goodno	Koppendraye	Pauly	Valento
Davids	Hartle	Krinkie	Pellow	Waltman
Dempsey	Haukoos	Limmer	Schafer	Welker
Dille	Henry	Morrison	Smith	Welle
Erhardt	Hufnagle	Olson, E.	Sparby	

The motion prevailed.

MOTIONS AND RESOLUTIONS

Solberg moved that the name of Welker be stricken as an author on H. F. No. 236. The motion prevailed.

Hanson moved that the name of McGuire be added as an author on H. F. No. 281. The motion prevailed.

Wejzman moved that the name of Long be added as an author on H. F. No. 588. The motion prevailed.

Segal moved that her name be stricken as an author on H. F. No. 610. The motion prevailed.

Rodosovich moved that the name of Bauerly be added as an author on H. F. No. 691. The motion prevailed.

Reding moved that the name of Bertram be added as an author on H. F. No. 697. The motion prevailed.

Rukavina moved that the name of Begich be stricken and the name of Newinski be added as an author on H. F. No. 756. The motion prevailed.

Rodosovich moved that the name of Jefferson be added as an author on H. F. No. 810. The motion prevailed.

Johnson, A., moved that the name of Limmer be added as an author on H. F. No. 877. The motion prevailed.

Rodosovich moved that the name of Farrell be added as an author on H. F. No. 878. The motion prevailed.

Rukavina moved that the name of Milbert be added as an author on H. F. No. 890. The motion prevailed.

Uphus moved that the name of Schafer be added as an author on H. F. No. 906. The motion prevailed.

Krueger moved that the names of Segal and Limmer be added as authors on H. F. No. 907. The motion prevailed.

Solberg moved that the names of Peterson and Limmer be added as authors on H. F. No. 928. The motion prevailed.

Abrams moved that the name of Limmer be added as an author on H. F. No. 937. The motion prevailed.

Clark moved that H. F. No. 352, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Reding moved that H. F. No. 812, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Sparby moved that H. F. No. 744 be recalled from the Committee on Energy and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Tompkins moved that H. F. No. 718 be recalled from the Committee on General Legislation, Veterans Affairs and Gaming and be re-referred to the Committee on Housing. The motion prevailed.

Blatz moved that H. F. No. 882 be recalled from the Committee on Transportation and be re-referred to the Committee on Judiciary. The motion prevailed.

Johnson, V., moved that H. F. No. 114 be returned to its author. The motion prevailed.

Kinkel moved that H. F. No. 992 be returned to its author. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 196:

Beard, Milbert and Newinski.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, March 25, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, March 25, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION — 1991

TWENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 25, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Rabbi Marcia Zimmerman, Temple of Israel, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frederick	Knickerbocker	Olson, K.	Smith
Anderson, I.	Frerichs	Koppendrayer	Omann	Solberg
Anderson, R.	Garcia	Krinkie	Onnen	Sparby
Anderson, R. H.	Girard	Krueger	Orenstein	Stanius
Battaglia	Goodno	Lasley	Orfield	Steensma
Bauerly	Greenfield	Leppik	Osthoff	Sviggum
Beard	Gruenes	Lieder	Ostrom	Swenson
Begich	Gutknecht	Limmer	Ozment	Thompson
Bertram	Hanson	Long	Pauly	Tompkins
Bettermann	Hartle	Lourey	Pellow	Trimble
Bishop	Haukoos	Lynch	Pelowski	Tunheim
Blatz	Hausman	Macklin	Peterson	Uphus
Bodahl	Heir	Mariani	Pugh	Valento
Boo	Henry	Marsh	Reding	Vellenga
Brown	Hufnagle	McEachern	Rest	Wagenius
Carlson	Hugoson	McGuire	Rice	Waltman
Carruthers	Jacobs	McPherson	Rodosovich	Weaver
Clark	Janezich	Morrison	Rukavina	Wejcmán
Cooper	Jefferson	Munger	Runbeck	Welker
Dauner	Jennings	Murphy	Sarna	Welle
Davids	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dawkins	Johnson, R.	Nelson, S.	Scheid	Winter
Dempsey	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Dille	Kahn	O'Connor	Seaberg	
Dorn	Kalis	Ogren	Segal	
Erhardt	Kelso	Olsen, S.	Simoneau	
Farrell	Kinkel	Olson, E.	Skoglund	

A quorum was present.

Hasskamp, Jaros and Milbert were excused.

The Chief Clerk proceeded to read the Journal of the preceding

day. Carlson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 132 and H. F. No. 465, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mariani moved that S. F. No. 132 be substituted for H. F. No. 465 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 68, A bill for an act relating to metropolitan government; extending the date for the international airport plan; amending Minnesota Statutes 1990, section 473.616, subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 100, A bill for an act relating to health; establishing the emergency medical services personnel account; establishing an incentive plan for ambulance service personnel; setting plan requirements; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 353E.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1990, section 171.06, is amended by adding a subdivision to read:

Subd. 2b. [FEES INCREASED.] The fees for classified drivers

license and classified under 21 drivers licenses in subdivision 2 are increased by \$2. This increase does not apply to duplicate drivers licenses. The additional fees must be paid into the state treasury and credited to the emergency medical services personnel account established in section 2."

Page 1, line 12, after "of" insert "all funds deposited in the"

Page 1, line 13, delete "appropriations" and insert "from the additional drivers license fee"

Page 2, line 33, delete "general fund appropriations" and insert "money from the additional drivers license fee imposed by section 1"

Pages 6 and 7, delete section 11

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 2, after the semicolon insert "imposing an additional fee on classified drivers licenses;"

Page 1, line 5, delete "appropriating money" and insert "amending Minnesota Statutes 1990, section 171.06, by adding a subdivision"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 106, A bill for an act relating to towns; providing for money from town road account to be distributed to towns by March 1, annually; amending Minnesota Statutes 1990, section 162.081, subdivisions 3 and 4.

Reported the same back with the following amendments:

Page 2, line 23, delete "1991" and insert "1992"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 178, A bill for an act relating to occupations and professions; increasing minimum insurance coverage required for abstracters; abolishing requirement of seals by impression; repealing an obsolete provision; amending Minnesota Statutes 1990, sections 386.66 and 386.67; repealing Minnesota Statutes 1990, section 386.65, subdivision 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 224, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 5; permitting the payment of bonuses to veterans of the Iraq conflict.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [PERSIAN GULF CONFLICT BONUS.]

An amendment to the Minnesota Constitution, article XIII, section 8, is proposed to the people. If the amendment is adopted the section will read:

Sec. 8. The state may pay an adjusted compensation to persons who served in the armed forces of the United States during the period of the Vietnam conflict or the Persian Gulf conflict. Whenever authorized and in the amounts and on the terms fixed by law, the state may expend monies and pledge the public credit to provide money for the purposes of this section. The duration of the Vietnam conflict conflicts may be defined by law.

Sec. 2. [QUESTION.]

The proposed amendment shall be submitted at the 1992 general election. The question submitted shall be:

“Shall the Minnesota Constitution be amended to permit the payment of bonuses to veterans serving during the period of the Persian Gulf conflict?”

Yes

No

Delete the title and insert:

“A bill for an act proposing an amendment to the Minnesota Constitution article XIII, section 8; permitting the payment of bonuses to Persian Gulf conflict veterans.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 322, A bill for an act relating to waste management expenditures; establishing a solid waste management certification and training program; requiring the state resource recovery program to establish a central materials recovery facility and centralized collection and transportation of recyclable materials from state offices and operations; appropriating money; amending Minnesota Statutes 1990, sections 115A.07, by adding a subdivision; 115A.15, subdivision 6, and by adding subdivisions.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 2, line 19, after “establish” insert “or contract for establishment of”

Page 2, line 28, after “establish” insert “or contract for establishment of”

Page 3, line 5, after “reduction” insert “, reuse,”

Page 3, line 10, after “reduction” insert “, reuse,”

Page 3, line 25, after "establish" insert "or contract for establish-
ment of"

Page 4, delete lines 4 to 7

Page 4, line 8, delete everything before "The"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete everything before "requiring"

Page 1, line 9, delete everything after the first comma and insert
"section"

Page 1, line 10, delete "subdivision;"

With the recommendation that when so amended the bill pass and
be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on Local Government and
Metropolitan Affairs to which was referred:

H. F. No. 349, A bill for an act relating to the city of St. Paul;
authorizing an increase in the hotel-motel tax; amending Laws
1986, chapter 462, section 31.

Reported the same back with the recommendation that the bill
pass and be re-referred to the Committee on Taxes.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans
Affairs and Gaming to which was referred:

H. F. No. 408, A bill for an act relating to animal health; providing
alternative methods for the disposal of certain animal carcasses;
amending Minnesota Statutes 1990, section 35.82, subdivisions 1b
and 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Agriculture.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 415, A bill for an act relating to commerce; regulating farm equipment dealerships; amending Minnesota Statutes 1990, sections 325E.061, subdivisions 2, 4, and 5; 325E.063; 325E.064; 325E.068, subdivisions 2, 4, and 5; 325E.0682; and 325E.0683.

Reported the same back with the following amendments:

Page 2, line 27, strike "or attempt to coerce"

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 424, A bill for an act relating to interscholastic athletics; providing that persons who assault a sports official may be excluded from certain events; proposing coding for new law in Minnesota Statutes, chapter 128C.

Reported the same back with the following amendments:

Page 2, delete lines 13 to 27, and insert:

"Subd. 3. [PROCEDURE.] An individual may be excluded from any interscholastic athletic activity upon a finding, pursuant to subdivision 2, by the Minnesota state high school league or an authorized superintendent that the individual engaged in disruptive behavior by assaulting a sports official in connection with an activity. An individual alleged to have engaged in disruptive activity by assaulting a sports official shall be invited to an informal hearing on the matter by the Minnesota state high school league or authorized superintendent. Upon finding that an individual has engaged in such disruptive behavior the Minnesota state high school league or authorized superintendent shall notify the individual in writing and shall indicate any activity from which, and the period of time for which, the individual is excluded."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 466, A bill for an act relating to traffic regulations; defining "wrecker" to include new variations of tower vehicles; requiring the use of amber lights on wreckers after January 1, 1992; exempting wreckers from weight requirements under certain circumstances; amending Minnesota Statutes 1990, sections 169.01, subdivision 52; 169.64, subdivision 5; and 169.825, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 17, insert:

"Sec. 2. Minnesota Statutes 1990, section 169.58, subdivision 2, is amended to read:

Subd. 2. Upon obtaining a permit from the commissioner of public safety, any motor vehicles operated by an active member of a volunteer fire department authorized by or contracting with any city, town, or township in this state and upon obtaining a permit therefor from the commissioner of public safety, an emergency medical first responder, or an ambulance crew member may be equipped with a lamp emitting a red light to the front of such vehicle. The lens of such lamp shall be not more than three inches in diameter. Such lamp shall be lighted only when the member of the volunteer fire department, ambulance crew member, or emergency medical first responder is responding to an emergency call in connection with duties as a volunteer firefighter, ambulance crew member, or responder. The commissioner of public safety is hereby authorized to issue permits on applications of a member of a volunteer fire department properly certified to by the chief of said volunteer fire department, and it shall be the duty of the chiefs of all volunteer fire departments to notify on applications for emergency medical first responders or ambulance crew members. The commissioner of public safety must be notified immediately upon the termination of such membership in a volunteer fire department or when an ambulance or permitted emergency medical first responder ceases operations."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon insert "allowing use of red lights on vehicles of certain emergency response personnel;"

Page 1, line 7, after the semicolon insert "169.58, subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 471, A resolution memorializing the International Special Olympics Committee in support of the 1991 International Special Olympics Games.

Reported the same back with the following amendments:

Page 2, line 13, after the first "the" insert "Governor and the"

Page 2, line 14, delete "it encourages" and insert "they encourage"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 515, A bill for an act relating to drivers' licenses; clarifying procedure for review of driver's license revocation or disqualification under implied consent law; defining farm truck for purposes of driver's license classifications; restricting exemption for drivers of certain federal vehicles from requirement to possess commercial driver's license; clarifying offenses for which driver may be disqualified from holding commercial driver's license; amending Minnesota Statutes 1990, sections 169.123, subdivision 5c; 171.01, by adding a subdivision; 171.02, subdivision 2; 171.03; and 171.165, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 169.01, subdivision 75, is amended to read:

Subd. 75. [COMMERCIAL MOTOR VEHICLE.] (a) “Commercial motor vehicle” means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of ~~26,001 or~~ more than 26,000 pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials ~~defined in section 221.033, except for those vehicles having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and liquid fertilizer;~~ or

(5) is outwardly equipped and identified as a school bus, except for school buses defined in section 169.44, subdivision 15.

(b) For purposes of sections 169.1211, 169.1215, and 169.123, subdivisions 2 and 4, a commercial motor vehicle does not include a farm truck, firefighting equipment, or recreational equipment being operated by a person within the scope of section 171.02, subdivision 2, paragraph (a).

Sec. 2. Minnesota Statutes 1990, section 169.01, is amended by adding a subdivision to read:

Subd. 76. [HAZARDOUS MATERIALS.] “Hazardous materials” means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, part 172, subpart F.

Sec. 3. Minnesota Statutes 1990, section 169.121, subdivision 8, is amended to read:

Subd. 8. [ALCOHOL CHEMICAL USE ASSESSMENT.] When the evidentiary test shows an alcohol concentration of 0.07 or more, that result shall be reported to the commissioner of public safety. The commissioner shall record that fact on the driver’s record. When the driver’s record shows a second or subsequent report of an alcohol concentration of 0.07 or more within two years of a recorded report,

the commissioner may require that the driver have ~~an alcohol problem~~ a chemical use assessment meeting the commissioner's requirements. The assessment shall be at the driver's expense. In no event shall the commissioner deny the license of a person who refuses to take the assessment or to undertake treatment, if treatment is indicated by the assessment, for longer than 90 days. If an assessment is made pursuant to this section, the commissioner may waive the assessment required by section 169.126.

Sec. 4. Minnesota Statutes 1990, section 169.123, subdivision 5c, is amended to read:

Subd. 5c. [PETITION FOR JUDICIAL REVIEW.] Within 30 days following receipt of a notice and order of revocation or disqualification pursuant to this section, a person may petition the court for review; ~~unless the person is entitled to review under section 171.166.~~ The petition shall be filed with the district court administrator in the county where the alleged offense occurred, together with proof of service of a copy on the commissioner of public safety, and accompanied by the standard filing fee for civil actions. No responsive pleading shall be required of the commissioner of public safety, and no court fees shall be charged for the appearance of the commissioner of public safety in the matter.

The petition shall be captioned in the full name of the person making the petition as petitioner and the commissioner of public safety as respondent. The petition must include the petitioner's date of birth, driver's license number, and date of the offense. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order of revocation, disqualification, or denial and state the facts underlying each claim asserted.

The filing of the petition shall not stay the revocation, disqualification, or denial. The reviewing court may order a stay of the balance of the revocation or disqualification if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper. Judicial reviews shall be conducted according to the rules of civil procedure.

Sec. 5. Minnesota Statutes 1990, section 169.123, subdivision 8, is amended to read:

Subd. 8. [NOTICE OF ACTION TO OTHER STATES.] When ~~it has been finally determined that~~ a nonresident's privilege to operate a motor vehicle in this state has been revoked or denied, the commissioner of public safety shall give information in writing of the action taken to the official in charge of traffic control or public safety of the state of the person's residence and of any state in which the person has a license.

Sec. 6. Minnesota Statutes 1990, section 171.01, is amended by adding a subdivision to read:

Subd. 24. [FARM TRUCK.] For purposes of this chapter only, "farm truck" means a single-unit truck, including a pickup truck as defined in section 168.011; truck-tractor; tractor; semitrailer; or trailer, used by its owner:

(1) to transport from the farm to the market agricultural, horticultural, dairy, or other farm products, including livestock, produced or finished by the owner of the farm truck;

(2) to transport the owner's other personal property from the farm to market; or

(3) to transport property and supplies to the farm of the owner.

Sec. 7. Minnesota Statutes 1990, section 171.01, is amended by adding a subdivision to read:

Subd. 25. [HAZARDOUS MATERIALS.] "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, part 172, subpart F.

Sec. 8. Minnesota Statutes 1990, section 171.02, subdivision 2, is amended to read:

Subd. 2. [DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.] Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. No class of license shall be valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There shall be four general classes of licenses as follows:

(a) Class C; valid for:

(1) all farm trucks as defined in section 168.011, subdivision 17, operated by (i) the owner, (ii) an immediate family member of the owner, (iii) an employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm, or (iv) an employee of the owner employed during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site;

(2) fire trucks and emergency fire equipment, whether or not in excess of 26,000 pounds gross vehicle weight, operated by a fire-fighter while on duty, or a tiller operator employed by a fire department who drives the rear portion of a midmount aerial ladder truck;

(3) recreational equipment as defined in section 168.011, subdivision 25, that is operated for personal use; and

(4) all single unit vehicles except vehicles with a gross vehicle weight of ~~26,001 or more than~~ 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials.

The holder of a class C license may also tow vehicles ~~under 10,000 pounds~~ if the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.

(b) Class CC; valid for:

(1) operating class C vehicles;

(2) with a hazardous materials endorsement, transporting hazardous materials in class C vehicles; and

(3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver.

(c) Class B; valid for all vehicles in class C, class CC, and all other single unit vehicles including, with a passenger endorsement, buses.

(d) Class A; valid for any vehicle or combination thereof.

Sec. 9. Minnesota Statutes 1990, section 171.02, is amended by adding a subdivision to read:

Subd. 2a. [EXCEPTION.] Notwithstanding subdivision 2, a hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and liquid fertilizer.

Sec. 10. Minnesota Statutes 1990, section 171.03, is amended to read:

171.03 [PERSONS EXEMPT.]

The following persons are exempt from license hereunder:

(1) ~~any~~ a person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government, except that only a noncivilian operator of a commercial motor vehicle owned or leased by the United States Department of Defense or the Minnesota national guard is exempt from the requirement to possess a valid commercial motor vehicle driver's license;

(2) any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway, and for purposes of this section an all-terrain vehicle, as defined in section 84.92, subdivision 8, is not an implement of husbandry;

(3) a nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver;

(4) a nonresident who has in immediate possession a valid commercial driver's license issued by a state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state;

(5) any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, only for a period of not more than 90 days in any calendar year if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such nonresident;

(6) any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province or by military authorities of the United States may operate a motor vehicle as a driver, only for a period of not more than 60 days after becoming a resident of this state without being required to have a Minnesota driver's license as provided in this chapter;

(7) any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, for not more than 30 days after becoming a resident of this state; and

(8) any person operating a snowmobile, as defined in section 84.81.

Sec. 11. Minnesota Statutes 1990, section 171.165, subdivision 3, is amended to read:

Subd. 3. [GRAVE OR MULTIPLE OFFENSES.] Subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for:

(1) not less than three years, for a conviction or revocation set forth in subdivision 1 or 2 committed during the transportation of hazardous materials;

(2) not less than ten years, if the person is convicted a second or subsequent time of an offense set forth in subdivision 1 or if ~~the person's license is revoked more than once under section 169.123 or 2,~~ a statute of another state or ordinance in conformity with it, or any combination of ~~them~~ those offenses; or

(3) life, if the person is convicted under chapter 152 of a felony involving the manufacture, sale, or distribution of a controlled substance, or involving the possession of a controlled substance with intent to manufacture, sell, or distribute it, and the person is found to have used a commercial motor vehicle in the commission of the felony.

Sec. 12. Minnesota Statutes 1990, section 171.29, subdivision 1, is amended to read:

Subdivision 1. No person whose ~~drivers~~ driver's license has been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under section 171.17 or 65B.67, or revoked under section 169.123 or 169.792 shall be issued another license unless and until that person shall have successfully passed an examination as required for an initial license.

Sec. 13. Minnesota Statutes 1990, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE.] In any case where a person's license has been suspended under section 171.18 or revoked under section 65B.67, 169.121, 169.123, 169.792, or 171.17, the commissioner may issue a limited license to the driver including under the following conditions:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a post-secondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

For purposes of this subdivision, "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

If the person's driver's license or permit to drive, or nonresident operating privileges, have been revoked under section 65B.67 or 169.792, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months."

Delete the title and insert:

"A bill for an act relating to drivers' licenses; making technical changes; clarifying procedure for review of driver's license revocation or disqualification under implied consent law; defining hazardous materials, commercial motor vehicle, and farm truck; allowing class C driver's license holder to tow when the gross weight of the vehicles is 26,000 pounds or less; restricting exemption for drivers of certain federal vehicles from requirement to possess commercial driver's

license; clarifying offenses for which driver may be disqualified from holding commercial driver's license; requiring person whose driver's license has been revoked to pass examination under certain circumstances; permitting qualified driver to obtain limited license following revocation for failure to have vehicle insurance; amending Minnesota Statutes 1990, sections 169.01, subdivision 75, and by adding a subdivision; 169.121, subdivision 8; 169.123, subdivisions 5c and 8; 171.01, by adding subdivisions; 171.02, subdivision 2, and by adding a subdivision; 171.03; 171.165, subdivision 3; 171.29, subdivision 1; and 171.30, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 606, A bill for an act relating to transportation; authorizing state departments to cancel uncollectible debts up to \$200 in certain cases; allowing department of transportation to employ debt collection services; allowing department of transportation to make direct expenditures from state aid funds for administrative expenses; providing penalty for failure to pay fee for sign permit more than 30 days after fee is due; providing when estimates of certain construction projects are nonpublic data; providing for laying fiber optic cable or conduits along highways; directing the commissioner of transportation to adopt rules governing the location and break-away standards for mailbox installations; allowing white strobe lamps to be used on highway maintenance vehicles; authorizing exchange of lands with Grand Portage Band of Chippewa Indians; abolishing conflicting requirements related to market artery highways; providing a penalty; amending Minnesota Statutes 1990, sections 10.12; 13.72, subdivision 1; 161.20, subdivision 4; 161.45, subdivision 1; 161.46, subdivisions 1 and 2; 162.06, subdivision 2; 162.12, subdivision 2; 169.64, subdivision 7; and 173.13, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, section 169.833.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 10.12, is amended to read:

10.12 [UNCOLLECTIBLE DRAFTS CANCELED.]

Subdivision 1. [~~OVER \$100~~ \$200.] When any draft or account for a sum in excess of ~~\$100~~ \$200 due to the state is found to be uncollectible by any department, it shall report such fact to the executive council, and the executive council may cancel such draft or account upon the approval of the attorney general.

Subd. 2. [TO ~~\$100~~ \$200.] When any draft or account for a sum of not more than ~~\$100~~ \$200 due to the state is found to be uncollectible by an agency, the agency head may cancel the draft or account upon the approval of the attorney general. When drafts or accounts are canceled under this subdivision the head of the canceling agency shall send a certified list of them to the commissioner of finance, who shall enter the cancellations on the department of finance's records.

Subd. 3. [TO \$100.] When any draft or account for a sum of not more than \$100 due to the state is found to be uncollectible by an agency, the agency head or authorized representative may cancel the draft or account. When drafts or accounts are canceled under this subdivision the agency head shall send a certified list of them to the commissioner of finance, who shall enter the cancellations on the department of finance's records.

Sec. 2. Minnesota Statutes 1990, section 13.72, subdivision 1, is amended to read:

Subdivision 1. [ESTIMATES FOR CONSTRUCTION PROJECTS.] ~~Estimates~~ An estimate of the cost of a construction ~~projects~~ project of the Minnesota department of transportation prepared by department employees ~~are~~ is nonpublic data and ~~are~~ is not available to the public from the time of ~~final~~ preliminary design until the ~~bids are opened for the project is~~ awarded.

Sec. 3. Minnesota Statutes 1990, section 161.20, subdivision 4, is amended to read:

Subd. 4. [DEBT COLLECTION.] The commissioner shall make reasonable and businesslike efforts to collect money owed for licenses, fines, penalties, and permit fees or arising from damages to state-owned property or other causes related to the activities of the department of transportation. ~~When a debt has been reduced to a money judgment,~~ The commissioner may contract for debt collection services for the purpose of collecting ~~the a money judgment or legal indebtedness.~~ The commissioner may enter into an agreement with the commissioner of public safety to use debt collection services authorized by this subdivision when civil penalties relating to the use of highways have been reduced to money judgment. Money received as full or partial payment shall be deposited to the appropriate fund. When money is collected through contracted services, the commissioner may make payment for the service from the money collected. The amount necessary for payment of contrac-

tual collection costs is appropriated from the fund in which money so collected is deposited.

Sec. 4. Minnesota Statutes 1990, section 162.06, subdivision 2, is amended to read:

Subd. 2. [~~REIMBURSEMENT OF ADMINISTRATIVE COSTS OF STATE DEPARTMENT OF TRANSPORTATION.~~] From the total of such sums the commissioner shall deduct a sum equal to 1-1/2 percent of the total sum. The sum so deducted shall be set aside in a separate account and shall be used to reimburse the trunk highway fund for administrative costs incurred by the state transportation department in carrying out the provisions relating to the county state-aid highway system. On the 31st day of December of each year any money remaining in the account not needed to reimburse the trunk highway fund as heretofore provided for administrative costs shall be transferred to the county state-aid highway fund.

Sec. 5. Minnesota Statutes 1990, section 162.12, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATIVE COSTS OF STATE TRANSPORTATION DEPARTMENT.] From the total of such sums the commissioner, each year, shall deduct a sum of money equal to one and one-half percent of the total sums. The sum so deducted shall be set aside in a separate account and shall be used to reimburse the trunk highway fund for administration costs incurred by the state transportation department in carrying out the provisions relating to the municipal state-aid street system. On the 31st day of December of each year, any money remaining in the account not needed to reimburse the trunk highway fund as heretofore provided for administrative costs shall be transferred to the municipal state-aid street fund.

Sec. 6. [169.072] [UNAUTHORIZED MAILBOX INSTALLATIONS.]

Subdivision 1. [PUBLIC HAZARD.] A mailbox installation or support on a public highway that does not meet the breakaway and location standards contained in rules adopted under subdivision 2 is declared to be a public nuisance, a road hazard, and a danger to the health and safety of the traveling public.

Subd. 2. [STANDARDS; RULEMAKING.] The commissioner shall by January 1, 1993, adopt rules that provide for standards and permissible locations of mailbox installations and supports on a street or highway. The commissioner shall base the rules substantially on federal highway administration regulations or recommendations, or other national standards or recommendations regarding the location and construction of safe, breakaway mailbox installa-

tions or supports. In adopting the rules, the commissioner shall consider the safety of the traveling public relative to the convenience and expense of owners of nonconforming mailbox installations or supports. The commissioner may provide for alternative standards to allow variances from the rules.

Subd. 3. [REMOVAL, NOTICE.] (a) After adoption of the rules authorized under subdivision 2, the commissioner or a road authority as defined in section 160.02, subdivision 9, may remove and replace a mailbox installation or support that is (1) located on a street or highway under the jurisdiction of the commissioner or road authority, and (2) does not conform to the rules adopted under subdivision 2. The commissioner or road authority may remove and replace a nonconforming mailbox installation or support not less than 60 days after giving notice, by personal notice or certified mail to the owner or the resident at the address served by the mailbox, of its intent to remove and replace the installation or support. The commissioner or road authority may charge the owner or resident not more than \$75 for the cost of the removal and replacement.

(b) The notice must at a minimum:

(1) inform the owner of the nonconforming installation or support;

(2) inform the owner or resident of the applicable law and rules, including the rules that contain the standards for mailbox installations and supports on public streets and highways;

(3) inform the owner or resident that the owner or resident must remove the installation or support or bring it into compliance with the rules within 60 days of the date of the notice;

(4) inform the owner or resident of the applicable laws and rules and the standards for mailbox installations and supports on public streets and highways, and provide plans or diagrams of examples of conforming installations or supports;

(5) inform the owner or resident that if the nonconforming installation or support is not removed or replaced within 60 days of the date of the notice, the commissioner or road authority may remove and replace the installation or support at a cost of up to \$75 to the owner or resident; and

(6) inform the owner or resident that where the replacement is made in conjunction with certain federally aided highway construction projects the replacement may be made at partial or no cost to the owner or resident.

Sec. 7. Minnesota Statutes 1990, section 169.64, is amended by adding a subdivision to read:

Subd. 6a. [WHITE STROBE LAMPS ON MAINTENANCE VEHICLES.] Notwithstanding any law to the contrary, a road maintenance vehicle owned or under contract to the commissioner or a road authority as defined in section 160.02, subdivision 9, may be equipped with a 360-degree flashing strobe lamp that emits a white light with a flash rate of 60 to 120 flashes per minute. The strobe lamp must be a double flash type certified to the commissioner of public safety as being weatherproof and having a minimum effective light output of 200 candelas as measured by the Blendel-Ray formula. The strobe lamp may be operated on the road maintenance vehicle only when the vehicle is actually engaged in snow removal during daylight hours.

Sec. 8. Minnesota Statutes 1990, section 173.13, subdivision 7, is amended to read:

Subd. 7. A penalty equal to one-half the annual fee shall be charged upon failure to pay the annual permit fee for renewal on or before August July 1 of each year.

Sec. 9. [LAND EXCHANGE WITH CHIPPEWA INDIANS.]

Subdivision 1. [AUTHORITY; CONSIDERATION.] Notwithstanding contrary provisions of Minnesota Statutes, sections 94.341 to 94.349, 161.20, 161.23, and 161.44, or other law, and subject to approval of the land exchange board, the commissioner of the department of transportation shall convey a part of State Pit 174, as described in subdivision 3, to the United States of America, on behalf of and as trustee for the Grand Portage Band of Chippewa Indians and with the concurrence of the Grand Portage Reservation Business Committee, for a consideration of lands and interests in real property described in subdivision 4. Upon executing the necessary deeds, grants, resolutions, or other forms required by Minnesota Statutes, sections 161.20, subdivision 2, and 161.44, subdivision 1, and Code of Federal Regulations, title 25, parts 151, 152, and 169, the parties shall exchange lands and interests in lands, described in subdivisions 3 and 4, without additional monetary consideration and in recognition of the substantially equal values of the parcels being exchanged.

Subd. 2. [FORM.] The conveyance authorized by this section must be in a form approved by the attorney general, after the attorney general has determined, in the manner provided for in Minnesota Statutes, section 94.343, subdivision 9, that the title to the land proposed to be conveyed to the state is good and marketable.

Subd. 3. [LAND TO BE CONVEYED.] In exchange and for consideration of lands and interests in real property described in subdivision 4, the commissioner of transportation shall convey that part of tract A of State Pit 174, S.P. 1604 (61-1-47-3), in Cook county, described as follows:

That part of Tract A described below:

Tract A. Government Lot 8 of Section 6, Township 62 North, Range 5 East, Cook County, Minnesota;

which lies southerly of a line run parallel with and distant 200 feet southeasterly of Line 1 described below:

Line 1. Beginning at a point on the east line of said Section 6, distant 150.9 feet north of the east quarter corner thereof; thence run southwesterly at an angle of 72 degrees 08 minutes 00 seconds from said east section line (measured from south to west) for 25.7 feet; thence deflect to the left on a 00 degree 30 minute 00 second curve (delta angle 06 degrees 48 minutes 00 seconds) for 1360 feet; thence on tangent to said curve for 200 feet and there terminating;

containing 19.16 acres, more or less.

Subd. 4. [LAND AND INTERESTS TO BE ACQUIRED.] The commissioner of transportation shall convey the land described in subdivision 3 in exchange for land and property interests in certain tracts in parcel 301, S.P. 1604 (61-1-47-4), in Cook county, described as follows:

All of Tracts A and B described below:

Tract A. That part of Government Lots 2 and 3 of Section 4, Township 63 North, Range 6 East, Cook County, Minnesota, which lies northerly of the northwesterly right-of-way line of Trunk Highway No. 61 as now located and established and easterly of a line run parallel with and distant 650 feet westerly of the east line of said Government Lot 3; excepting therefrom that part contained within the following described tract: Beginning at the northwest corner of said Government Lot 2; thence east 363 feet; thence south 360 feet; thence west 363 feet; thence north 360 feet to the point of beginning;

Tract B. The southerly 450 feet of the Southwest Quarter of the Southeast Quarter and the southerly 450 feet of the easterly 650 feet of the Southeast Quarter of the Southwest Quarter, both in Section 33, Township 64 North, Range 6 East, Cook County, Minnesota; excepting therefrom the right-of-way of Trunk Highway No. 61 as now located and established;

containing 22.09 acres, more or less;

together with a grant of Right-of-Way for sewer and water purposes in perpetuity over that part of Tract C described below:

Tract C. The North Half of the Southwest Quarter of the Northeast

Quarter and that part of Government Lot 2, lying southerly of the southerly right of way line of Trunk Highway No. 61 as now located and established, both in Section 4, Township 63 North, Range 6 East, Cook County, Minnesota;

which lies within a distance of 50 feet southwestly and westerly and 60 feet northeasterly and easterly of Line 1 described below:

Line 1. Beginning at a point on the north line of said Section 4, distant 335 feet east of the north quarter corner thereof; thence run southeasterly at an angle of 52 degrees 40 minutes 00 seconds from said north section line (measured from east to south) for 660 feet; thence run southerly along a line which intersects the south line of said Government Lot 2 at a point thereon, distant 680 feet east of the southwest corner thereof, for 1240 feet and there terminating;

together with that part of Tract C hereinbefore described, adjoining and northeasterly of the last above described strip, which lies westerly of a line run parallel with and distant 60 feet easterly of the following described line: Beginning at a point on Line 1 described above, distant 1140 feet north of its point of termination; thence run north on said Line 1 for 100 feet; thence continue north on the last described course for 400 feet and there terminating;

containing 4.26 acres, more or less.

Subd. 5. [LEGISLATIVE FINDINGS AND DECLARATION.] The legislature finds that the department of transportation has constructed a tourist information center under permit adjacent to trunk highway marked No. 61 at Grand Portage, Minnesota (Grand Portage Bay rest area) and requires certain lands within the reservation of the Grand Portage Band of Chippewa Indians, now owned by the United States in trust for the Grand Portage Band, for a rest area site together with a sewer and water easement in perpetuity; that the United States presently owns land in trust for the Grand Portage Band on both sides of that part of State Pit 174 lying southeasterly of trunk highway marked No. 61 and wishes to obtain ownership of that part of State Pit 174, now owned by the state, for the benefit of the Grand Portage Band; and, that a land exchange would be mutually beneficial. The legislature declares that the exchange authorized by this section is in the public interest and for a public purpose.

Sec. 10. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR EXISTING ROUTE.]

Subdivision 1. [ADDITIONAL ROUTE.] There is added to the trunk highway system a new route in Minnesota Statutes, section 161.115, described as follows:

Route No. 297. Beginning at a point on Route No. 392 northwest of Fergus Falls; thence extending in a general southeasterly direction to a point at or near the intersection of West Fir Avenue and North Oak Street in the city of Fergus Falls; thence in a general northwesterly direction into and through the grounds of the Fergus Falls Regional Treatment Center; thence in a general southeasterly direction to a point at or near the intersection of West Fir Avenue and North Union Avenue in the city of Fergus Falls.

Subd. 2. [SUBSTITUTION; AGREEMENT REQUIRED.] The route established in subdivision 1 is substituted for Route 297 as contained and described in Minnesota Statutes, section 161.115. Route No. 297 as contained and described in that section is discontinued and removed from the trunk highway system when an agreement to transfer jurisdiction of a portion of the old route has been signed by the commissioner of transportation, the county of Otter Tail, and the city of Fergus Falls and filed in the office of the commissioner.

Subd. 3. [REVISOR INSTRUCTION.] The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall substitute the route established in subdivision 1 for the route discontinued and removed from the trunk highway system according to subdivision 2.

Sec. 11. [TRUNK HIGHWAY SYSTEM; ROUTE NO. 336 ADDED.]

Subdivision 1. [ADDITIONAL ROUTE.] On execution of the agreement required by subdivision 2, there is added to the trunk highway system a new route in Minnesota Statutes, section 161.115, described as follows:

Route No. 336. Beginning at a point on Route No. 2 at or near Dilworth; thence extending in a general southerly direction following generally the location of present County State-Aid Highway No. 11 to a point on Route No. 392.

Subd. 2. [AGREEMENT REQUIRED.] Legislative Route No. 336 is added to the trunk highway system only when an agreement to transfer jurisdiction has been approved by the commissioner of transportation and the Clay county board and a copy of the agreement, signed by the commissioner and the chair of the Clay county board, has been filed in the office of the commissioner.

Subd. 3. [REVISOR INSTRUCTION.] Following execution of the agreement required in subdivision 2, the revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall add the route identified in subdivision 1.

Sec. 12. [REPEALER.]

Minnesota Statutes 1990, section 169.833, is repealed.

Sec. 13. [EFFECTIVE DATE.]

Sections 10 and 11 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to transportation; authorizing state departments to cancel uncollectible debts up to \$200 in certain cases; allowing department of transportation to employ debt collection services; allowing department of transportation to make direct expenditures from state aid funds for administrative expenses; providing penalty for failure to pay fee for sign permit more than 30 days after fee is due; providing when estimates of certain construction projects are nonpublic data; directing the commissioner of transportation to adopt rules governing the location and breakaway standards for mailbox installations; allowing white strobe lamps to be used on highway maintenance vehicles; authorizing exchange of lands with Grand Portage Band of Chippewa Indians; abolishing conflicting requirements related to market artery highways; adding a route and changing the description of a route in the state highway system; providing a penalty; amending Minnesota Statutes 1990, sections 10.12; 13.72, subdivision 1; 161.20, subdivision 4; 162.06, subdivision 2; 162.12, subdivision 2; 169.64, by adding a subdivision; and 173.13, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, section 169.833."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rodosovich from the Committee on Redistricting to which was referred:

H. F. No. 635, A bill for an act relating to elections; setting certain redistricting goals and deadlines; authorizing certain actions by voters; amending Minnesota Statutes 1990, sections 204B.135; 204B.14, subdivision 3, and by adding a subdivision; and 375.025, subdivision 2.

Reported the same back with the following amendments:

Page 2, lines 12 to 14, delete "and no later than 18 weeks before the state primary election in the year ending in two"

Page 2, lines 17 to 19, delete "and no later than 14 weeks before the state primary election in the year ending in two"

Page 3, lines 27 to 29, delete "and no later than 14 weeks before the state primary election in the year ending in two"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 637, A bill for an act relating to the environment; clarifying and correcting provisions relating to the legislative commission on Minnesota resources and the Minnesota environmental and natural resources trust fund; amending Minnesota Statutes 1990, sections 116P.05; 116P.06; 116P.07; 116P.08, subdivisions 3 and 4; 116P.09, subdivisions 2, 4, 5, and 7; repealing Minnesota Statutes 1990, section 116P.04, subdivision 5.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 660, A bill for an act relating to public safety; requiring commissioner of public safety to implement a state hazardous materials incident response plan; creating the hazardous materials incident response account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

Reported the same back with the following amendments:

Page 3, line 25, after the third comma insert "emergency medical services personnel,"

With the recommendation that when so amended the bill pass and

be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 674, A bill for an act relating to commerce; regulating irrevocable funeral trusts; excluding certain trusts from the asset limitation requirements for medical assistance; amending Minnesota Statutes 1990, sections 149.11; and 256B.056, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 694, A bill for an act relating to the environment; establishing an environmental enforcement account; establishing a field citation pilot project for unauthorized disposal of solid waste; authorizing background investigations of environmental permit applicants; expanding current authority to impose administrative penalties for air and water pollution and solid waste management violations; imposing criminal penalties for knowing violations of standards related to hazardous air pollutants and toxic pollutants in water; providing that certain property is subject to forfeiture in connection with convictions for water pollution and air pollution violations; imposing criminal penalties for unauthorized disposal of solid waste; authorizing prosecution of environmental crimes by the attorney general; providing for environmental restitution as part of a sentence; increasing criminal penalties for false statements on documents related to permits and record keeping; requiring reports; amending Minnesota Statutes 1990, sections 18D.331, subdivision 4; 115.071, by adding a subdivision; 115.072; 115C.05; 116.07, subdivision 4d; 116.072, subdivisions 1, 2, and 6; 609.531, subdivision 1; and 609.671; proposing coding for new law in Minnesota Statutes, chapter 115.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1
CIVIL ENFORCEMENT

Section 1. [CITATION.]

Articles 1 and 2 may be cited as the "environmental enforcement act of 1991."

Sec. 2. Minnesota Statutes 1990, section 115.071, is amended by adding a subdivision to read:

Subd. 6. [ADMINISTRATIVE PENALTIES.] A provision of law that may be enforced under this section may also be enforced under section 116.072.

Sec. 3. Minnesota Statutes 1990, section 115.072, is amended to read:

115.072 [RECOVERY OF LITIGATION COSTS AND EXPENSES.]

In any action brought by the attorney general, in the name of the state, pursuant to the provisions of this chapter and chapter 116, for civil penalties, injunctive relief, or in an action to compel compliance, if the state shall finally prevail, and if the proven violation was willful, the state, in addition to other penalties provided in this chapter, may be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses incurred by the state. In determining the amount of such litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

All Amounts recovered under the provisions of this section and section 115.071, subdivisions 3 to 5, shall be paid into the environmental enforcement account in the environmental fund in the state treasury to the extent provided in section 4. Any amounts remaining must be deposited in the general fund.

Sec. 4. [115.073] [ENFORCEMENT FUNDING.]

Subdivision 1. [ENVIRONMENTAL ENFORCEMENT ACCOUNT.] An environmental enforcement account is created in the environmental fund in the state treasury.

Subd. 2. [REVENUE SOURCES.] Revenue from the following sources must be deposited in the state treasury and credited to the environmental enforcement account:

(1) except as provided in sections 115B.20, subdivision 4, clause (2); 115C.05; and 473.845, subdivision 8, all money recovered by the state under this chapter and chapters 115A and 116, including civil penalties and money paid under an agreement, stipulation, or settlement, excluding money paid for past due fees or taxes, up to a maximum of \$.... per year; and

(2) all interest attributable to investment of money deposited in the account.

Subd. 3. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] Subject to appropriation by the legislature, the money in the account may be spent only for the following purposes:

(1) paying the costs of sampling, laboratory testing, and monitoring necessary to support enforcement actions;

(2) establishing or improving data management systems necessary to monitor compliance with the requirements of this chapter or chapter 115A or 116;

(3) training of enforcement personnel including legal, technical, and investigative staff of the state and of local units of government;

(4) paying the costs of equipment and other expenses necessary to investigate violations of this chapter and chapters 115A and 116;

(5) providing information to regulated entities and to the public on the requirements of this chapter and chapters 115A and 116;

(6) paying the costs of studies required under sections 16 and 17; and

(7) paying the costs of hearings related to enforcement actions.

Sec. 5. [115.074] [FIELD CITATION PILOT PROJECT.]

Subdivision 1. [AUTHORITY TO ISSUE.] Agency personnel designated by the commissioner and department of natural resources conservation officers may issue citations to a person who disposes of solid waste as defined in section 116.06, subdivision 10, at a location on publicly owned land not authorized by law for the disposal of solid waste.

Subd. 2. [PENALTY AMOUNT.] The citation must impose the following penalty amounts:

(1) \$250 per major appliance, as defined in section 115A.03, subdivision 17a, up to a maximum of \$2,000;

(2) \$25 per waste tire, as defined in section 115A.90, subdivision 11, up to a maximum of \$2,000;

(3) \$25 per lead acid battery governed by section 115A.915 up to a maximum of \$2,000;

(4) \$1 per pound of other solid waste or \$20 per cubic foot up to a maximum of \$2,000; and

(5) up to \$200 for any amount of waste that escapes from a vehicle used for the transportation of solid waste.

Subd. 3. [APPEALS.] Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 4. [ENFORCEMENT OF FIELD CITATIONS.] Field citations may be enforced under section 116.072, subdivisions 9 and 10.

Subd. 5. [CUMULATIVE REMEDY.] The authority of the agency and of conservation officers to issue field citations is in addition to other remedies available under statutory or common law, except that the state may not seek penalties under any other provision of law for the incident subject to a field citation.

Sec. 6. [115.075] [INFORMATION AND MONITORING.]

A person may not:

(1) make a material false statement, representation, or certification in; omit material information from; or alter, conceal, or fail to file or maintain a notice, application, record, report, plan, manifest, or other document required under section 103F.701 or this chapter or chapter 115A or 116; or

(2) falsify, tamper with, render inaccurate, or fail to install a monitoring device or method required to be maintained or followed for the purpose of compliance with sections 103F.701 to 103F.761 or this chapter or chapter 115A or 116.

Sec. 7. [115.076] [BACKGROUND OF PERMIT APPLICANTS.]

Subdivision 1. [AUTHORITY OF COMMISSIONER.] The agency may refuse to issue or to authorize the transfer of a permit to construct or operate a commercial waste facility as defined in section 115A.03, subdivision 6, if the agency determines that the permit applicant does not possess sufficient expertise and compe-

tence to operate the facility in conformance with the requirements of chapters 115 and 116, or if other circumstances exist that demonstrate that the permit applicant may not operate the facility in conformance with the requirements of chapters 115 and 116. In making this determination, the agency may consider:

(1) the experience of the permit applicant in constructing and operating commercial waste facilities;

(2) the expertise of the permit applicant;

(3) the past record of the permit applicant in operating commercial waste facilities in Minnesota and other states;

(4) any felony convictions in state or federal court during the past five years that bear on the likelihood that the permit applicant will operate the facility in conformance with the requirements of chapters 115 and 116; and

(5) in the case of a corporation or business entity, any felony convictions in state or federal court during the past five years of any of its officers, partners, or facility managers that bear on the likelihood that the facility will be operated in conformance with the requirements of chapters 115 and 116.

Subd. 2. [INVESTIGATION.] The commissioner may conduct an investigation to assist in making determinations under subdivision 1. The reasonable costs of any investigation must be paid by the permit applicant.

Subd. 3. [NOTICE OF PERMIT DENIAL.] The agency may not refuse to issue or transfer a permit under this section without first providing the permit applicant with the relevant information and with an opportunity to respond by commenting on the information or submitting additional information. The agency shall consider the permit applicant's response prior to making a final decision on the permit.

Subd. 4. [HEARING.] If the agency proposes to deny a permit under this section, the permit applicant may request a hearing under chapter 14. The permit applicant may request that the hearing be held under Minnesota Rules, parts 1400.8510 to 1400.8612.

Sec. 8. Minnesota Statutes 1990, section 115C.05, is amended to read:

115C.05 [CIVIL PENALTY.]

The agency may enforce section 115C.03 using the actions and

remedies authorized under ~~section~~ sections 115.071, subdivision 3, and 116.072. The civil penalties recovered by the state must be credited to the fund.

Sec. 9. Minnesota Statutes 1990, section 116.07, subdivision 4d, is amended to read:

Subd. 4d. [PERMIT FEES.] 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 include a base fee covering routine permitting, implementation, and enforcement costs and an additional enforcement fee to be collected for a period of two years from permittees against whom final enforcement actions have been concluded by the agency, in which the agency has prevailed. Any money collected under this subdivision shall be deposited in the special revenue account.

Sec. 10. Minnesota Statutes 1990, section 116.072, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY TO ISSUE PENALTY ORDERS.] The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for ~~hazardous waste violations under sections 115.061 and 116.07, and Minnesota Rules, chapter 7045 of this chapter and chapters 115, 115A, and 115D; section 115B.17, subdivision 3; and any rules, standards, orders, stipulation agreements, schedules of compliance, or permits promulgated or issued under those chapters or that section.~~ The order must be issued as provided in this section.

Sec. 11. Minnesota Statutes 1990, section 116.072, subdivision 2, is amended to read:

Subd. 2. [AMOUNT OF PENALTY; CONSIDERATIONS.] (a) The commissioner may issue an order assessing a penalty up to \$10,000 for all violations identified during an inspection or other compliance review.

(b) In determining the amount of a penalty the commissioner may consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;

- (3) the history of past violations;
- (4) the number of violations;
- (5) the economic benefit gained by the person by allowing or committing the violation; and
- (6) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(c) For a violation after an initial violation, the commissioner shall, in determining the amount of a penalty, consider the factors in paragraph (b) and the:

- (1) similarity of the most recent previous violation and the violation to be penalized;
- (2) time elapsed since the last violation;
- (3) number of previous violations; and
- (4) response of the person to the most recent previous violation identified.

Sec. 12. Minnesota Statutes 1990, section 116.072, subdivision 6, is amended to read:

Subd. 6. [EXPEDITED ADMINISTRATIVE HEARING.] (a) Within 30 days after receiving an order or within 20 days after receiving notice that the commissioner has determined that a violation has not been corrected or appropriate steps have not been taken, the person subject to an order under this section may request an expedited hearing, utilizing the procedures of Minnesota Rules, parts 1400.8510 to 1400.8612, to review the commissioner's action. The hearing request must specifically state the reasons for seeking review of the order. The person to whom the order is directed and the ~~director~~ commissioner are the parties to the expedited hearing. The commissioner must notify the person to whom the order is directed of the time and place of the hearing at least 20 days before the hearing. The expedited hearing must be held within 30 days after a request for hearing has been filed with the commissioner unless the parties agree to a later date.

(b) All written arguments must be submitted within ten days following the close of the hearing. The hearing shall be conducted under the ~~conference contested case rules of the office of administrative hearings~~ Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision. ~~The office of administrative hearings~~

may, in consultation with the agency, adopt rules specifically applicable to cases under this section.

(c) The administrative law judge shall issue a report making recommendations about the commissioner's action to the commissioner within 30 days following the close of the record. The administrative law judge may not recommend a change in the amount of the proposed penalty unless the administrative law judge determines that, based on the factors in subdivision 2, the amount of the penalty is unreasonable.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner may add to the amount of the penalty the costs charged to the agency by the office of administrative hearings for the hearing.

(e) If a hearing has been held, the commissioner may not issue a final order until at least five days after receipt of the report of the administrative law judge. The person to whom an order is issued may, within those five days, comment to the commissioner on the recommendations and the commissioner will consider the comments. The final order may be appealed in the manner provided in sections 14.63 to 14.69.

(f) If a hearing has been held and a final order issued by the commissioner, the penalty shall be paid by 30 days after the date the final order is received unless review of the final order is requested under sections 14.63 to 14.69. If review is not requested or the order is reviewed and upheld, the amount due is the penalty, together with interest accruing from 31 days after the original order was received at the rate established in section 549.09.

Sec. 13. Minnesota Statutes 1990, section 116.072, subdivision 10, is amended to read:

Subd. 10. [REVOCAION AND SUSPENSION OF PERMIT.] If a person fails to pay a penalty owed under this section, the agency has grounds to revoke or refuse to reissue or renew a ~~hazardous waste~~ permit issued by the agency.

Sec. 14. Minnesota Statutes 1990, section 116.072, subdivision 11, is amended to read:

Subd. 11. [CUMULATIVE REMEDY.] The authority of the agency to issue a corrective order assessing penalties is in addition to other remedies available under statutory or common law, except that the state may not seek penalties under any other provision of law for the violations covered by the administrative penalty order. The payment of a penalty does not preclude the use of other enforcement

provisions in connection with the violation for which the penalty was assessed.

Sec. 15. [PLAN FOR USE OF ADMINISTRATIVE PENALTY ORDERS.]

The commissioner shall prepare a plan for using the administrative penalty authority. The commissioner must provide a 30-day period for public comment on the plan. The plan must be submitted to the agency for approval by October 1, 1991.

Sec. 16. [STUDY OF FIELD CITATION PILOT PROGRAM.]

The pollution control agency, in consultation with the department of natural resources and the attorney general, shall prepare a study on the effectiveness and limitations of the field citation pilot program. The study must make recommendations about the continued use of field citations. The study must be submitted to the legislative commission on waste management by November 15, 1992.

Sec. 17. [STUDY OF THE ROLE OF LOCAL GOVERNMENTAL UNITS IN ENVIRONMENTAL PROGRAMS.]

The pollution control agency and the attorney general shall conduct a study of the role that local governmental units should play in enforcing the requirements of state environmental programs within the jurisdiction of the pollution control agency. The study must involve representatives of local governmental units, environmental organizations, and businesses. Public meetings must be held in at least four locations in the state prior to the completion of the study. The study must identify which environmental programs, or parts of programs, could be enforced by local governmental units; criteria for approving local enforcement programs; resources needed to support local enforcement programs; sources of funding to ensure adequate resources are available; the ability of local governmental units to enforce the laws; and the training and testing needs of local governmental units to support enforcement. If the study concludes that additional elements of the state's environmental programs should be enforced by local governmental units, the study report must include a recommended strategy for involving local governmental units in the enforcement of program elements. The strategy must consider methods of maintaining consistent enforcement throughout the state of environmental program elements that may be enforced by local governmental units. The study must be submitted to the committees on environment and natural resources of the legislature by October 1, 1992.

Sec. 18. [REPORT TO THE LEGISLATURE.]

The pollution control agency and the attorney general shall monitor the use of the new enforcement authority provided in the 1991 legislative session and the use of the environmental enforcement account, and report the results to the committees on environment and natural resources of the legislature by November 15, 1992. The report must also contain recommendations on establishing a permanent system for reporting progress in achieving compliance with environmental laws to the legislature and to the public.

Sec. 19. [INSTRUCTION TO REVISOR.]

In Minnesota Statutes 1992 and subsequent editions, the revisor of statutes shall, in each of the following sections, before "115.071" delete "section" and insert "sections" and after "115.071" insert "and 116.072":

18D.325, subdivision 2;

115A.906, subdivision 2;

115A.915;

115A.916;

115A.9561;

116.07, subdivision 4i;

116.83, subdivision 2; and

473.845, subdivision 8.

Sec. 20. [COMPLEMENT.]

The complement of the office of the attorney general is increased by three positions.

ARTICLE 2

CRIMINAL ENFORCEMENT

Section 1. Minnesota Statutes 1990, section 18D.331, subdivision 4, is amended to read:

Subd. 4. [DISPOSAL THAT BECOMES HAZARDOUS WASTE.] A person who knowingly, ~~or with reason to know,~~ disposes of an

agricultural chemical so that the product becomes hazardous waste is subject to the penalties in section ~~116.071~~ 609.671, subdivision 4.

Sec. 2. [116.90] [CITIZEN REPORTS OF ENVIRONMENTAL VIOLATIONS.]

The agency shall maintain and publicize a toll-free number to enable citizens to report information about potential environmental violations. The agency, in consultation with the attorney general, may establish a program to pay awards to persons who provide information that leads to the conviction for an environmental crime.

Sec. 3. Minnesota Statutes 1990, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5317, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a weapon used in the furtherance of a crime and defined as a dangerous weapon under section 609.02, subdivision 6.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota state patrol, a county sheriff's department, the suburban Hennepin regional park district park rangers, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter;

(2) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to

(e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.671, subdivisions 3, 4, and 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 237.73; 617.246; or a gross misdemeanor or felony violation of section 609.891.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 4. Minnesota Statutes 1990, section 609.671, is amended to read:

609.671 [ENVIRONMENT; CRIMINAL PENALTIES.]

Subdivision 1. [DEFINITIONS.] The definitions in this subdivision apply to this section.

(a) "Agency" means the pollution control agency.

(b) "Deliver" or "delivery" means the transfer of possession of hazardous waste, with or without consideration.

(c) "Dispose" or "disposal" has the meaning given it in section 115A.03, subdivision 9.

(d) "Hazardous air pollutant" means an air pollutant listed under United States Code, title 42, section 7412(b).

(e) "Hazardous waste" means any waste identified as hazardous under the authority of section 116.07, subdivision 4, except for those wastes exempted under Minnesota Rules, part 7045.0120, wastes generated under Minnesota Rules, part 7045.0213 or 7045.0304, and household appliances.

(f) "Permit" means a permit issued by the pollution control agency or interim status for a treatment, storage, or disposal facility under chapter 115 or 116 or the rules promulgated under those chapters including interim status for hazardous waste that qualifies under the agency rules facilities.

(g) "Solid waste" has the meaning given in section 116.06, subdivision 10.

(h) "Toxic pollutant" means a toxic pollutant on the list established under United States Code, title 33, section 1317.

Subd. 2. [PROOF OF KNOWING STATE OF MIND DEFINITION OF KNOWING.] (a) Knowledge possessed by a person other than the defendant but not by the defendant may not be attributed

to the defendant. In proving a defendant's actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield the defendant from relevant information.

(b) Proof of a defendant's reason to know may not consist solely of the fact that the defendant held a certain job or position of management responsibility. If evidence of the defendant's job or position is offered, it must be corroborated by evidence of defendant's reason to know. Corroborating evidence must include evidence that the defendant had information regarding the offense for which the defendant is charged, that the information pertained to hazardous waste management practices directly under the defendant's control or within the defendant's supervisory responsibilities, and that the information would cause a reasonable and prudent person in the defendant's position to learn the actual facts. For purposes of this section, the terms "knowing" or "knowingly" have the meanings given them under United States Code, title 42, section 6928.

Subd. 3. [~~HAZARDOUS WASTE; KNOWING ENDANGERMENT.~~] (a) A person is guilty of a felony if the person:

(1) knowingly, or with reason to know, transports, treats, stores, or disposes of hazardous waste in violation of commits an act described in subdivision 4 or, 5, 8, paragraph (a), or 12; and

(2) at the time of the violation knowingly places, or has reason to know that the person's conduct places, another person in imminent danger of death, great bodily harm, or substantial bodily harm.

(b) A person convicted under this subdivision may be sentenced to imprisonment for not more than ten years, or to ~~pay~~ payment of a fine of not more than \$100,000, or both, except that a defendant that is an organization may be sentenced to ~~pay~~ payment of a fine of not more than \$1,000,000.

Subd. 4. [~~HAZARDOUS WASTE; UNLAWFUL DISPOSAL OR ABANDONMENT.~~] A person who knowingly, ~~or with reason to know, disposes of or abandons hazardous waste or arranges for the disposal of hazardous waste at a location other than one authorized by the pollution control agency or the United States Environmental Protection Agency, or in violation of any material term or condition of a hazardous waste facility permit, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to ~~pay~~ payment of a fine of not more than \$50,000, or both.~~

Subd. 5. [~~HAZARDOUS WASTE; UNLAWFUL TREATMENT, STORAGE, TRANSPORTATION, OR DELIVERY; FALSE STATEMENTS.~~] (a) A person is guilty of a felony who knowingly, ~~or with reason to know,~~ does any of the following:

(1) delivers hazardous waste to any person other than a person who is authorized to receive the waste under rules adopted under section 116.07, subdivision 4, or under United States Code, title 42, sections ~~9601 6921~~ to ~~9675 6938~~;

(2) treats or stores hazardous waste without a permit if a permit is required, or in violation of a material term or condition of a permit held by the person, unless:

(i) the person notifies the agency prior to the time a permit would be required that the person will be treating or storing waste without a permit; or

(ii) for a violation of a material term or condition of a permit, the person immediately notifies the agency issuing the permit of the circumstances of the violation as soon as the person becomes aware of the violation;

(3) transports hazardous waste to any location other than a facility that is authorized to receive, treat, store, or dispose of the hazardous waste under rules adopted under section 116.07, subdivision 4, or under United States Code, title 42, sections ~~9601 6921~~ to ~~9675 6938~~;

(4) transports hazardous waste without a manifest as required by the rules under sections 116.07, subdivision 4, and 221.172; or

(5) transports hazardous waste without a license required for the transportation of hazardous waste by chapter 221;

~~(6) makes a false material statement or representation, or a material omission, in an application for a permit or license required by chapter 116 or 221 to treat, transport, store, or dispose of hazardous waste; or~~

~~(7) makes a false material statement or representation, or a material omission, in or on a label, manifest, record, report, or other document filed, maintained, or used for the purpose of compliance with chapter 116 or 221 in connection with the generation, transportation, disposal, treatment, or storage of hazardous waste.~~

(b) A person convicted under this subdivision may be sentenced to imprisonment for not more than three years, or to ~~pay~~ payment of a fine of not more than \$25,000, or both. A person convicted for a second or subsequent offense may be sentenced to imprisonment for not more than five years, or to ~~pay~~ payment of a fine of not more than \$50,000, or both.

Subd. 6. [NEGLIGENT VIOLATION AS GROSS MISDEMEANOR.] A person who commits any of the acts set forth in subdivision 4 ~~or~~, 5, or 12 as a result of the person's gross negligence

is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year, or to pay payment of a fine of not more than \$15,000, or both.

Subd. 7. [~~AGGREGATION PROSECUTION.~~] When two or more offenses in violation of ~~subdivision 4 this section~~ are committed by the same person in two or more counties within a two-year period, ~~the offenses may be aggregated and~~ the accused may be prosecuted in any county in which one of the offenses was committed.

Subd. 8. [WATER POLLUTION.] (a) A person is guilty of a felony who knowingly:

(1) causes the violation of an effluent standard or limitation for a toxic pollutant in a national pollutant discharge elimination system permit or state disposal system permit;

(2) introduces into a sewer system or into a publicly owned treatment works a hazardous substance that the person knew or reasonably should have known could cause personal injury or property damage; or

(3) except in compliance with all applicable federal, state, and local requirements and permits, introduces into a sewer system or into a publicly owned treatment works a hazardous substance that causes the treatment works to violate an effluent limitation or condition of the treatment works national pollutant discharge elimination system permit.

(b) For purposes of paragraph (a), "hazardous substance" means a substance on the list established under United States Code, title 33, section 1321(b).

(c) A person convicted under paragraph (a) may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$50,000 per day of violation, or both.

(d) A person is guilty of a gross misdemeanor who willfully commits any of the following acts knowingly:

(1) violates any effluent standard or limitation, or any water quality standard ~~adopted~~ promulgated by the agency;

(2) violates any material term or condition of a national pollutant discharge elimination system permit or any term or condition of the state disposal system permit;

(3) fails to ~~permit or~~ carry out any recording, reporting, monitoring, sampling, or information entry, access, copying, or other inspection or investigation gathering requirement provided for under

chapter 115 or; with respect to pollution of the waters of the state, chapter 116; or

(4) fails to comply with any file a discharge monitoring report or other document required by a national pollutant discharge elimination system filing requirement or state disposal system permit.

(b) (e) A person convicted under this subdivision paragraph (d) may be sentenced to imprisonment for not more than one year, or to pay payment of a fine of not less than \$2,500 and not more than \$40,000 \$25,000 per day of violation, or both. A person convicted for a second or subsequent offense may be sentenced to imprisonment for not more than two years, or to pay payment of a fine of not more than \$50,000 per day of violation, or both.

Subd. 9. [INFORMATION AND MONITORING FALSE STATEMENTS; TAMPERING.] (a) Except as provided in subdivision 5, paragraph (a), clauses (6) and (7), A person is guilty of a gross misdemeanor felony who knowingly:

(1) makes any material materially false statement, representation, or certification in any; omits material information from; or alters, conceals, or fails to file or maintain a notice, application, record, report, plan, manifest, permit, license, or other document filed, maintained, or used for the purpose of compliance with required under sections 103F.701 to 103F.761, or; chapter 115, 115A, or; with respect to pollution of the waters of the state, chapter 116; or the hazardous waste transportation requirements of chapter 221; or

(2) falsifies, tampers with, or renders inaccurate, or fails to install any monitoring device or method required to be maintained or used followed for the purpose of compliance with sections 103F.701 to 103F.761, or chapter 115, 115A, or; with respect to pollution of the waters of the state, chapter 116.

(b) A person convicted under this subdivision may be sentenced to imprisonment for not more than six months two years, or to pay payment of a fine of not more than \$20,000 per day of violation \$10,000, or both.

Subd. 10. [FAILURE TO REPORT A RELEASE OF A HAZARDOUS SUBSTANCE OR AN EXTREMELY HAZARDOUS SUBSTANCE.] (a) A person is, upon conviction, subject to a fine of up to \$25,000 or imprisonment for up to two years, or both, who:

(1) is required to report the release of a hazardous substance under United States Code, title 42, section 9603, or the release of an extremely hazardous substance under United States Code, title 42, section 11004;

(2) ~~knows or has reason to know~~ that a hazardous substance or an extremely hazardous substance has been released; and

(3) fails to provide immediate notification of the release of a reportable quantity of a hazardous substance or an extremely hazardous substance to the state emergency response center, or a firefighting or law enforcement organization.

(b) For a second or subsequent conviction under this subdivision, the violator is subject to a fine of up to \$50,000 or imprisonment for not more than five years, or both.

(c) For purposes of this subdivision, a "hazardous substance" means a substance on the list established under United States Code, title 42, section 9602.

(d) For purposes of this subdivision, an "extremely hazardous substance" means a substance on the list established under United States Code, title 42, section 11002.

(e) For purposes of this subdivision, a "reportable quantity" means a quantity that must be reported under United States Code, title 42, section 9602 or 11002.

Subd. 11. [INFECTIOUS WASTE.] A person who knowingly, ~~or with reason to know~~, disposes of or arranges for the disposal of infectious waste as defined in section 116.76 at a location or in a manner that is prohibited by section 116.78 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$10,000, or both. A person convicted a second or subsequent time under this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than two years, or to payment of a fine of not more than \$25,000, or both.

Subd. 12. [AIR POLLUTION.] (a) A person is guilty of a felony who knowingly:

(1) causes a violation of a national emission standard for a hazardous air pollutant adopted under United States Code, title 42, section 7412; or

(2) causes a violation of an emission standard, limitation, or operational limitation established in a permit issued by the pollution control agency.

(b) A person convicted under this subdivision may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$50,000 per day of violation, or both.

Subd. 13. [SOLID WASTE DISPOSAL.] (a) A person who knowingly commits any of the following acts in exchange for or in expectation of money or other consideration is guilty of a gross misdemeanor:

- (1) disposes of solid waste at an unauthorized location;
- (2) transports solid waste to an unauthorized location; or
- (3) arranges for the disposal of solid waste at an unauthorized location.

(b) A person convicted under this subdivision may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$15,000, or both.

Subd. 14. [PROSECUTION.] A county attorney or the attorney general may prosecute under this section. When a county attorney begins an investigation under this section, the county attorney shall notify the attorney general. When the attorney general begins an investigation under this section, the attorney general shall notify the county attorney of each county in which a substantial part of the investigation is likely to be conducted.

Sec. 5. [EFFECTIVE DATE.]

Sections 1, 3, and 4 are effective August 1, 1991, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to the environment; establishing an environmental enforcement account; establishing a field citation pilot project for unauthorized disposal of solid waste; authorizing background investigations of environmental permit applicants; expanding current authority to impose administrative penalties for air and water pollution and solid waste management violations; imposing criminal penalties for knowing violations of standards related to hazardous air pollutants and toxic pollutants in water; providing that certain property is subject to forfeiture in connection with convictions for water pollution and air pollution violations; imposing criminal penalties for unauthorized disposal of solid waste; authorizing prosecution of environmental crimes by the attorney general; providing for environmental restitution as part of a sentence; increasing criminal penalties for false statements on documents related to permits and record keeping; requiring reports; amending Minnesota Statutes 1990, sections 18D.331, subdivision 4; 115.071, by adding a subdivision; 115.072; 115C.05; 116.07, subdivision 4d; 116.072, subdivisions 1, 2, 6, 10, and 11; 609.531,

subdivision 1; and 609.671; proposing coding for new law in Minnesota Statutes, chapters 115 and 116.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 697, A bill for an act relating to credit unions; providing that credit unions may be designated as depositories of state funds; providing for the election of a supervisory committee; clarifying investment authority of board of directors; amending Minnesota Statutes 1990, sections 9.031, subdivision 1; 52.08; and 52.09, subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 19, insert:

“Sec. 2. Minnesota Statutes 1990, section 52.04, subdivision 1, is amended to read:

Subdivision 1. A credit union has the following powers:

(1) to offer its members and other credit unions various classes of shares, share certificates, deposits, or deposit certificates;

(2) to receive the savings of its members either as payment on shares or as deposits, including the right to conduct Christmas clubs, vacation clubs, and other thrift organizations within its membership. Trust funds received by a real estate broker or the broker’s salespersons in trust may be deposited in a credit union;

(3) to make loans to members for provident or productive purposes as provided in section 52.16;

(4) to make loans to a cooperative society or other organization having membership in the credit union;

(5) to deposit in state and national banks and trust companies authorized to receive deposits;

(6) to invest in any investment legal for savings banks or for trust funds in the state and, notwithstanding clause (3), to invest in and

make loans of unsecured days funds (federal funds or similar unsecured loans) to financial institutions insured by an agency of the federal government and a member of the Federal Reserve System or required to maintain reserves at the Federal Reserve;

(7) to borrow money as hereinafter indicated;

(8) to adopt and use a common seal and alter the same at pleasure;

(9) to make payments on shares of and deposit with any other credit union chartered by this or any other state or operating under the provisions of the federal Credit Union Act, in amounts not exceeding in the aggregate 25 percent of its unimpaired assets. However, payments on shares of and deposit with credit unions chartered by other states are restricted to credit unions insured by the National Credit Union Administration. The restrictions imposed by this clause do not apply to share accounts and deposit accounts of the Minnesota corporate credit union in United States central credit union or to share accounts and deposit accounts of credit unions in the Minnesota corporate credit union;

(10) to contract with any licensed insurance company or society to insure the lives of members to the extent of their share accounts, in whole or in part, and to pay all or a portion of the premium therefor;

(11) to indemnify each director, officer, or committee member, or former director, officer, or committee member against all expenses, including attorney's fees but excluding amounts paid pursuant to a judgment or settlement agreement, reasonably incurred in connection with or arising out of any action, suit, or proceeding to which that person is a party by reason of being or having been a director, officer, or committee member of the credit union, except with respect to matters as to which that person is finally adjudged in the action, suit, or proceeding to be liable for negligence or misconduct in the performance of duties. The indemnification is not exclusive of any other rights to which that person may be entitled under any bylaw, agreement, vote of members, or otherwise;

(12) upon written authorization from a member, retained at the credit union, to make payments to third parties by withdrawals from the member's share or deposit accounts or through proceeds of loans made to such member, or by permitting the credit union to make those payments from the member's funds prior to deposit; to permit draft withdrawals from member accounts, but a credit union proposing to permit draft withdrawals shall notify the commissioner of commerce, in the form prescribed, of its intent not less than 90 days prior to authorizing draft withdrawals. The board of directors of a credit union may restrict one class of shares to the extent that it may not be redeemed, withdrawn, or transferred except upon termination of membership in the credit union;

(13) to inform its members as to the availability of various group purchasing plans which are related to the promotion of thrift or the borrowing of money for provident and productive purposes by means of informational materials placed in the credit union's office, through its publications, or by direct mailings to members by the credit union;

(14) to facilitate its members' voluntary purchase of types of insurance incidental to promotion of thrift or the borrowing of money for provident and productive purposes including, but not limited to the following types of group or individual insurance: Fire, theft, automobile, life and temporary disability; to be the policy holder of a group insurance plan or a subgroup under a master policy plan and to disseminate information to its members concerning the insurance provided thereunder; to remit premiums to an insurer or the holder of a master policy on behalf of a credit union member, if the credit union obtains written authorization from the member for remittance by share or deposit withdrawals or through proceeds of loans made by the members, or by permitting the credit union to make the payments from the member's funds prior to deposit; and to accept from the insurer reimbursement for expenses incurred or in the case of credit life and accident and health insurance within the meaning of chapter 62B commissions for the handling of the insurance. The amount reimbursed or the commissions received may constitute the general income of the credit union. The directors, officers, committee members and employees of a credit union shall not profit on any insurance sale facilitated through the credit unions;

(15) to contract with another credit union to furnish services which either could otherwise perform. Contracted services under this clause are subject to regulation and examination by the commissioner of commerce like other services;

(16) in furtherance of the twofold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, and not in limitation of the specific powers hereinbefore conferred, to have all the powers enumerated, authorized, and permitted by this chapter, and such other rights, privileges and powers incidental to, or necessary for, the accomplishment of the objectives and purposes of the credit union;

(17) to rent safe deposit boxes to its members if the credit union obtains adequate insurance or bonding coverage for losses which might result from the rental of safe deposit boxes;

(18) notwithstanding the provisions of section 52.05, to accept deposits of public funds in an amount secured by insurance or other means pursuant to chapter 118 or section 9.031;

(19) to accept and maintain treasury tax and loan accounts of the United States and to pledge collateral to secure the treasury tax or loan accounts, in accordance with the regulations of the Department of Treasury of the United States;

(20) to accept deposits pursuant to section 149.12, notwithstanding the provisions of section 52.05, if the deposits represent funding of prepaid funeral plans of members;

(21) to sell, in whole or in part, real estate secured loans provided that:

(a) the loan is secured by a first lien;

(b) the board of directors approves the sale;

(c) if the sale is partial, the agreement to sell a partial interest shall, at a minimum:

(i) identify the loan or loans covered by the agreement;

(ii) provide for the collection, processing, remittance of payments of principal and interest, taxes and insurance premiums and other charges or escrows, if any;

(iii) define the responsibilities of each party in the event the loan becomes subject to collection, loss or foreclosure;

(iv) provide that in the event of loss, each owner shall share in the loss in proportion to its interest in the loan or loans;

(v) provide for the distribution of payments of principal to each owner proportionate to its interest in the loan or loans;

(vi) provide for loan status reports;

(vii) state the terms and conditions under which the agreement may be terminated or modified; and

(d) the sale is without recourse or repurchase unless the agreement:

(i) requires repurchase of a loan because of any breach of warranty or misrepresentation;

(ii) allows the seller to repurchase at its discretion; or

(iii) allows substitution of one loan for another;

(22) in addition to the sale of loans secured by a first lien on real estate, to sell, pledge, discount, or otherwise dispose of, in whole or in part, to any source, a loan or group of loans, other than a self-replenishing line of credit; provided, that within a calendar year beginning January 1 the total dollar value of loans sold, other than loans secured by real estate or insured by a state or federal agency, shall not exceed 25 percent of the dollar amount of all loans and participating interests in loans held by the credit union at the beginning of the calendar year, unless otherwise authorized in writing by the commissioner;

(23) to designate the par value of the shares of the credit union by board resolution;

(24) to exercise by resolution the powers set forth in United States Code, title 12, section 1757, as amended through August 1, 1985. Before exercising each power, the board must submit a plan to the commissioner of commerce detailing implementation of the power to be used;

(25) to offer self-directed individual retirement accounts and Keogh accounts and act as custodian and trustee of these accounts if:

(1) all contributions of funds are initially made to a deposit, share or share certificate account in the credit union;

(2) any subsequent transfer of funds to other assets is solely at the direction of the member and the credit union exercises no investment discretion and provides no investment advice with respect to plan assets; and

(3) the member is clearly notified of the fact that National Credit Union Share Insurance Fund coverage is limited to funds held in deposit, share or share certificate accounts of National Credit Union Share Insurance Fund-insured credit unions."

Page 2, line 1, after the period insert "The credit union must have a supervisory committee."

Page 2, line 5, delete everything after the period

Page 2, line 6, delete "director."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 705, A bill for an act relating to drivers' licenses; increasing fees for reinstatement of licenses after an alcohol-related revocation; amending Minnesota Statutes 1990, section 171.29, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 16, delete everything after "of" and insert "\$300"

Page 1, lines 17 and 18, delete the new language

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 783, A bill for an act relating to health; modifying requirements for drilling, sealing, and construction of wells, borings, and elevator shafts; amending Minnesota Statutes 1990, sections 103I.005, subdivisions 2, 22, and by adding a subdivision; 103I.101, subdivisions 2, 4, 5, and 6; 103I.205, subdivisions 3, 4, 7, 8, and 9; 103I.208, subdivision 2; 103I.231; 103I.235; 103I.301, subdivision 1; 103I.311, subdivision 3; 103I.525, subdivisions 1, 4, 8, and 9; 103I.531, subdivisions 8 and 9; 103I.535, subdivisions 8 and 9; 103I.541, subdivisions 4 and 5; 103I.545, subdivision 2; 103I.621, subdivision 3; 103I.701, subdivisions 1 and 4; 103I.705, subdivisions 2, 3, 4, and 5; and 103I.711, subdivision 1; repealing Minnesota Statutes 1990, section 103I.005, subdivision 18.

Reported the same back with the following amendments:

Page 1, line 22, delete the third comma and insert "and"

Page 1, line 23, delete ", and test holes"

Page 4, after line 16, insert:

"Sec. 8. Minnesota Statutes 1990, section 103I.111, subdivision 2a, is amended to read:

Subd. 2a. [FEES.] A board of health under a delegation agreement with the commissioner may charge permit and notification fees, including a fee for well sealing, in excess of the fees specified in section 103I.208 if the fees do not exceed the total direct and indirect costs to administer the delegated duties.

Sec. 9. Minnesota Statutes 1990, section 103I.111, subdivision 2b, is amended to read:

Subd. 2b. [ORDINANCE AUTHORITY.] A political subdivision may adopt ordinances to enforce and administer powers and duties delegated under this section. The ordinances may not ~~conflict~~ be inconsistent with or be less restrictive than standards in state law or rule. Ordinances adopted by the governing body of a statutory or home rule charter city or town may not ~~conflict~~ be inconsistent with or be less restrictive than ordinances adopted by the county board. The commissioner shall review ordinances proposed under a delegation agreement. The commissioner shall approve ordinances if the commissioner determines the ordinances are not inconsistent with and not less restrictive than the provisions of this chapter.

Sec. 10. Minnesota Statutes 1990, section 103I.111, is amended by adding a subdivision to read:

Subd. 2c. [PERMITS.] A board of health under a delegation agreement with the commissioner may require permits in lieu of the notifications required under sections 103I.205 and 103I.301.

Sec. 11. Minnesota Statutes 1990, section 103I.111, subdivision 3, is amended to read:

Subd. 3. [PREEMPTION UNLESS DELEGATION.] Notwithstanding any other law, a political subdivision may not regulate the ~~permitting~~, construction, repair, or sealing of wells or elevator shafts unless the commissioner delegates authority under subdivisions 1 and 2.

Sec. 12. Minnesota Statutes 1990, section 103I.205, subdivision 1, is amended to read:

Subdivision 1. [NOTIFICATION REQUIRED.] (a) Except as provided in paragraphs (d) and (e), a person may not construct a well until a notification of the proposed well on a form prescribed by the commissioner is filed with the commissioner ~~with the filing fee in section 103I.208.~~ If after filing the well notification an attempt to

construct a well is unsuccessful, a new notification is not required unless the information relating to the successful well has substantially changed.

(b) The property owner, the property owner's agent, or the well contractor where a well is to be located must file the well notification with the commissioner.

(c) The well notification under this subdivision preempts local permits and notifications, and counties or home rule charter or statutory cities may not require a permit or notification for wells unless the commissioner has delegated the permitting or notification authority under section 103I.111.

(d) A person who is an individual that constructs a drive point well on property owned or leased by the individual for farming or agricultural purposes or as the individual's place of abode must notify the commissioner of the installation and location of the well. The person must complete the notification form prescribed by the commissioner and mail it to the commissioner by ten days after the well is completed. A fee may not be charged for the notification. A person who sells drive point wells at retail must provide buyers with notification forms and informational materials including requirements regarding wells, their location, construction, and disclosure. The commissioner must provide the notification forms and informational materials to the sellers.

(e) A person may not construct a monitoring well or dewatering well until a permit for the ~~monitoring well~~ is issued by the commissioner for the construction. If after obtaining a permit an attempt to construct a well is unsuccessful, a new permit is not required as long as the initial permit is modified to indicate the location of the successful well."

Page 6, line 32, delete "in" and insert "by"

Page 7, line 27, after the comma insert "in addition to the notification fee for wells,"

Page 7, line 28, strike everything after the comma

Page 7, line 29, delete the new language and strike "fee for wells,"

Page 11, lines 11 and 12, delete "correct" and insert "known"

Page 11, line 32, before the period insert "consistent with provisions of this chapter"

Page 11, after line 32, insert:

“Sec. 22. Minnesota Statutes 1990, section 103I.301, is amended by adding a subdivision to read:

Subd. 6. [NOTIFICATION REQUIRED.] A person may not seal a well until a notification of the proposed sealing on a form prescribed by the commissioner is filed with the commissioner.”

Page 11, line 36, strike “real”

Page 12, line 1, strike “property or”

Page 12, line 33, after “under” insert “provisions of”

Page 13, line 2, delete “in” and insert “by”

Page 13, line 31, reinstate the stricken language and before “all” insert “and”

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 68, 106, 178, 415, 424, 466, 471, 515, 606, 674 and 697 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 132 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Stanius, Sarna, Newinski, Swenson and Smith introduced:

H. F. No. 1063, A bill for an act relating to game and fish; establishing a sportfishing zone in Lake Superior; prohibiting certain gill nets; proposing coding for new law in Minnesota Statutes, chapter 97C.

The bill was read for the first time and referred to the Committee on Commerce.

Wenzel, Omann and Bertram introduced:

H. F. No. 1064, A bill for an act relating to claims; requiring compensation for land alleged to be tax-forfeited and transferred to the state; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Dawkins introduced:

H. F. No. 1065, A bill for an act relating to energy; requiring public utilities commission to establish categories for efficient and inefficient applications and end uses of electric power; requiring reports of these uses by electric utilities; amending Minnesota Statutes 1990, section 216B.241, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Energy.

Greenfield, Sviggum, Rodosovich, Lourey and Rest introduced:

H. F. No. 1066, A bill for an act relating to health; modifying the definition of and requirements related to review organizations; amending Minnesota Statutes 1990, sections 145.61, subdivisions 4a, 5, and by adding a subdivision; 145.63, subdivision 1; and 145.64.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Hugoson, Ogren, Rest, Girard and Sviggum introduced:

H. F. No. 1067, A bill for an act relating to taxation; updating references to the *Internal Revenue Code*; amending Minnesota Statutes 1990, sections 290.01, subdivisions 19, 19a, and 19d; 290.067, subdivision 1; and 290.92, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Sparby introduced:

H. F. No. 1068, A bill for an act relating to education; allowing the Argyle school district to transfer money from the debt redemption fund to the capital expenditure fund to comply with fire safety inspection orders and make other improvements.

The bill was read for the first time and referred to the Committee on Education.

Dawkins introduced:

H. F. No. 1069, A bill for an act relating to energy use; establishing the Minnesota energy efficiency assistance program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

The bill was read for the first time and referred to the Committee on Energy.

Steensma; Winter; Sparby; Johnson, V., and Wenzel introduced:

H. F. No. 1070, A bill for an act relating to agricultural finance; changing certain provisions of the rural finance authority's beginning farmer program; amending Minnesota Statutes 1990, sections 41B.03, subdivision 3; 41B.036; and 41B.039, subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture.

Rukavina; Munger; Hausman; Johnson, R., and Begich introduced:

H. F. No. 1071, A bill for an act relating to conservation; defining old growth forest stand; adding old growth forest stands to those that may be placed in the conservation reserve program; amending

Minnesota Statutes 1990, sections 103F.511, by adding a subdivision; and 103F.515, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dawkins introduced:

H. F. No. 1072, A bill for an act relating to energy; removing requirement for foundation insulation; providing for energy audits of rental property; providing less favorable tax treatment of rental property that is in substantial noncompliance with energy code standards; providing a credit for energy conservation expenditures on rental property; requiring landlords to disclose certain energy information to prospective tenants; amending Minnesota Statutes 1990, sections 216C.27, subdivision 3; 216C.31; 273.1316, subdivisions 2, 5, and 8; 290.06, by adding a subdivision; and 504.22, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Energy.

Lourey, Scheid and Sviggum introduced:

H. F. No. 1073, A bill for an act relating to ethics; requiring lobbyists to report campaign contributions; requiring more specific reporting of money spent on lobbying by principals; requiring elected officials to report certain gifts; reducing the limits on contributions to candidates for constitutional office; eliminating public subsidies to unopposed candidates; amending Minnesota Statutes 1990, sections 10A.04, subdivisions 4 and 6; 10A.09, subdivision 5; and 10A.27, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 10A.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Scheid, Schreiber, Jacobs, Skoglund and Milbert introduced:

H. F. No. 1074, A bill for an act relating to taxation; real property; providing for the classification of vacant land; amending Minnesota Statutes 1990, section 273.13, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Scheid and Schreiber introduced:

H. F. No. 1075, A bill for an act relating to taxation; real property; eliminating the three-year plat restriction on valuing real property; amending Minnesota Statutes 1990, sections 273.11, subdivision 1; and 273.12.

The bill was read for the first time and referred to the Committee on Taxes.

Schreiber and Scheid introduced:

H. F. No. 1076, A bill for an act relating to taxation; property; eliminating the commercial-industrial restriction of one parcel per county receiving preferred treatment except for certain state assessed properties; amending Minnesota Statutes 1990, section 273.13, subdivision 24.

The bill was read for the first time and referred to the Committee on Taxes.

Orenstein introduced:

H. F. No. 1077, A bill for an act relating to taxation; providing that resident's employment in a sheltered workshop does not disqualify residence of disabled tenant from homestead treatment; amending Minnesota Statutes 1990, sections 268A.01, subdivision 6; and 273.124, subdivision 15.

The bill was read for the first time and referred to the Committee on Taxes.

Pugh, Wejcman, Solberg, Bishop and Kahn introduced:

H. F. No. 1078, A bill for an act relating to civil legal services; making legislative findings; appropriating money to provide matching funds for qualified legal services; amending Minnesota Statutes 1990, section 480.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 480.

The bill was read for the first time and referred to the Committee on Judiciary.

Olson, K.; Murphy; Cooper; Greenfield and Welle introduced:

H. F. No. 1079, A bill for an act relating to public employees; excluding the salaries of doctors of osteopathy from certain limita-

tions; amending Minnesota Statutes 1990, section 43A.17, subdivision 9.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Nelson, K.; Carlson; McEachern; Jaros and Morrison introduced:

H. F. No. 1080, A bill for an act relating to education; requiring the higher education coordinating board to make certain recommendations to the legislature.

The bill was read for the first time and referred to the Committee on Education.

Pauly, McGuire, Lourey, Hausman and Blatz introduced:

H. F. No. 1081, A bill for an act relating to natural resources; modifying the uses of state parks working capital account funds; amending Minnesota Statutes 1990, section 85.22, subdivisions 1 and 2a.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pauly; Murphy; Johnson, A.; Garcia and Lynch introduced:

H. F. No. 1082, A bill for an act relating to natural resources; modifying certain provisions regarding special receipts of the department of natural resources; amending Minnesota Statutes 1990, section 84.0855.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Winter; Anderson, I., and Begich introduced:

H. F. No. 1083, A bill for an act relating to taxation; mortgage registry tax; providing for mortgage registration tax on reverse mortgages; amending Minnesota Statutes 1990, sections 47.58, subdivision 6; and 287.05.

The bill was read for the first time and referred to the Committee on Taxes.

Stanius; Heir; Anderson, R. H.; Krinkie and Davids introduced:

H. F. No. 1084, A bill for an act relating to taxation; income; granting extensions to file income tax returns; allowing a subtraction for military pay; amending Minnesota Statutes 1990, sections 289A.39, subdivision 1; and 290.01, subdivision 19b.

The bill was read for the first time and referred to the Committee on Taxes.

Seaberg, Pugh and Morrison introduced:

H. F. No. 1085, A bill for an act relating to highways; directing the commissioner of transportation to construct a direct physical connection between interstate highway No. 35E and Ayd Mill Road in St. Paul.

The bill was read for the first time and referred to the Committee on Transportation.

Ogren; Anderson, I.; Long; Rest and Olson, E., introduced:

H. F. No. 1086, A bill for an act relating to taxation; property; modifying the newspaper publication requirements for truth-in-taxation; amending Minnesota Statutes 1990, section 275.065, subdivision 5a.

The bill was read for the first time and referred to the Committee on Taxes.

Brown introduced:

H. F. No. 1087, A bill for an act relating to horse racing; providing for the definition of horseperson; amending Minnesota Statutes 1990, section 240.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Segal, Hausman, Cooper, Winter and Anderson, R. H., introduced:

H. F. No. 1088, A bill for an act relating to economic development; establishing the regional seed capital program; amending Minnesota Statutes 1990, sections 290.06, by adding a subdivision; and 469.101, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 1160.

The bill was read for the first time and referred to the Committee on Economic Development.

Segal introduced:

H. F. No. 1089, A bill for an act relating to human services; authorizing new intermediate care facilities to serve persons with Prader-Willi syndrome; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Segal, Kalis, Beard, Garcia and Lourey introduced:

H. F. No. 1090, A bill for an act relating to motor vehicles; authorizing special license plates for Persian Gulf war veterans; amending Minnesota Statutes 1990, section 168.123, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Clark, Long, Leppik and Vanasek introduced:

H. F. No. 1091, A bill for an act relating to human rights; prohibiting unfair discriminatory practices on the basis of sexual orientation; amending Minnesota Statutes 1990, sections 363.01, subdivision 23, and by adding a subdivision; 363.02, subdivisions 1 and 2; 363.03, subdivisions 1, 2, 3, 4, 5, 7, 8, and 8a; 363.05, subdivision 1; 363.11; 363.115; and 363.12, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Dawkins, Jaros, Wejcman and Vellenga introduced:

H. F. No. 1092, A bill for an act relating to human rights; prohibiting unfair discriminatory practices on the basis of sexual orientation; amending Minnesota Statutes 1990, sections 363.01, subdivision 23, and by adding a subdivision; 363.02, subdivisions 1 and 2; 363.03, subdivisions 1, 2, 3, 4, 5, 7, 8, and 8a; 363.05, subdivision 1; 363.11; 363.115; and 363.12, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Orfield, Mariani, Orenstein and Jefferson introduced:

H. F. No. 1093, A bill for an act relating to human rights; prohibiting unfair discriminatory practices on the basis of sexual orientation; amending Minnesota Statutes 1990, sections 363.01, subdivision 23, and by adding a subdivision; 363.02, subdivisions 1 and 2; 363.03, subdivisions 1, 2, 3, 4, 5, 7, 8, and 8a; 363.05, subdivision 1; 363.11; 363.115; and 363.12, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Welle, Vanasek, Simoneau, Stanius and Murphy introduced:

H. F. No. 1094, A bill for an act relating to human services; establishing an investment per bed limit for nursing homes; establishing an equipment allowance for nursing homes; establishing a capital replacement per diem for nursing homes; authorizing the recognition of debt from sales or refinancing occurring after May 22, 1983; amending Minnesota Statutes 1990, section 256B.431, subdivision 3f, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Stanius, Greenfield, Welle, Runbeck and Krinkie introduced:

H. F. No. 1095, A bill for an act relating to human services licensing; requiring the commissioner to consolidate the rules governing adult and child foster care; proposing coding for new law in Minnesota Statutes, chapter 245A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Stanius, Greenfield, Pellow, Newinski and McPherson introduced:

H. F. No. 1096, A resolution memorializing Congress to increase funding for the Women, Infants, and Children (WIC) Program.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Stanius, Greenfield, Welle, Marsh and McPherson introduced:

H. F. No. 1097, A bill for an act relating to general assistance; authorizing recipients who reside in negotiated rate facilities to save

earnings in escrow; amending Minnesota Statutes 1990, section 256D.06, subdivision 1b.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Lourey, Scheid, Sviggum and Osthoff introduced:

H. F. No. 1098, A bill for an act relating to government ethics; creating a code of ethical conduct for local officials and public officials and employees; providing for enforcement of the code of conduct by the ethical practices board; providing that an advisory opinion of the ethical practices board is a defense in a criminal proceeding and is binding on the board in enforcement proceedings; amending Minnesota Statutes 1990, section 10A.02, subdivision 12; proposing coding for new law in Minnesota Statutes, chapter 10A.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Segal, Vellenga, Greenfield and Macklin introduced:

H. F. No. 1099, A bill for an act relating to civil actions; increasing penalties for retaliation by employers under the child abuse and vulnerable adults reporting acts; amending Minnesota Statutes 1990, sections 626.556, subdivision 4a; and 626.557, subdivision 17.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bauerly, McEachern, Scheid, Lasley and Weaver introduced:

H. F. No. 1100, A bill for an act relating to education; equalizing a portion of the debt levy; equalizing a portion of the referendum levy; limiting referendum levy amounts; increasing training and experience revenue; providing an equalized training and experience aid and levy; amending Minnesota Statutes 1990, sections 124A.04; 124A.22, subdivisions 4, 8, 9, and by adding subdivisions; 275.125, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 124 and 124A; repealing Minnesota Statutes 1990, section 124A.03.

The bill was read for the first time and referred to the Committee on Education.

Carruthers introduced:

H. F. No. 1101, A bill for an act relating to controlled substances; providing for driver's license revocation for persons convicted of or adjudicated for felony-level controlled substance offenses; proposing coding for new law in Minnesota Statutes, chapters 152 and 171.

The bill was read for the first time and referred to the Committee on Judiciary.

Lynch, Weaver, Trimble, Rukavina and Blatz introduced:

H. F. No. 1102, A bill for an act relating to the environment; requiring the pollution control agency to adopt rules for the removal and proper management of fluids and other potentially hazardous materials from motor vehicles prior to crushing of the vehicles; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, McEachern, Battaglia, Ogren and Olsen, S., introduced:

H. F. No. 1103, A bill for an act relating to taxation; exempting certain land exchange deeds and conveyances from the state deed tax; amending Minnesota Statutes 1990, section 287.22.

The bill was read for the first time and referred to the Committee on Taxes.

Bauerly, Kelso, Vanasek, McEachern and Ozment introduced:

H. F. No. 1104, A bill for an act relating to education; authorizing certain secondary pupils to transfer to certain schools under the high school graduation incentives program; amending Minnesota Statutes 1990, section 126.22, subdivision 3.

The bill was read for the first time and referred to the Committee on Education.

McGuire, Dawkins, Krinkie, Orenstein and Valento introduced:

H. F. No. 1105, A bill for an act relating to Ramsey county; providing for additional civil service certification of underrepresented groups; amending Minnesota Statutes 1990, section 383A.291, subdivision 2.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Blatz, Skoglund, Winter, Koppendrayer and Dauner introduced:

H. F. No. 1106, A bill for an act relating to taxation; extending homestead treatment to certain property; amending Minnesota Statutes 1990, section 273.124, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Janezich, Rukavina, Jaros, Begich and Hasskamp introduced:

H. F. No. 1107, A bill for an act relating to human services; requiring increases in rates for salaries of employees of intermediate care facilities for persons with mental retardation, home and community-based waived services, developmental achievement centers, and semi-independent living services programs; amending Minnesota Statutes 1990, sections 245.465; 252.24, by adding a subdivision; 252.275, by adding a subdivision; 252.28, by adding a subdivision; 256B.491, by adding a subdivision; and 268A.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield introduced:

H. F. No. 1108, A bill for an act relating to human services; extending the exemption from the Minnesota supplemental aid rate cap to allow payments at the case mix rate for certain medical assistance certified boarding care facilities and nursing homes declared institutions for mental disease; amending Minnesota Statutes 1990, section 256I.05, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Frerichs, Segal, Leppik, Krueger and Koppendrayer introduced:

H. F. No. 1109, A bill for an act relating to economic development; creating Advantage Minnesota, Inc.; requiring a study; appropriating money for matching funds; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Committee on Economic Development.

Lasley, Ogren, Long, Kelso and McEachern introduced:

H. F. No. 1110, A bill for an act relating to education; redefining the tax base that referendum levies are spread against to exclude certain nonresidential property classes; requiring all existing referendum levies to be reapproved; amending Minnesota Statutes 1990, section 124A.03, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Kelso; Johnson, A.; Weaver; Bauerly and McEachern introduced:

H. F. No. 1111, A bill for an act relating to education; requiring districts to develop five-year facilities plans; changing the review and comment procedure; authorizing joint powers debt sharing; promoting shared facilities; requiring formation of a county facilities group; requiring an evaluation; amending Minnesota Statutes 1990, sections 121.15, subdivisions 1, 2, 3, 6, 7, 8, 9, and by adding subdivisions; and 121.155; proposing coding for new law in Minnesota Statutes, chapter 373.

The bill was read for the first time and referred to the Committee on Education.

Dawkins introduced:

H. F. No. 1112, A bill for an act relating to energy; allowing loans to be made to churches and community-based nonprofit organizations for energy conservation improvements; amending Minnesota Statutes 1990, sections 216B.241, subdivision 1; and 216C.37, subdivision 4.

The bill was read for the first time and referred to the Committee on Energy.

Stanius, Battaglia, Munger, Goodno and Runbeck introduced:

H. F. No. 1113, A bill for an act relating to state government; authorizing the state treasurer to participate in a financial institution credit card program; requiring the state's fee to be deposited in the RIM fund; proposing coding for new law in Minnesota Statutes, chapter 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kahn; Johnson, A.; Wejcman; Segal and Vanasek introduced:

H. F. No. 1114, A bill for an act relating to state government; providing for gender balance in multimember agencies; amending Minnesota Statutes 1990, section 15.0597, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Stanius, Krinkie, O'Connor and Begich introduced:

H. F. No. 1115, A bill for an act relating to health; clarifying licensing requirements and other standards for installation and servicing of water conditioning equipment; providing penalties; amending Minnesota Statutes 1990, sections 326.01, subdivision 9; 326.37; 326.38; 326.39; 326.40; 326.401, subdivisions 2, 3, and by adding a subdivision; 326.405; 326.41; 326.42; 326.44; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes, sections 326.43; 326.45; and 326.57 to 326.65.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Hugoson, Omann, Dille, Koppendrayner and Wenzel introduced:

H. F. No. 1116, A bill for an act relating to agriculture; authorizing an agricultural development bond program; changing provisions of the rural finance authority law; authorizing a program for training youth in the safe operation of farm equipment; providing for a pilot project of comprehensive farm safety audits; establishing a research center for agricultural health and safety; requiring certain reports; eliminating a restriction on small businesses eligible for agricultural and economic development board loans; exempting certain land transfers by the Minnesota agricultural and economic development board from laws reserving marginal land and wetlands; changing the primary responsibility for certain agriculture promotion functions from the department of trade and economic development to the department of agriculture; authorizing a Minnesota world trade advisory committee; appropriating money; amending Minnesota Statutes 1990, sections 17.03, subdivision 6; 41A.02, subdivision 16; 41B.03, subdivision 3; 41B.036; 41B.211; 103F.535, subdivision 1; 116J.966, subdivision 2; 474A.02, subdivisions 13a and 23a; 474A.03, subdivision 1; 474A.061, subdivisions 1, 2b, 3, and 4; 474A.081; 474A.091; 474A.14; proposing coding for new law in Minnesota Statutes, chapters 17; 41B; 116J; and 137; repealing

Minnesota Statutes 1990, sections 17.03, subdivision 8; and 116J.967, subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture.

Murphy; Rodosovich; Anderson, R.; Jennings and Welle introduced:

H. F. No. 1117, A bill for an act relating to human services; requiring the commissioner of human services to waive certain state mandates; proposing coding for new law in Minnesota Statutes, chapter 256E.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Hausman, Greenfield, Segal, Lourey and Long introduced:

H. F. No. 1118, A bill for an act relating to health; appropriating money to the commissioner of health to contract for research and testing of RU 486 for family planning and treatment of disease.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Tunheim introduced:

H. F. No. 1119, A bill for an act relating to education; requiring the development of policies for students with disabilities in post-secondary institutions; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Committee on Education.

Stanisus, Munger, Reding, Trimble and Johnson, V., introduced:

H. F. No. 1120, A bill for an act relating to natural resources; exotic species management; establishing an interagency committee on exotic species management; requiring a plan; providing for emergency rulemaking; amending Minnesota Statutes 1990, section 86B.415, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 84.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stanius, Bettermann, Runbeck, Reding and Johnson, R., introduced:

H. F. No. 1121, A bill for an act relating to natural resources; revising certain provisions relating to the taking, possession, and transportation of wild animals; amending Minnesota Statutes 1990, sections 97A.445, subdivision 2; 97A.535, subdivision 1; 97B.055, subdivision 3; 97B.106; and 97B.935, subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Mariani, Hausman, Morrison, Orenstein and Garcia introduced:

H. F. No. 1122, A bill for an act relating to motor vehicles; registration; abolishing authority to appoint corporations or private individuals other than persons acting on behalf of nonprofit corporations as deputy registrars; providing for the transfer of appointments of corporations as deputy registrars to private individuals in certain circumstances; requiring county auditors to accept appointments as deputy registrars except in certain situations; permitting any other county official or any statutory or home rule charter city official to be appointed as a deputy registrar; permitting counties to contract with private individuals for deputy registrar services in certain instances; requiring the registrar of motor vehicles to adopt rules governing the hours of operation of deputy registrars; permitting private individuals holding appointments as deputy registrars or qualifying for transfers of appointments held by corporations to continue to operate as deputy registrars; amending Minnesota Statutes 1990, section 168.33, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Orenstein; Vellenga; Brown; Olson, K., and Boo introduced:

H. F. No. 1123, A bill for an act relating to human rights; limiting certain defenses; amending Minnesota Statutes 1990, section 363.02, subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

Hanson and Beard introduced:

H. F. No. 1124, A bill for an act relating to taxation; permitting a special levy in the cities of Cottage Grove, Woodbury, St. Paul Park, and Newport for drug-related crime investigation and drug resis-

tance education; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

The bill was read for the first time and referred to the Committee on Taxes.

Koppendraye, Lourey, Greenfield, Vellenga and Welker introduced:

H. F. No. 1125, A bill for an act relating to law enforcement; authorizing the Mille Lacs Band of Chippewa Indians to exercise law enforcement authority within the Mille Lacs Reservation and certain trust lands; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time and referred to the Committee on Judiciary.

Peterson, Reding and Anderson, I., introduced:

H. F. No. 1126, A bill for an act relating to local government; enlarging authority to participate in certain federal loan programs; amending Minnesota Statutes 1990, section 465.73.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Peterson, Reding and Rodosovich introduced:

H. F. No. 1127, A bill for an act relating to utilities; prohibiting multiparty line telephone service to more than two subscribers per line; proposing coding for new law in Minnesota Statutes, chapter 237.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Waltman; Begich; Anderson, I., and Pauly introduced:

H. F. No. 1128, A bill for an act relating to taxation; motor vehicle excise; exempting vehicles used by police departments or sheriffs for law enforcement; amending Minnesota Statutes 1990, section 297B.03.

The bill was read for the first time and referred to the Committee on Taxes.

Kahn, Dille, Krueger, Trimble and Peterson introduced:

H. F. No. 1129, A bill for an act relating to agriculture; regulating genetically engineered plants, pesticides, fertilizers, soil amendments, and plant amendments; imposing a penalty; amending Minnesota Statutes 1990, sections 18B.01, by adding subdivisions; 18C.005, by adding subdivisions; 18C.421; 18C.425, subdivision 6, and by adding a subdivision; 18D.01, subdivisions 1 and 9; 18D.301, subdivisions 1 and 2; 18D.325, subdivisions 1 and 2; 18D.331, subdivisions 1, 2, and 3; proposing coding for new law in Minnesota Statutes, chapters 18B and 18C; proposing coding for new law as Minnesota Statutes, chapter 18F.

The bill was read for the first time and referred to the Committee on Agriculture.

Lasley, Weaver, McEachern, Tunheim and Kinkel introduced:

H. F. No. 1130, A bill for an act relating to education; changing the definition of a student's attendance area for purposes of authorizing state transportation aid; amending Minnesota Statutes 1990, section 124.223, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Koppendrayner; Nelson, S.; Steensma; Haukoos and Newinski introduced:

H. F. No. 1131, A bill for an act relating to taxation; requiring payment of penalties and interest on delinquent property taxes on state-owned land; amending Minnesota Statutes 1990, section 279.04.

The bill was read for the first time and referred to the Committee on Taxes.

Blatz, Begich, Battaglia, Orenstein and Heir introduced:

H. F. No. 1132, A bill for an act relating to natural resources; providing for enforcement of sanctions for hunting while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1990, section 97B.065; proposing coding for new law in Minnesota Statutes, chapter 97B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Bauerly; McEachern; Weaver; Olson, E., and Peterson introduced:

H. F. No. 1133, A bill for an act relating to public employment; requiring the commissioner of the bureau of mediation services to adopt a uniform baseline determination document and a uniform collective bargaining agreement settlement document and rules relating to the use of these documents; amending Minnesota Statutes 1990, section 179A.04, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Lynch, Welle, Boo, Dorn and Gruenes introduced:

H. F. No. 1134, A bill for an act relating to human services; clarifying membership requirements for the advisory committee for regional service centers for hearing impaired persons; authorizing fees for interpreter referral services; amending Minnesota Statutes 1990, sections 256C.24, subdivisions 2 and 3; and 256C.25.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Reding; Johnson, V., and Waltman introduced:

H. F. No. 1135, A bill for an act relating to electric power; requiring a proposer of a large electric power generating plant to obtain a preliminary permit from the public utilities commission before the proposer can begin preliminary site analysis; amending Minnesota Statutes 1990, section 116C.57, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Rodosovich; Murphy; Anderson, R.; Olson, K., and Welle introduced:

H. F. No. 1136, A bill for an act relating to the reorganization of state government; creating a new department of social services for families and children; transferring all of the duties of the commissioner of human services to the departments of health, jobs and training, public service, and the new department of social services for families and children; amending Minnesota Statutes 1990, sections 13.46, subdivision 1; 15.01; 15.06, subdivision 1; 15A.081, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law as Minnesota Statutes, chapter 256J.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Olson, E., introduced:

H. F. No. 1137, A bill for an act relating to education; authorizing the Bagley school district to transfer money from the debt redemption fund to the general fund without a reduction in the general education levy.

The bill was read for the first time and referred to the Committee on Education.

Jaros, Rukavina, Beard, Rodosovich and Reding introduced:

H. F. No. 1138, A bill for an act relating to education; requesting the decentralizing of University of Minnesota programs to better serve the state; proposing coding for new law in Minnesota Statutes, chapter 137.

The bill was read for the first time and referred to the Committee on Education.

Skoglund introduced:

H. F. No. 1139, A bill for an act relating to education; requiring school boards to inform parents about the qualifications of persons administering drugs or medicine; requiring school personnel to be adequately trained to administer drugs and medicine; amending Minnesota Statutes 1990, section 126.202, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Education.

Runbeck, Morrison and Valento introduced:

H. F. No. 1140, A bill for an act relating to motor vehicles; defining motor vehicle to include manufactured home for purposes of the motor vehicle retail installment act; amending Minnesota Statutes 1990, section 168.66, subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation.

Wejcman, Skoglund, Vellenga and Clark introduced:

H. F. No. 1141, A bill for an act relating to public safety; requiring tenants to covenant not to allow any controlled substances on rental property; allowing the closing of an alleged disorderly house during pretrial release of owner; lowering the threshold amount of seized controlled substance necessary to warrant unlawful detainer action; providing that certain weapons offenses and controlled substance seizures and arrests may form the basis for a nuisance action; amending Minnesota Statutes 1990, sections 504.181, subdivision 1; 609.33, by adding a subdivision; 609.5317, subdivision 4; 617.80, subdivision 8; and 617.81, subdivisions 2 and 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Carruthers, Vellenga, Orenstein, Onnen and Skoglund introduced:

H. F. No. 1142, A bill for an act relating to courts; directing the supreme court to establish an alternative dispute resolution program and adopt rules; proposing coding for new law in Minnesota Statutes, chapter 484; repealing Minnesota Statutes 1990, sections 484.73; and 484.74.

The bill was read for the first time and referred to the Committee on Judiciary.

Ozment, Trimble and Weaver introduced:

H. F. No. 1143, A bill for an act relating to education; making educational policies negotiable terms and conditions of employment for professional employees; amending Minnesota Statutes 1990, sections 179A.03, subdivision 19; and 179A.07, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Lourey, Lasley and Jennings introduced:

H. F. No. 1144, A bill for an act relating to local government; permitting the creation of library tax districts; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Scheid, Vellenga, Simoneau, McGuire and Seaberg introduced:

H. F. No. 1145, A bill for an act relating to civil actions; providing that proof of a person's failure to use seat belts is admissible in litigation; amending Minnesota Statutes 1990, sections 169.685, subdivision 4; and 604.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Lourey, Welle, Ogren and Sviggum introduced:

H. F. No. 1146, A bill for an act relating to human services; allowing additional variances for payment rates for county funded day training and habilitation services; amending Minnesota Statutes 1990, section 252.46, subdivision 6.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Reding introduced:

H. F. No. 1147, A bill for an act relating to public employment; transferring certain state employees from the unclassified to the classified service; requiring rules for evaluating the performance of arbitrators; establishing deadlines for certain steps in the arbitration process; establishing a procedure for setting the dates for meetings of arbitration panels; amending Minnesota Statutes 1990, sections 11A.07, subdivision 4; 43A.08, subdivisions 1, 1a, and by adding a subdivision; 43A.18, subdivision 4; 43A.37, subdivision 1; 116K.04, subdivision 5; 136A.03; 179A.05, subdivision 6; 179A.16, subdivisions 4, 6, and 7; and 349A.02, subdivision 4; repealing Minnesota Statutes 1990, section 352D.02, subdivision 1b.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rodosovich, Farrell, Lieder, Kalis and Dempsey introduced:

H. F. No. 1148, A bill for an act relating to public safety; appropriating money to commissioner of public safety for infrared search device.

The bill was read for the first time and referred to the Committee on Appropriations.

Winter introduced:

H. F. No. 1149, A bill for an act relating to state government; administrative procedures; requiring agencies to notify members of the legislature of rulemaking proceedings; specifying the contents of the notice; amending Minnesota Statutes 1990, sections 14.14, subdivision 1a; 14.16, subdivision 1; 14.22; 14.26; 14.30; 14.32, subdivision 1; and 14.365; proposing coding for new law in Minnesota Statutes, chapter 14.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Bertram, McPherson and Rodosovich introduced:

H. F. No. 1150, A bill for an act relating to crimes; increasing the penalty for assaulting a correctional officer; amending Minnesota Statutes 1990, section 609.2231, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Osthoff and Vellenga introduced:

H. F. No. 1151, A bill for an act relating to the city of Saint Paul; exempting certain port authority activities from competitive bidding; amending Minnesota Statutes 1990, section 469.084, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Winter, Steensma and Olson, K., introduced:

H. F. No. 1152, A bill for an act relating to public safety; including certain commercial vehicle inspectors in the public safety officer's survivor benefit program; amending Minnesota Statutes 1990, section 299A.41, subdivision 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Garcia; Olson, K.; Hasskamp; Scheid and Rodosovich introduced:

H. F. No. 1153, A bill for an act relating to taxation; excise and sales taxes; establishing an alternative method for determining the annual permit fee for vehicles propelled in part by compressed

natural gas or propane; amending Minnesota Statutes 1990, section 296.026, subdivisions 1, 2, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Taxes.

Hugoson introduced:

H. F. No. 1154, A bill for an act relating to agriculture; making changes in the plant and animal pest control act; amending Minnesota Statutes 1990, sections 18.46, subdivisions 6, 9, and by adding a subdivision; 18.49, subdivision 2; 18.51; 18.52, subdivisions 1 and 5; 18.54, subdivision 2; 18.55; 18.56; 18.57; and 18.60.

The bill was read for the first time and referred to the Committee on Agriculture.

Hausman, Clark, Munger, Dille and Dawkins introduced:

H. F. No. 1155, A bill for an act relating to the environment; defining medical waste; requiring appropriate management of the noninfectious and nonpathological waste generated by medical facilities; requiring a local permit for incineration of infectious and pathological waste in a solid waste facility; establishing a medical waste management task force; requiring rules to authorize infectious waste decontamination technologies other than incineration; placing a moratorium on permits for the incineration of infectious and pathological waste; amending Minnesota Statutes 1990, sections 116.76, by adding a subdivision; and 116.78, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sparby; Johnson, V., and Solberg introduced:

H. F. No. 1156, A bill for an act relating to agriculture; protecting aquaculture waters from irreversible degradation; requiring certain aquatic farms to have aquaculture use permits; regulating aquatic farm operations; requiring financial assurance to restore aquaculture waters; providing a procedure to prevent and minimize impacts from aquatic farms; prescribing best management practices and, if ineffective, permit modifications; defining aquaculture therapeutics as pesticides; defining aquaculture feed as commercial feed; amending Minnesota Statutes 1990, sections 18B.01, subdivision 18; and 25.33, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 17.

The bill was read for the first time and referred to the Committee on Agriculture.

Mariani introduced:

H. F. No. 1157, A bill for an act relating to housing; redefining eligibility requirement for targeted neighborhoods; appropriating money; amending Minnesota Statutes 1990, sections 466A.01, subdivision 2; 466A.02, subdivision 2; and 466A.05, subdivision 2.

The bill was read for the first time and referred to the Committee on Housing.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 275, A bill for an act relating to commerce; prohibiting the unlawful assignment of certain motor vehicle contracts; proposing coding for new law in Minnesota Statutes, chapter 325F.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 75, 205 and 468.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 75, A bill for an act relating to metropolitan government; extending the date for the international airport plan; amending Minnesota Statutes 1990, section 473.616, subdivision 1.

The bill was read for the first time.

Lieder moved that S. F. No. 75 and H. F. No. 68, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 205, A bill for an act relating to insurance; modifying the allowable delinquency and related charges in premium finance agreements; amending Minnesota Statutes 1990, section 59A.10.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 468, A bill for an act relating to employment; changing the date for submission of recommendations by the compensation council; amending Minnesota Statutes 1990, section 15A.082, subdivision 3.

The bill was read for the first time.

Simoneau moved that S. F. No. 468 and H. F. No. 575, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

H. F. No. 499, A bill for an act relating to education; providing for flagging of school records of missing children; proposing coding for new law in Minnesota Statutes, chapter 120.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carruthers	Goodno	Jennings	Limmer
Anderson, I.	Clark	Greenfield	Johnson, A.	Long
Anderson, R.	Cooper	Gruenes	Johnson, R.	Laurey
Battaglia	Dauner	Gutknecht	Johnson, V.	Macklin
Bauerly	Davids	Hanson	Kahn	Mariani
Beard	Dawkins	Hartle	Kalis	Marsh
Begich	Dempsey	Haukoos	Kelso	McEachern
Bertram	Dille	Hausman	Kinkel	McGuire
Bettermann	Dorn	Heir	Knickerbocker	McPherson
Bishop	Erhardt	Henry	Koppendrayer	Morrison
Blatz	Farrell	Hufnagle	Krinkie	Munger
Bodahl	Frederick	Hugoson	Krueger	Murphy
Boo	Frerichs	Jacobs	Lasley	Nelson, K.
Brown	Garcia	Janezich	Leppik	Nelson, S.
Carlson	Girard	Jefferson	Lieder	Newinski

O'Connor	Ozment	Runbeck	Sparby	Waltman
Ogren	Pauly	Sarna	Stanius	Weaver
Olsen, S.	Pellow	Schafer	Steenasma	Wejcman
Olson, E.	Pelowski	Scheid	Sviggum	Welker
Olson, K.	Peterson	Schreiber	Swenson	Welle
Omann	Pugh	Seaberg	Tompkins	Wenzel
Onnen	Reding	Segal	Trimble	Winter
Orenstein	Rest	Simoneau	Tunheim	Spk. Vanasek
Orfield	Rice	Skoglund	Uphus	
Osthoff	Rodosovich	Smith	Valento	
Ostrom	Rukavina	Solberg	Wagenius	

The bill was passed and its title agreed to.

H. F. No. 661, A resolution memorializing Canada to correct the new permit regulations for the Canada-Minnesota border, and to encourage federal, state, and provincial governments to resolve differences to the mutual benefit and satisfaction of the citizens of both countries.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Knickerbocker	Olson, K.	Smith
Anderson, I.	Frerichs	Koppendrayner	Omann	Solberg
Anderson, R.	Garcia	Krinkie	Onnen	Sparby
Anderson, R. H.	Girard	Krueger	Orenstein	Stanius
Battaglia	Goodno	Lasley	Orfield	Steenasma
Bauerly	Greenfield	Leppik	Osthoff	Sviggum
Beard	Gruenes	Lieder	Ostrom	Swenson
Begich	Gutknecht	Limmer	Ozment	Thompson
Bertram	Hanson	Long	Pauly	Tompkins
Bettermann	Hartle	Lourey	Pellow	Trimble
Bishop	Haukoos	Lynch	Pelowski	Tunheim
Blatz	Hausman	Macklin	Peterson	Uphus
Bodahl	Heir	Mariani	Pugh	Valento
Boo	Henry	Marsh	Reding	Vellenga
Brown	Hufnagle	McEachern	Rest	Wagenius
Carlson	Hugoson	McGuire	Rice	Waltman
Carruthers	Jacobs	McPherson	Rodosovich	Weaver
Clark	Janezich	Morrison	Rukavina	Wejcman
Cooper	Jefferson	Munger	Runbeck	Welker
Dauner	Jennings	Murphy	Sarna	Welle
Davids	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dawkins	Johnson, R.	Nelson, S.	Scheid	Winter
Dempsey	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Dille	Kahn	O'Connor	Seaberg	
Dorn	Kalis	Ogren	Segal	
Erhardt	Kelso	Olsen, S.	Simoneau	
Farrell	Kinkel	Olson, E.	Skoglund	

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 443, A bill for an act relating to civil procedure; repealing the statute requiring surety for costs in certiorari matters; repealing Minnesota Statutes 1990, section 606.03.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Knickerbocker	Olson, K.	Smith
Anderson, I.	Frerichs	Koppendraye	Omann	Solberg
Anderson, R.	Garcia	Krinkie	Onnen	Sparby
Anderson, R. H.	Girard	Krueger	Orenstein	Stanius
Battaglia	Goodno	Lasley	Orfield	Steensma
Bauerly	Greenfield	Leppik	Osthoff	Sviggum
Beard	Gruenes	Lieder	Ostrom	Swenson
Begich	Gutknecht	Limmer	Ozment	Thompson
Bertram	Hanson	Long	Pauly	Tompkins
Bettermann	Hartle	Lourey	Pellow	Trimble
Bishop	Haukoos	Lynch	Pelowski	Tunheim
Blatz	Hausman	Macklin	Peterson	Uphus
Bodahl	Heir	Mariani	Pugh	Valento
Boo	Henry	Marsh	Reding	Vellenga
Brown	Hufnagle	McEachern	Rest	Wagenius
Carlson	Hugoson	McGuire	Rice	Waltman
Carruthers	Jacobs	McPherson	Rodosovich	Weaver
Clark	Janezich	Morrison	Rukavina	Wejcmán
Cooper	Jefferson	Munger	Runbeck	Welker
Dauner	Jennings	Murphy	Sarna	Welle
Davids	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dawkins	Johnson, R.	Nelson, S.	Scheid	Winter
Dempsey	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Dille	Kahn	O'Connor	Seaberg	
Dorn	Kalis	Ogren	Segal	
Erhardt	Kelso	Olsen, S.	Simoneau	
Farrell	Kinke!	Olson, E.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 236, A bill for an act relating to eminent domain; allowing entry onto land for environmental testing before beginning eminent domain proceedings; amending Minnesota Statutes 1990, section 117.041.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Knickerbocker	Olson, K.	Smith
Anderson, I.	Frerichs	Koppendrayer	Omann	Solberg
Anderson, R.	Garcia	Krinkie	Onnen	Sparby
Anderson, R. H.	Girard	Krueger	Orenstein	Stanius
Battaglia	Goodno	Lasley	Orfield	Steensma
Bauerly	Greenfield	Leppik	Osthoff	Sviggum
Beard	Gruenes	Lieder	Ostrom	Swenson
Begich	Gutknecht	Limmer	Ozment	Thompson
Bertram	Hanson	Long	Pauly	Tompkins
Bettermann	Hartle	Lourey	Pellow	Trimble
Bishop	Haukoos	Lynch	Pelowski	Tunheim
Blatz	Hausman	Macklin	Peterson	Uphus
Bodahl	Heir	Mariani	Pugh	Valento
Boo	Henry	Marsh	Reding	Vellenga
Brown	Hufnagle	McEachern	Rest	Wagenius
Carlson	Hugoson	McGuire	Rice	Waltman
Carruthers	Jacobs	McPherson	Rodosovich	Weaver
Clark	Janezich	Morrison	Rukavina	Wejman
Cooper	Jefferson	Munger	Runbeck	Welker
Dauner	Jennings	Murphy	Sarna	Welle
Davids	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dawkins	Johnson, R.	Nelson, S.	Scheid	Winter
Dempsey	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Dille	Kahn	O'Connor	Seaberg	
Dorn	Kalis	Ogren	Segal	
Erhardt	Kelso	Olson, S.	Simoneau	
Farrell	Kinkel	Olson, E.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 239, A bill for an act relating to crime; clarifying the application of felony penalties to the act of intentionally disarming a peace officer; amending Minnesota Statutes 1990, section 609.50, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carlson	Girard	Jefferson	Limmer
Anderson, I.	Carruthers	Goodno	Jennings	Long
Anderson, R.	Clark	Greenfield	Johnson, A.	Lourey
Anderson, R. H.	Cooper	Gruenes	Johnson, R.	Lynch
Battaglia	Dauner	Gutknecht	Johnson, V.	Macklin
Bauerly	Davids	Hanson	Kalis	Mariani
Beard	Dawkins	Hartle	Kelso	Marsh
Begich	Dempsey	Haukoos	Kinkel	McEachern
Bertram	Dille	Hausman	Knickerbocker	McGuire
Bettermann	Dorn	Heir	Koppendrayer	McPherson
Bishop	Erhardt	Henry	Krinkie	Morrison
Blatz	Farrell	Hufnagle	Krueger	Munger
Bodahl	Frederick	Hugoson	Lasley	Murphy
Boo	Frerichs	Jacobs	Leppik	Nelson, K.
Brown	Garcia	Janezich	Lieder	Newinski

O'Connor	Ozment	Runbeck	Sparby	Vellenga
Ogren	Pauly	Sarna	Stanius	Wagenius
Olsen, S.	Pellow	Schafer	Steensma	Waltman
Olson, E.	Pelowski	Scheid	Sviggum	Weaver
Olson, K.	Peterson	Schreiber	Swenson	Wejeman
Omann	Pugh	Seaberg	Thompson	Welker
Onnen	Reding	Segal	Tompkins	Welle
Orenstein	Rest	Simoneau	Trimble	Wenzel
Orfield	Rice	Skoglund	Tunheim	Winter
Osthoff	Rodosovich	Smith	Uphus	Spk. Vanasek
Ostrom	Rukavina	Solberg	Valento	

The bill was passed and its title agreed to.

H. F. No. 357, A bill for an act relating to highways; authorizing political subdivisions to require notice before constructing or repairing utility structures or equipment in, along, over, or under a road, street, or highway right-of-way; requiring subsequent restoration to a town road; amending Minnesota Statutes 1990, sections 164.36; and 222.37, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kelso	Ogren	Segal
Anderson, I.	Frederick	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Frerichs	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Garcia	Koppendrayner	Olson, K.	Smith
Battaglia	Girard	Krinkie	Omann	Solberg
Bauerly	Goodno	Krueger	Onnen	Sparby
Beard	Greenfield	Lasley	Orenstein	Stanius
Begich	Gruenes	Leppik	Orfield	Steensma
Bertram	Gutknecht	Lieder	Ostrom	Sviggum
Bettermann	Hanson	Limmer	Ozment	Swenson
Bishop	Hartle	Long	Pauly	Thompson
Blatz	Haukoos	Lourey	Pellow	Tompkins
Bodahl	Hausman	Lynch	Pelowski	Trimble
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jefferson	Morrison	Rukavina	Wejeman
Davids	Jennings	Munger	Runbeck	Welker
Dawkins	Johnson, A.	Murphy	Sarna	Welle
Dempsey	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, V.	Nelson, S.	Scheid	Winter
Dorn	Kahn	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kalis	O'Connor	Seaberg	

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

H. F. No. 365, A bill for an act relating to courts; providing that the sheriff shall not charge for certain duties performed; amending Minnesota Statutes 1990, section 563.01, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kelso	Olsen, S.	Segal
Anderson, I.	Frederick	Kinkel	Olson, E.	Simoneau
Anderson, R.	Frerichs	Knickerbocker	Olson, K.	Skoglund
Anderson, R. H.	Garcia	Koppendrayner	Omann	Smith
Battaglia	Girard	Krinkie	Onnen	Solberg
Bauerly	Goodno	Krueger	Orenstein	Sparby
Beard	Greenfield	Lasley	Orfield	Stanius
Begich	Gruenes	Leppik	Osthoff	Steensma
Bertram	Gutknecht	Lieder	Ostrom	Sviggum
Bettermann	Hanson	Limmer	Ozment	Swenson
Bishop	Hartle	Long	Pauly	Thompson
Blatz	Haukoos	Lourey	Pellow	Tompkins
Bodahl	Hausman	Lynch	Pelowski	Trimble
Boo	Heir	Macklin	Peterson	Tunheim
Brown	Henry	Mariani	Pugh	Uphus
Carlson	Hufnagle	Marsh	Reding	Valento
Carruthers	Hugoson	McGuire	Rest	Vellenga
Clark	Jacobs	McPherson	Rice	Wagenius
Cooper	Janezich	Morrison	Rodosovich	Waltman
Dauner	Jefferson	Munger	Rukavina	Weaver
Davids	Jennings	Murphy	Runbeck	Wejzman
Dawkins	Johnson, A.	Nelson, K.	Sarna	Welker
Dempsey	Johnson, R.	Nelson, S.	Schafer	Welle
Dille	Johnson, V.	Newinski	Scheid	Wenzel
Dorn	Kahn	O'Connor	Schreiber	Winter
Erhardt	Kalis	Ogren	Seaberg	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 472, A bill for an act relating to occupations and professions; amending the definition of high pressure piping; amending Minnesota Statutes 1990, section 326.461, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 91 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Frederick	Lasley	Olsen, S.	Segal
Anderson, R.	Garcia	Leppik	Olson, K.	Simoneau
Battaglia	Greenfield	Lieder	Orenstein	Skoglund
Bauerly	Gruenes	Long	Orfield	Solberg
Beard	Gutknecht	Lourey	Osthoff	Stanius
Begich	Hanson	Lynch	Ostrom	Steensma
Bertram	Hausman	Macklin	Ozment	Thompson
Bishop	Heir	Mariani	Pelowski	Trimble
Bodahl	Jacobs	Marsh	Peterson	Vellenga
Boo	Janezich	McEachern	Pugh	Wagenius
Brown	Jefferson	McGuire	Reding	Weaver
Carlson	Jennings	McPherson	Rest	Wejcmán
Carruthers	Johnson, A.	Munger	Rice	Wenzel
Clark	Johnson, R.	Murphy	Rodosovich	Winter
Cooper	Kahn	Nelson, K.	Rukavina	Spk. Vanasek
Dauner	Kalis	Nelson, S.	Runbeck	
Dawkins	Kinkel	Newinski	Sarna	
Dorn	Knickerbocker	O'Connor	Scheid	
Farrell	Krueger	Ogren	Seaberg	

Those who voted in the negative were:

Abrams	Frerichs	Johnson, V.	Pauly	Tompkins
Anderson, R. H.	Girard	Koppendrayner	Pellow	Tunheim
Bettermann	Goodno	Krinkie	Schafer	Uphus
Blatz	Hartle	Limmer	Schreiber	Valento
Davids	Haukoos	Morrison	Smith	Waltman
Dempsey	Henry	Olson, E.	Sparby	Welker
Dille	Hufnagle	Omann	Sviggum	Welle
Erhardt	Hugoson	Onnen	Swenson	

The bill was passed and its title agreed to.

H. F. No. 85, A bill for an act relating to health; authorizing nursing homes with 100 or fewer beds that are located within 75 miles of each other to share an administrator; amending Minnesota Statutes 1990, section 144A.04, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Boo	Farrell	Heir	Kelso
Anderson, I.	Brown	Frederick	Henry	Kinkel
Anderson, R.	Carlson	Frerichs	Hufnagle	Knickerbocker
Anderson, R. H.	Carruthers	Garcia	Hugoson	Koppendrayner
Battaglia	Clark	Girard	Jacobs	Krinkie
Bauerly	Cooper	Goodno	Janezich	Krueger
Beard	Dauner	Greenfield	Jefferson	Lasley
Begich	Davids	Gruenes	Jennings	Leppik
Bertram	Dawkins	Gutknecht	Johnson, A.	Lieder
Bettermann	Dempsey	Hanson	Johnson, R.	Limmer
Bishop	Dille	Hartle	Johnson, V.	Long
Blatz	Dorn	Haukoos	Kahn	Lourey
Bodahl	Erhardt	Hausman	Kalis	Lynch

Macklin	Olsen, S.	Pugh	Skoglund	Vellenga
Mariani	Olson, E.	Reding	Smith	Wagenius
Marsh	Olson, K.	Rest	Solberg	Waltman
McEachern	Omann	Rice	Sparby	Weaver
McGuire	Onnen	Rodosovich	Stanius	Wejcman
McPherson	Orenstein	Rukavina	Steensma	Welker
Morrison	Orfield	Runbeck	Sviggum	Welle
Munger	Osthoff	Sarna	Swenson	Wenzel
Murphy	Ostrom	Schafer	Thompson	Winter
Nelson, K.	Ozment	Scheid	Tompkins	Spk. Vanasek
Nelson, S.	Pauly	Schreiber	Trimble	
Newinski	Pellow	Seaberg	Tunheim	
O'Connor	Pelowski	Segal	Uphus	
Ogren	Peterson	Simoneau	Valento	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. Krueger presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 128 and 326 were recommended to pass.

H. F. No. 137 was recommended for progress until Thursday, April 4, 1991.

H. F. No. 234 was recommended for progress until Monday, April 8, 1991.

S. F. No. 132 was recommended for re-referral to the Committee on Appropriations.

H. F. No. 132, the first engrossment, which it recommended to pass with the following amendments:

Offered by Dawkins:

Page 3, line 30, delete "administration" and insert "public service"

Page 3, line 31, delete "public service" and insert "Administration"

Page 3, line 32, delete “, mechanical code, and”

Page 3, line 33, delete “electrical code”

Page 4, line 5, delete “administration” and insert “public service”

Offered by Dawkins, Kahn, Greenfield, Carlson, Rice and Battaglia:

Page 1, after line 8, insert:

“Section 1. [16B.126] [FUNDS FOR ENERGY EFFICIENT BULBS.]

State agencies in the executive, legislative, and judicial branches that purchase nonincandescent bulbs in accordance with section 16B.61, subdivision 3, paragraph (k), must use funds allocated for utility expenditures for the purchase.”

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 5, after the semicolon insert “requiring state agencies to use funds allocated for utility expenditures to buy nonincandescent bulbs;”

Page 1, line 7, before the period insert “; proposing coding for new law in Minnesota Statutes, chapter 16B”

H. F. No. 398, the first engrossment, which it recommended to pass with the following amendment offered by Scheid:

Page 2, line 15, delete “8:00” and insert “10:00”

H. F. No. 616, which it recommended to pass with the following amendment offered by Frederick:

Page 2, lines 8 and 9, delete “executive director” and insert “board”

Page 2, line 9, strike “, with the approval of the board,”

Page 2, line 16, delete "executive director" and strike "may remove an"

Page 2, line 17, strike "administrator with the approval" and insert "administrators serve at the pleasure"

H. F. No. 633, the first engrossment, which it recommended to pass with the following amendment offered by Trimble:

Page 2, line 4, delete "sunrise" and insert "8:00 a.m."

On the motion of Long the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.06, the following roll calls were taken in the Committee of the Whole:

Olson, K., and Dille offered an amendment to H. F. No. 633, the first engrossment.

Kahn requested a division of the Olson, K., and Dille amendment to H. F. No. 633, the first engrossment.

The second portion of the Olson, K., and Dille amendment to H. F. No. 633, the first engrossment, reads as follows:

Page 3, line 19, delete "16" and insert "13"

Page 3, line 20, delete "16" and insert "13"

The question was taken on the second portion of the Olson, K., and Dille amendment and the roll was called. There were 29 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Bertram	Heir	Krueger	Onnen	Sviggum
Bettermann	Henry	Lieder	Pauly	Swenson
Dempsey	Hufnagle	McPherson	Rodosovich	Waltman
Dille	Jacobs	Morrison	Schafer	Weaver
Gruenes	Jennings	Olsen, S.	Segal	Welker
Gutknecht	Krinkie	Omann	Sparby	

Those who voted in the negative were:

Abrams	Anderson, R.	Battaglia	Beard	Bodahl
Anderson, I.	Anderson, R. H.	Bauerly	Begich	Boo

Brown	Hartle	Limmer	Orenstein	Skoglund
Carruthers	Haukoos	Long	Orfield	Smith
Clark	Hausman	Lourey	Osthoff	Stanius
Cooper	Hugoson	Lynch	Ostrom	Steensma
Dauner	Janezich	Macklin	Ozment	Thompson
Dauids	Jefferson	Mariani	Pellow	Tompkins
Dawkins	Johnson, A.	Marsh	Pelowski	Trimble
Dorn	Johnson, R.	McEachern	Peterson	Tunheim
Erhardt	Johnson, V.	McGuire	Pugh	Uphus
Farrell	Kahn	Munger	Rest	Valento
Frederick	Kalis	Murphy	Rukavina	Vellenga
Frerichs	Kelso	Nelson, K.	Runbeck	Wagenius
Garcia	Kinkel	Nelson, S.	Sarna	Wejeman
Girard	Knickerbocker	Newinski	Scheid	Welle
Goodno	Koppendrayer	O'Connor	Schreiber	Wenzel
Greenfield	Lasley	Olson, E.	Seaberg	Winter
Hanson	Leppik	Olson, K.	Simoneau	Spk. Vanasek

The motion did not prevail and the second portion of the Olson, K., and Dille amendment was not adopted.

The first portion of the Olson, K., and Dille amendment to H. F. No. 633, the first engrossment, reads as follows:

Page 2, line 32, delete "16" and insert "13"

Page 3, line 3, delete "16" and insert "13"

The question was taken on the first portion of the Olson, K., and Dille amendment and the roll was called. There were 46 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Begich	Gruenes	Koppendrayer	Pauly	Tompkins
Bertram	Gutknecht	Krinkie	Peterson	Waltman
Bettermann	Heir	Limmer	Pugh	Weaver
Brown	Henry	McPherson	Rukavina	Welker
Dauids	Hufnagle	Morrison	Schafer	Wenzel
Dempsey	Hugoson	O'Connor	Schreiber	Winter
Dille	Jacobs	Olson, E.	Simoneau	
Frederick	Jennings	Olson, K.	Sparby	
Garcia	Johnson, A.	Omann	Sviggum	
Girard	Johnson, R.	Onnen	Swenson	

Those who voted in the negative were:

Abrams	Carruthers	Hanson	Krueger	Munger
Anderson, I.	Clark	Hartle	Lasley	Murphy
Anderson, R.	Cooper	Haukoos	Leppik	Nelson, S.
Anderson, R. H.	Dauner	Hausman	Lieder	Newinski
Battaglia	Dawkins	Janezich	Long	Olsen, S.
Bauerly	Dorn	Jefferson	Lynch	Orenstein
Beard	Erhardt	Johnson, V.	Macklin	Orfield
Bishop	Farrell	Kahn	Mariani	Osthoff
Bodahl	Frerichs	Kelso	Marsh	Ostrom
Boo	Goodno	Kinkel	McEachern	Ozment
Carlson	Greenfield	Knickerbocker	McGuire	Pellow

Pelowski	Sarna	Smith	Trimble	Wagenius
Rest	Scheid	Solberg	Tunheim	Wejeman
Rice	Seaberg	Stanius	Uphus	Welle
Rodosovich	Segal	Steensma	Valento	Spk. Vanasek
Runbeck	Skoglund	Thompson	Vellenga	

The motion did not prevail and the first portion of the Olson, K., and Dille amendment was not adopted.

Trimble offered an amendment to H. F. No. 633, the first engrossment.

Kinkel requested a division of the Trimble amendment to H. F. No. 633, the first engrossment.

The first portion of the Trimble amendment to H. F. No. 633, the first engrossment, reads as follows:

Page 2, line 4, delete "sunset" and insert "6:00 p.m."

The question was taken on the first portion of the Trimble amendment and the roll was called. There were 24 yeas and 102 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Hausman	Nelson, K.	Ostrom	Trimble
Anderson, R.	Hufnagle	Nelson, S.	Ozment	Uphus
Anderson, R. H.	Jennings	Orenstein	Scheid	Vellenga
Boo	Kahn	Orfield	Segal	Welker
Dawkins	Kalis	Osthoff	Skoglund	

Those who voted in the negative were:

Abrams	Frerichs	Koppendraye	Omann	Sviggrum
Battaglia	Garcia	Krueger	Onnen	Swenson
Bauerly	Girard	Lasley	Pauly	Thompson
Beard	Goodno	Leppik	Pellow	Tompkins
Begich	Greenfield	Lieder	Pelowski	Tunheim
Bertram	Gruenes	Limmer	Peterson	Valento
Bettermann	Gutknecht	Long	Pugh	Wagenius
Bishop	Hanson	Lourey	Rest	Waltman
Bodahl	Hartle	Macklin	Rice	Weaver
Brown	Haukoos	Mariani	Rodosovich	Wejeman
Carlson	Heir	Marsh	Rukavina	Welle
Carruthers	Henry	McEachern	Runbeck	Wenzel
Clark	Hugoson	McGuire	Sarna	Winter
Cooper	Jacobs	McPherson	Schafer	Spk. Vanasek
Dauner	Janezich	Morrison	Schreiber	
Davids	Jefferson	Murphy	Seaberg	
Dempsey	Johnson, A.	Newinski	Simoneau	
Dille	Johnson, R.	O'Connor	Smith	
Dorn	Johnson, V.	Ogren	Solberg	
Erhardt	Kelso	Olson, S.	Sparby	
Farrell	Kinkel	Olson, E.	Stanius	
Frederick	Knickerbocker	Olson, K.	Steensma	

The motion did not prevail and the first portion of the Trimble amendment was not adopted.

The second portion of the Trimble amendment to H. F. No. 633, the first engrossment, reads as follows:

Page 2, line 4, delete "sunrise" and insert "8:00 a.m."

The question was taken on the second portion of the Trimble amendment and the roll was called. There were 85 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Abrams	Goodno	Krinkie	Olson, K.	Segal
Anderson, I.	Greenfield	Krueger	Orenstein	Simoneau
Anderson, R.	Hanson	Lasley	Orfield	Skoglund
Anderson, R. H.	Hartle	Leppik	Osthoff	Solberg
Bettermann	Hausman	Long	Ostrom	Steensma
Bodahl	Heir	Lourey	Ozment	Swenson
Boo	Henry	Mariani	Pellow	Tompkins
Carlson	Hufnagle	Marsh	Pelowski	Trimble
Carruthers	Janezich	McGuire	Peterson	Uphus
Cooper	Jefferson	Morrison	Pugh	Valento
Dauner	Johnson, A.	Munger	Rest	Vellenga
Dawkins	Johnson, R.	Murphy	Rice	Wagenius
Dorn	Johnson, V.	Nelson, K.	Rukavina	Waltman
Erhardt	Kahn	Nelson, S.	Runbeck	Wejzman
Farrell	Kalis	Newinski	Schafer	Welker
Frederick	Kinkel	Ogren	Scheid	Welle
Garcia	Koppendrayner	Olsen, S.	Seaberg	Wenzel

Those who voted in the negative were:

Battaglia	Frerichs	Knickerbocker	Omann	Thompson
Beard	Girard	Lieder	Onnen	Tunheim
Begich	Gruenes	Limmer	Pauly	Weaver
Bertram	Gutknecht	Macklin	Sarna	Winter
Brown	Haukoos	McEachern	Smith	Spk. Vanasek
Davids	Hugoson	McPherson	Sparby	
Dempsey	Jacobs	O'Connor	Stanisus	
Dille	Jennings	Olson, E.	Sviggum	

The motion prevailed and the second portion of the Trimble amendment was adopted.

MOTIONS AND RESOLUTIONS

Lasley moved that the name of Kalis be added as an author on H. F. No. 515. The motion prevailed.

Bauerly moved that the name of Hasskamp be added as an author on H. F. No. 563. The motion prevailed.

Omann moved that his name be stricken as an author on H. F. No. 669. The motion prevailed.

Vellenga moved that the name of Hausman be added as an author on H. F. No. 820. The motion prevailed.

Hausman moved that the name of Girard be stricken as an author on H. F. No. 911. The motion prevailed.

Stanius moved that the name of Heir be added as an author on H. F. No. 940. The motion prevailed.

Solberg moved that the name of Limmer be added as an author on H. F. No. 977. The motion prevailed.

Wenzel moved that the name of Hasskamp be added as an author on H. F. No. 982. The motion prevailed.

Orfield moved that the name of Farrell be added as an author on H. F. No. 1007. The motion prevailed.

Rest moved that the name of Olsen, S., be added as an author on H. F. No. 1043. The motion prevailed.

Begich moved that the name of Dawkins be added as an author on H. F. No. 1046. The motion prevailed.

Long moved that H. F. No. 980 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Stanius; Lynch; Johnson, A.; Vellenga and Blatz introduced:

House Concurrent Resolution No. 4, A house concurrent resolution relating to the adoption of a bill of rights for all children in the State of Minnesota.

The concurrent resolution was referred to the Committee on Health and Human Services.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Wednesday, March 27, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Wednesday, March 27, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

TWENTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 27, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Richard Krueger, Speaker pro tempore.

Prayer was offered by the Reverend J. Mark Halvorson, Sr. Pastor of St. Luke's Lutheran Church, Bloomington, Minnesota.

The roll was called and the following members were present:

Abrams	Frederick	Kinkel	Olson, E.	Skoglund
Anderson, I.	Frerichs	Knickerbocker	Olson, K.	Smith
Anderson, R.	Garcia	Koppendrayer	Omann	Solberg
Anderson, R. H.	Girard	Krinkie	Onnen	Sparby
Battaglia	Goodno	Krueger	Orenstein	Stanius
Bauerly	Greenfield	Lasley	Orfield	Steensma
Beard	Gruenes	Leppik	Osthoff	Sviggum
Begich	Gutknecht	Lieder	Ostrom	Swenson
Bertram	Hanson	Limmer	Ozment	Thompson
Bettermann	Hartle	Løng	Pauly	Tompkins
Bishop	Haukoos	Lourey	Pellow	Trimble
Blatz	Hausman	Lynch	Pelowski	Tunheim
Bodahl	Heir	Macklin	Peterson	Uphus
Boo	Henry	Mariani	Pugh	Valento
Brown	Hufnagle	Marsh	Reding	Vellenga
Carlson	Hugoson	McEachern	Rest	Wagenius
Carruthers	Jacobs	McGuire	Rice	Waltman
Clark	Janezich	McPherson	Rodosovich	Weaver
Cooper	Jaros	Morrison	Rukavina	Wejeman
Dauner	Jefferson	Munger	Runbeck	Welker
Davids	Jennings	Murphy	Sarna	Welle
Dawkins	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dempsey	Johnson, R.	Nelson, S.	Scheid	Winter
Dille	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Dorn	Kahn	O'Connor	Seaberg	
Erhardt	Kalis	Ogren	Segal	
Farrell	Kelso	Olsen, S.	Simoneau	

A quorum was present.

Hasskamp and Milbert were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Tompkins moved that further reading of the Journal be dis-

pensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 75 and H. F. No. 68, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Lieder moved that S. F. No. 75 be substituted for H. F. No. 68 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 468 and H. F. No. 575, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Simoneau moved that S. F. No. 468 be substituted for H. F. No. 575 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 21, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Representative Vanasek:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 195, memorializing the Congress of the United States to continue funding of the POW/MIA special investigation that is being conducted by the United States Senate Foreign Relations Committee.

H. F. No. 55, relating to peace officers; clarifying the soft body armor reimbursement program.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1991</i>	<i>Date Filed 1991</i>
	195	Resolution No. 2	11:13 a.m. March 21	March 21
	55	8	11:14 a.m. March 21	March 21

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 22, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Representative Vanasek:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 153, relating to commerce; regulating real estate appraisers; authorizing the commissioner of commerce to issue temporary licenses.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>1991</i>	<i>Date Filed</i> <i>1991</i>
	153	7	5:00 p.m. March 22	March 25

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 21, A bill for an act relating to waste management; requiring environmental impact statements and air emission per-

mits for all new medical waste incineration facilities; amending Minnesota Statutes 1990, section 116.07, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [116.801] [INCINERATION OF INFECTIOUS WASTE; PERMIT REQUIRED.]

Any new facility for the incineration of infectious waste, as defined in section 116.76, and any expansion of the capacity of an existing facility for the incineration of infectious waste may not be constructed without having obtained an air emission permit from the agency. This section does not affect permit requirements under the rules of the agency for an existing incinerator that is upgraded to meet pollution control standards or to a new incinerator that is planned to manage waste primarily generated by the owner of the incinerator.

Sec. 2. [INCINERATION OF INFECTIOUS WASTE; ENVIRONMENTAL IMPACT.]

Until the pollution control agency adopts revisions to its air emission rules for incinerators, a new facility for the incineration of infectious waste that is subject to the permit requirement in section 1, may not receive a permit until an environmental impact statement for the facility has been prepared and approved. The agency is the governmental unit responsible for preparation of an environmental impact statement required under this section.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective March 1, 1991, and applies to construction begun on or after that date. Section 2 is effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to waste management; requiring air emission permits for new or expanded infectious waste incinerators; requiring environmental impact statements for the incinerators until new rules are adopted; proposing coding for new law in Minnesota Statutes, chapter 116.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 115, A bill for an act relating to natural resources; increasing the watershed administrative fund limit; establishing a natural resource protection fund; amending Minnesota Statutes 1990, section 103D.905, subdivision 3, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 118, A bill for an act relating to occupational safety and health; honoring workers killed while working on public projects; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 182.

Reported the same back with the following amendments:

Page 1, line 8, delete "family" and insert "(1) surviving spouse; if there is no surviving spouse, (2) any child; if there is no child, (3) any next of kin" and delete "killed" and insert "fatally injured"

Page 1, line 10, delete "erect" and insert "place"

Amend the title as follows:

Page 1, line 3, delete "killed" and insert "fatally injured"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 181, A bill for an act relating to the environment; adding reimbursement requirements from the petroleum tank release cleanup account; amending Minnesota Statutes 1990, section 115C.09, subdivision 3.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Financial Institutions and Insurance.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 202, A bill for an act relating to public employees; defining the term "employee" for the purpose of the public employees labor relations act; amending Minnesota Statutes 1990, section 179A.03, subdivision 14.

Reported the same back with the following amendments:

Page 1, lines 22 and 23, reinstate the stricken language

Page 2, line 25, before "An" insert "(1)"

Page 2, line 35, before the period insert "; and

(2) An employee hired for a position under clause (e) if that position or a substantially similar position has already been filled under clause (e) in the same calendar year"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 213, A bill for an act relating to agriculture; appropriating money for promoting the use of ethanol.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 233, A bill for an act relating to mental health; authorizing competent persons to make advance declarations regarding mental health treatment; requiring certain notices to be given to the designated agency; amending Minnesota Statutes 1990, sections 253B.03; 253B.18, subdivisions 4b and 5; and 253B.19, subdivision 2.

Reported the same back with the following amendments:

Page 6, line 19, after the first “and” insert “is either signed by” and delete the second “and” and insert “or”

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 251, A bill for an act relating to the Minnesota board on aging; authorizing supplemental funds for congregate and home-delivered meals; appropriating money; amending Minnesota Statutes 1990, section 256.975, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 256.975, is amended by adding a subdivision to read:

Subd. 4a. [FUNDING FOR SENIOR MEALS.] The Minnesota board of aging shall supplement the state funding for senior congregate and home-delivered meal programs to area agencies on aging where service providers are required, as a condition of receiving federal funds, to maintain the local level of funding for senior meals. The increased funding shall be distributed by area

agencies on aging to nutrition programs serving counties where congregate and home-delivered meals were locally financed prior to participation in the nutrition program of the Older Americans Act. Supplemental funds for affected areas may be awarded in amounts up to the level of prior county financial participation less any local match as required by the Older Americans Act.

Sec. 2. [APPROPRIATION.]

\$...... is appropriated from the general fund to the Minnesota board of aging for the biennium ending June 30, 1993, for purposes of section 1."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 274, A bill for an act relating to commerce; motor vehicle sales and distribution; regulating franchises; proscribing certain acts; providing remedies; amending Minnesota Statutes 1990, sections 80E.03, subdivision 2; 80E.04, subdivision 1; 80E.05; 80E.06, subdivision 2; 80E.07, subdivision 1; 80E.12; 80E.13; and 80E.14, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 80E.04, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] Each new motor vehicle manufacturer shall specify in writing to each of its new motor vehicle dealers licensed in this state the dealer's obligations for preparation, delivery, and warranty service on its products. The manufacturer shall also compensate the new motor vehicle dealer for warranty service and parts required of the dealer by the manufacturer, and shall provide the dealer the schedule of compensation to be paid the dealer for parts, work, and service in connection with warranty services, and the time allowance for the performance of the work and service. This section applies to all repair services performed by the dealer for the manufacturer or with the approval of the manufacturer and for which the dealer receives compensation or reimbursement from the manufacturer.

Sec. 2. Minnesota Statutes 1990, section 80E.04, is amended by adding a subdivision to read:

Subd. 6. For purposes of this section, the terms "manufacturer" and "dealer" include manufacturers and distributors of motor vehicle engines and their dealers.

Sec. 3. Minnesota Statutes 1990, section 80E.05, is amended to read:

80E.05 [INDEMNIFICATION REQUIRED.]

Notwithstanding the terms of any franchise agreement to the contrary, it shall be a violation of sections 80E.01 to 80E.17 for any new motor vehicle manufacturer to fail to indemnify and hold harmless its franchised dealers against any judgment for damages, including, but not limited to, those based on strict liability, negligence, misrepresentation, warranty (express or implied), or revocation of acceptance as is defined in section 336.2-608, where the complaint, claim, or lawsuit relates solely to the alleged defective or negligent manufacture, assembly, or design of new motor vehicles, parts or accessories or other functions by the manufacturer, beyond the control of the dealer. Indemnification under this section must include court costs, reasonable attorney's fees and expert witness fees incurred by the motor vehicle dealer.

Sec. 4. Minnesota Statutes 1990, section 80E.06, subdivision 2, is amended to read:

Subd. 2. [CIRCUMSTANCES CONSTITUTING GOOD CAUSE.] Notwithstanding the terms of any franchise agreement or waiver to the contrary, good cause exists for the purposes of a termination, cancellation, or nonrenewal, when the new motor vehicle dealer fails to comply with a provision of the franchise which is both reasonable and of material significance to the franchise relationship; provided, that the dealer has been notified in writing of the failure within 180 days after the manufacturer first acquired knowledge of the failure.

If failure by the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales or service, then good cause shall be defined as the failure of the new motor vehicle dealer to comply with reasonable performance criteria established by the manufacturer; provided, that the new motor vehicle dealer was apprised by the manufacturer in writing of the failure; the notification stated that notice was provided for failure of performance pursuant to sections 80E.01 to 80E.17; the new motor vehicle dealer was afforded a reasonable opportunity in no event less than six months to comply with the criteria; and the dealer did not demonstrate substantial progress toward compliance with the manufacturer's performance criteria during the period.

To rebut allegations of good cause for a proposed termination, a dealer may present evidence including, but not limited to a showing that the grounds for termination resulted from acts or circumstances beyond the control of the dealer and which were communicated to the manufacturer, or that in evaluating the dealer's compliance with reasonable sales criteria, the manufacturer failed to consider the dealer's sales of factory program vehicles. For the purposes of this subdivision, "factory program vehicle" means a vehicle of the current model year offered for sale and resold by the manufacturer directly or at a factory sponsored or authorized auction and purchased by a dealer holding a current franchise from the manufacturer for that same line make.

Sec. 5. Minnesota Statutes 1990, section 80E.12, is amended to read:

80E.12 [UNLAWFUL ACTS BY MANUFACTURERS, DISTRIBUTORS, OR FACTORY BRANCHES.]

It shall be unlawful for any manufacturer, distributor, or factory branch to require a new motor vehicle dealer to do any of the following:

(a) order or accept delivery of any new motor vehicle, part or accessory thereof, equipment, or any other commodity not required by law which has not been voluntarily ordered by the new motor vehicle dealer provided that this paragraph does not modify or supersede reasonable provisions of the franchise requiring the dealer to market a representative line of the new motor vehicles the manufacturer or distributor is publicly advertising;

(b) order or accept delivery of any new motor vehicle, part or accessory thereof, equipment, or any other commodity not required by law in order for the dealer to obtain delivery of any other motor vehicle ordered by the dealer ~~or to qualify for or participate in any rebate, refund, or similar program offered by the manufacturer;~~

(c) order or accept delivery of any new motor vehicle with special features, accessories, or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer or distributor;

(d) participate monetarily in an advertising campaign or contest, or to purchase any promotional materials, showroom, or other display decorations or materials at the expense of the new motor vehicle dealer;

(e) enter into any agreement with the manufacturer or to do any other act prejudicial to the new motor vehicle dealer by threatening to cancel a franchise or any contractual agreement existing between

the dealer and the manufacturer. Notice in good faith to any dealer of the dealer's violation of any terms of the franchise agreement shall not constitute a violation of sections 80E.01 to 80E.17;

(f) change the capital structure of the new motor vehicle dealer or the means by or through which the dealer finances the operation of the dealership; provided, that the new motor vehicle dealer at all times meets any reasonable capital standards agreed to by the dealer; and also provided, that no change in the capital structure shall cause a change in the principal management or have the effect of a sale of the franchise without the consent of the manufacturer or distributor as provided in section 80E.13, paragraph (j);

(g) prevent or attempt to prevent, by contract or otherwise, any motor vehicle dealer from changing the executive management control of the new motor vehicle dealer unless the franchisor proves that the change of executive management will result in executive management control by a person who is not of good moral character or who does not meet the franchisor's existing reasonable capital standards and, with consideration given to the volume of sales and services of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area; provided, that where the manufacturer, distributor, or factory branch rejects a proposed change in executive management control, the manufacturer, distributor, or factory branch shall give written notice of its reasons to the dealer;

(h) refrain from participation in the management of, investment in, or the acquisition of, any other line of new motor vehicle or related products; provided, however, that this clause does not apply unless the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle, and that the new motor vehicle dealer remains in substantial compliance with the terms and conditions of the franchise and with any reasonable facilities requirements of the manufacturer;

(i) during the course of the agreement, change the location of the new motor vehicle dealership or make any substantial alterations to the dealership premises during the course of the agreement, when to do so would be unreasonable; or

(j) prospectively assent to a release, assignment, novation, waiver, or estoppel whereby a dealer relinquishes any rights under sections 80E.01 to 80E.17, or which would relieve any person from liability imposed by sections 80E.01 to 80E.17 or to require any controversy between a new motor vehicle dealer and a manufacturer, distributor, or factory branch to be referred to any person or tribunal other than the duly constituted courts of this state or the United States, if the referral would be binding upon the new motor vehicle dealer.

Sec. 6. Minnesota Statutes 1990, section 80E.13, is amended to read:

80E.13 [UNFAIR PRACTICES BY MANUFACTURERS, DISTRIBUTORS, FACTORY BRANCHES.]

It is unlawful and an unfair practice for a manufacturer, distributor, or factory branch to engage in any of the following practices:

(a) To delay, refuse, or fail to deliver new motor vehicles or new motor vehicle parts or accessories in reasonable time and in reasonable quantity relative to the new motor vehicle dealer's facilities and sales potential in the dealer's relevant market area, after having accepted an order from a new motor vehicle dealer having a franchise for the retail sale of any new motor vehicle sold or distributed by the manufacturer or distributor, if the new motor vehicle or new motor vehicle parts or accessories are publicly advertised as being available for delivery or actually being delivered. This clause is not violated, however, if the failure is caused by acts or causes beyond the control of the manufacturer;

(b) To refuse to disclose to any new motor vehicle dealer handling the same line make, the manner and mode of distribution of that line make within the relevant market area;

(c) To obtain money, goods, service, or any other benefit from any other person with whom the dealer does business, on account of, or in relation to, the transaction between the dealer and the other person, other than for compensation for services rendered, unless the benefit is promptly accounted for, and transmitted to, the new motor vehicle dealer;

(d) To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for private retail consumers prior to the dealer's receiving the written official price increase notification. A sales contract signed by a private retail consumer shall constitute evidence of each order if the vehicle is in fact delivered to that customer. In the event of manufacturer price reductions, the amount of any reduction received by a dealer shall be passed on to the private retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer;

(e) To offer any refunds or other types of inducements to any new motor vehicle dealer for the purchase of new motor vehicles of a certain line make to be sold to the state or any political subdivision thereof without making the same offer to all other new motor vehicle dealers in the same line make within the relevant market area;

(f) To release to any outside party, except under subpoena or in an administrative or judicial proceeding involving the manufacturer or

dealer, any business, financial, or personal information which may be provided by the dealer to the manufacturer, without the express written consent of the dealer or unless pertinent to judicial or governmental administrative proceedings or to arbitration proceedings of any kind;

(g) To deny any new motor vehicle dealer the right of free association with any other new motor vehicle dealer for any lawful purpose;

(h) To unfairly discriminate among its new motor vehicle dealers with respect to warranty reimbursement or authority granted its new vehicle dealers to make warranty adjustments with retail customers;

(i) To compete with a new motor vehicle dealer in the same line make operating under an agreement or franchise from the same manufacturer in the relevant market area. A manufacturer shall not, however, be deemed to be competing when operating a dealership, either temporarily or for a reasonable period, ~~or in a bona fide retail operation~~ which is for sale to any qualified independent person at a fair and reasonable price, or when involved in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions;

(j) To prevent a new motor vehicle dealer from receiving fair and reasonable compensation for the value of the new motor vehicle dealership. There shall be no transfer, assignment of the franchise, or major change in the executive management of the dealership, except as is otherwise provided in sections 80E.01 to 80E.17, without consent of the manufacturer, which shall not be unreasonably withheld. Denial of the request must be in writing and delivered to the new motor vehicle dealer within 60 days after the manufacturer receives the information necessary to evaluate the proposed transfer. If a denial is not sent within this period, the manufacturer shall be deemed to have given its consent to the proposed transfer or change;
or

(k) To threaten to modify or replace or modify or replace a franchise with a succeeding franchise that would adversely alter the rights or obligations of a new motor vehicle dealer under an existing franchise or that substantially impairs the sales or service obligations or investments of the motor vehicle dealer;

(l) To unreasonably deny the right to acquire factory program vehicles to any dealer holding a valid franchise from the manufacturer to sell the same line make of vehicles, provided that the manufacturer may impose reasonable restrictions and limitations on the purchase or resale of program vehicles to be applied equitably

to all of its franchised dealers. For the purposes of this paragraph, "factory program vehicle" has the meaning given the term in section 4."

Delete the title and insert:

"A bill for an act relating to commerce; motor vehicle sales and distribution; regulating franchises; proscribing certain acts; providing remedies; amending Minnesota Statutes 1990, sections 80E.04, subdivision 1, and by adding a subdivision; 80E.05; 80E.06, subdivision 2; 80E.12; and 80E.13."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 287, A bill for an act relating to education; granting the attorney general's office access to certain private data; requiring certain licensing boards to consider revoking the license of a licensee convicted of certain felonies involving a minor; exempting licensing of the board of teaching and the state board of education from certain requirements with respect to the rehabilitation of criminal offenders; amending Minnesota Statutes 1990, sections 125.09, subdivision 4; 214.10, by adding a subdivision; 364.09; and 631.40.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 125.09, subdivision 4, is amended to read:

Subd. 4. [MANDATORY REPORTING.] A school board shall report to the board of teaching, the state board of education, or the state board of technical colleges, whichever has jurisdiction over the teacher's license, when its teacher is discharged or resigns from employment after a charge is filed with the school board under section 125.17, subdivisions 4, clauses (1), (2), and (3), and 5, or after charges are filed that are ground for discharge under section 125.12, subdivision 8, clauses (a), (b), (c), (d), and (e), or when a teacher is suspended or resigns while an investigation is pending under section 125.12, subdivision 8, clauses (a), (b), (c), (d), and (e); 125.17, subdivisions 4, clauses (1), (2), and (3), and 5; or 626.556. The report must be made to the board within ten days after the discharge,

suspension, or resignation has occurred. The board to which the report is made shall investigate the report for violation of subdivision 1 and the reporting school board shall cooperate in the investigation. Notwithstanding any provision in chapter 13 or any law to the contrary, upon written request from the licensing board having jurisdiction over the teacher's license, a school board or school superintendent shall provide the licensing board with information about the teacher from the school district's files, any termination or disciplinary proceeding, any settlement or compromise, or any investigative file. Upon written request from the appropriate licensing board, a school board or school superintendent may, at the discretion of the school board or school superintendent, solicit the written consent of a student and the student's parent to provide the licensing board with information that may aid the licensing board in its investigation and license proceedings. The licensing board's request need not identify a student or parent by name. The consent of the student and the student's parent must meet the requirements of Minnesota Statutes, chapter 13, and Code of Federal Regulations, title 34, section 99.30. The licensing board may provide a consent form to the school district. Any data transmitted to any board under this section shall be private data under section 13.02, subdivision 12, notwithstanding any other classification of the data when it was in the possession of any other agency.

The board to which a report is made shall transmit to the attorney general's office any record or data it receives under this subdivision for the sole purpose of having the attorney general's office assist that board in its investigation. When the attorney general's office has informed an employee of the appropriate licensing board in writing that grounds exist to suspend or revoke a teacher's license to teach, that licensing board must consider suspending or revoking or decline to suspend or revoke the teacher's license within 45 days of receiving a stipulation executed by the teacher under investigation or a recommendation from an administrative law judge that disciplinary action be taken.

Sec. 2. Minnesota Statutes 1990, section 214.10, is amended by adding a subdivision to read:

Subd. 9. [ACTS AGAINST MINORS.] (a) As used in this subdivision, the following terms have the meanings given them.

(1) "Licensed person" means a person who is licensed under this chapter by the board of nursing, the board of psychology, the social work licensing board, the board of marriage and family therapy, the board of unlicensed mental health service providers, or the board of teaching.

(2) "Crime against a minor" means an act committed against a minor victim that constitutes a violation of section 609.185, 609.19, 609.195, 609.20, 609.205, 609.21, subdivision 1, 609.221, 609.222,

609.223, 609.342, 609.343, 609.344, 609.345, 609.352, or a felony violation of section 609.322, 609.323, 609.324, or 609.377.

(b) In any license revocation proceeding, there is a rebuttable presumption that a licensed person is unfit to practice the profession or occupation for which that person is licensed if the person:

(1) has been convicted of committing a crime against a minor; and

(2) regularly or intermittently treats, counsels, or teaches minors in the course of professional duties.

Sec. 3. Minnesota Statutes 1990, section 364.09, is amended to read:

364.09 [EXCEPTIONS.]

(a) This chapter shall not apply to the practice of law enforcement, to fire protection agencies, to eligibility for a private detective or protective agent license, to eligibility for a family day care license, a family foster care license, a home care provider license, or to eligibility for school bus driver endorsements. This chapter also shall not apply to eligibility for a license issued or renewed by the board of teaching or state board of education or to eligibility for juvenile corrections employment, where the offense involved child physical or sexual abuse or criminal sexual conduct.

(b) This chapter does not apply to a school district.

(c) Nothing in this section shall be construed to preclude the Minnesota police and peace officers training board or the state fire marshal from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement or fire protection agencies.

Sec. 4. Minnesota Statutes 1990, section 631.40, is amended to read:

631.40 [JUDGMENT ON CONVICTION; JUDGMENT ROLL DEFINED.]

Subdivision 1. When judgment upon a conviction is rendered, the court administrator shall enter the judgment upon the minutes, stating briefly the offense for which the conviction was had. The court administrator shall then immediately attach together and file the papers specified in clauses (1) to (5). The judgment roll consists of the papers specified in clauses (1) to (5):

(1) a copy of the minutes of challenge made by the defendant to the

panel of the grand jury, or to an individual grand juror, and the proceedings and decisions on the challenges;

(2) the indictment or complaint and a copy of the minutes of the plea or motion to dismiss or to grant appropriate relief;

(3) a copy of the minutes of a challenge made to the panel of the trial jury or to an individual juror, and the proceedings and decision on the challenge;

(4) a copy of the minutes of the trial; and

(5) a copy of the minutes of the judgment.

Subd. 2. [CRIMES AGAINST MINORS.] When a person is convicted of committing a crime against a minor as defined in section 214.10, subdivision 9, the court shall order that the presentence investigation include information about any professional or occupational license held by the offender. If the offender is a licensed person under section 214.10, subdivision 9, the court administrator shall send a certified copy of the conviction to the board having jurisdiction over the offender's license. Within 30 days of receiving notice of the conviction, the appropriate licensing board must initiate proceedings to consider revoking the offender's license.

Sec. 5. [EFFECTIVE DATE.]

Sections 1, 2, and 4 are effective the day after final enactment."

Amend the title as follows:

Page 1, line 2, delete "education" and insert "occupations"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education.

The report was adopted.

Ogren from the Committee on Taxes to which was referred:

H. F. No. 307, A bill for an act relating to horse racing; increasing per diem rate for members of the racing commission; requiring that pari-mutuel clerks at county fairs be licensed; specifying apportionment and uses of the Minnesota breeders' fund; specifying person who may supervise administration of certain medications; reducing state tax withholding on pari-mutuel winnings; amending Minne-

sota Statutes 1990, sections 240.02, subdivision 3; 240.09, subdivision 2; 240.18; 240.24, subdivision 2; and 290.92, subdivision 27.

Reported the same back with the following amendments:

Page 4, delete section 5

Page 5, line 16, delete "6" and insert "5"

Page 5, line 17, delete "5" and insert "4"

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, line 8, delete everything before "amending"

Page 1, line 10, after the third semicolon insert "and"

Page 1, line 11, delete everything after "2" and insert a period

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 414, A bill for an act relating to peace officers; requiring law enforcement agencies to adopt written policies governing the use of deadly force; requiring initial and continuing peace officer training on deadly force and the use of firearms; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1990, section 626.553, subdivision 2, is amended to read:

Subd. 2. Whenever a peace officer discharges a firearm in the course of duty, other than for training purposes or the killing of an animal that is sick, injured, or dangerous, notification shall be filed within 30 days of the incident by the officer's department head with the commissioner of public safety and with the board of peace officer

standards and training. The notification shall contain information concerning the reason for and circumstances surrounding discharge of the firearm. The commissioner of public safety shall file a report with the legislature by November 15 of each even-numbered year containing summary information concerning use of firearms by peace officers.”

Page 1, line 9, delete “Section 1.” and insert “Sec. 2.”

Amend the title as follows:

Page 1, line 2, after the semicolon insert “requiring reports on the discharge of firearms by peace officers to be sent to the board of peace officer standards and training;”

Page 1, line 6, after the semicolon insert “amending Minnesota Statutes 1990, section 626.553, subdivision 2;”

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 493, A bill for an act relating to dairy inspection fees; limiting the charge for on-farm inspections to 40 percent of average inspection costs; amending Minnesota Statutes 1990, section 32.394, subdivisions 8 and 8b.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 32.394, subdivision 8, is amended to read:

Subd. 8. [GRADE A INSPECTION FEES.] A processor or marketing organization of milk, milk products, sheep milk, or goat milk who wishes to market Grade A milk or use the Grade A label must apply for Grade A inspection service from the commissioner. A pasteurization plant requesting Grade A inspection service must hold a Grade A permit and pay an annual inspection fee of no more than \$500. For Grade A farm inspection service, the fee must be no more than ~~\$66~~ \$50 per farm, paid annually by the processor or by the marketing organization on behalf of its patrons. For a farm requiring a reinspection in addition to the required biannual inspections,

an additional fee of no more than ~~\$\$\$~~ \$25 per reinspection must be paid by the processor or by the marketing organization on behalf of its patrons. ~~If the commissioner deems it necessary to more nearly meet the cost of the service, the commissioner may annually adjust the assessments within the limits set in this subdivision.~~ The Grade A farm inspection fee must not exceed the lesser of (1) 40 percent of the department's actual average cost per farm inspection or reinspection; or (2) the dollar limits set in this subdivision. No fee increase may be implemented until after the commissioner has held three or more public hearings.

Sec. 2. Minnesota Statutes 1990, section 32.394, subdivision 8b, is amended to read:

Subd. 8b. [MANUFACTURING GRADE FARM CERTIFICATION.] A processor or marketing organization of milk, milk products, sheep milk, or goat milk who wishes to market other than Grade A milk must apply for a manufacturing grade farm certification inspection from the commissioner. A manufacturing plant that pasteurizes milk or milk by-products must pay an annual fee based on the number of pasteurization units. This fee must not exceed \$140 per unit. The fee for farm certification inspection must not be more than ~~\$\$\$~~ \$25 per farm to be paid annually by the processor or by the marketing organization on behalf of its patrons. For a farm requiring more than the one ~~annual~~ inspection required for certification, ~~an additional a reinspection~~ fee of no more than ~~\$\$\$~~ \$25 must be paid by the processor or by the marketing organization on behalf of its patrons. The fee must be set by the commissioner in an amount necessary to ~~meet cover~~ cover 40 percent of the department's actual cost of providing the service annual inspection but must not exceed the limits in this subdivision. No fee increase may be implemented until after the commissioner has held three or more public hearings.

Sec. 3. Minnesota Statutes 1990, section 32.394, is amended by adding a subdivision to read:

Subd. 8d. [PROCESSOR ASSESSMENT.] (a) A manufacturer shall pay to the commissioner a fee for fluid milk processed and milk used in the manufacture of fluid milk products sold in Minnesota. Beginning July 1, 1991, the fee is five cents per hundredweight. If the commissioner determines that a different fee, not exceeding nine cents per hundredweight, when combined with general fund appropriations and fees charged under sections 1 and 2, is needed to provide adequate funding for the Grades A and B inspection programs, the commissioner may, by rule, change the fee on processors.

(b) Processors must report quantities of milk processed under paragraph (a) on forms provided by the commissioner. Processor fees must be paid monthly. The commissioner may require the produc-

tion of records as necessary to determine compliance with this subdivision.

Sec. 4. [CONTINUED LEVEL OF DAIRY FARM INSPECTIONS.]

Minnesota consumers of milk and dairy foods benefit from adequate supplies of pure, healthful, wholesome products. On-farm inspections contribute to the consistently high quality of dairy products. The commissioner of agriculture must continue dairy farm inspections at a level no lower than 1990.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 3 are effective July 1, 1991.

Amend the title as follows:

Page 1, line 4, after the semicolon insert "imposing a fee on certain milk and milk products; requiring reports and continued levels of dairy farm inspections;"

Page 1, line 5, delete "and" and insert a comma and before the period insert ", and by adding a subdivision"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 552, A bill for an act relating to motor fuels; requiring ethanol as the oxygenate in oxygenated gasoline; amending Minnesota Statutes 1990, section 239.76, by adding subdivisions.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 600, A bill for an act relating to corrections; establishing a juvenile detention services subsidy program; appropriating

money; amending Minnesota Statutes 1990, section 241.022; proposing coding for new law in Minnesota Statutes, chapter 241.

Reported the same back with the following amendments:

Page 2, line 36, after "or" insert "groups of"

Page 4, line 3, delete "in an amount not to exceed" and insert "of"

Page 4, line 4, delete "for wages"

Page 4, delete lines 30 to 33 and insert "child being detained under chapter 260, including payment of a subsidy of \$7 per hour for wages, mileage, meal expenses, and costs for interstate transportation of delinquent children."

Page 5, line 1, delete "costs incurred" and insert "payment"

Page 9, line 29, delete everything after "services"

Page 9, delete line 30

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 639, A bill for an act relating to courts; increasing the number of district court judges authorized by law; adjusting the number of district court judges authorized by law to include the addition of district court judges as a result of trial court unification; amending Minnesota Statutes 1990, section 2.722, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 716, A bill for an act relating to crime victims; requiring victims to be notified of offender's escape; requiring notification to victim of final disposition of case; waiving fees necessary to obtain a

temporary restraining order for harassment if petitioner is indigent; amending Minnesota Statutes 1990, sections 609.748, subdivisions 3, 4, and 6; 611A.02, subdivision 2; and 611A.06; proposing coding for new law in Minnesota Statutes, chapter 611A.

Reported the same back with the following amendments:

Page 2, line 29, after "person's" insert "own"

Page 3, line 31, delete "Within seven" and insert "Subdivision 1. [NOTICE REQUIRED.] Except as otherwise provided in subdivision 2, within 15"

Page 3, after line 35, insert:

"Subd. 2. [EXCEPTION.] If a prosecutor contacts an identifiable crime victim in advance of the final case disposition, either orally or in writing, and notifies the victim of the victim's right to request information on the final disposition of the case, the prosecutor shall only be required to provide the notice described in subdivision 1 to those victims who have indicated in advance their desire to be notified of the final case disposition."

Page 4, delete lines 24 to 31, and insert:

"Subd. 3. [NOTICE OF ESCAPE.] If an offender escapes from imprisonment or incarceration, including from release on extended furlough or work release, or from any facility described in subdivision 1, the commissioner or other custodial authority shall make all reasonable efforts to notify a victim who has requested notice of the offender's release under subdivision 1."

The commissioner or other custodial authority shall provide this notice within six hours after discovering the escape, if the offender escaped from imprisonment, incarceration, or any facility described in subdivision 1, or within 12 hours after discovering the escape, if the offender escaped while on extended furlough or work release."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 726, A bill for an act relating to real property; providing for cause of action on an interest in real property of a married person

when the property was conveyed by the person's spouse before March 1, 1977; amending Minnesota Statutes 1990, section 519.101.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 832, A bill for an act relating to commerce; regulating heavy and utility equipment dealership agreements; providing for returns and repurchases under certain circumstances; providing remedies; amending Minnesota Statutes 1990, section 325E.0681, by adding subdivisions.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 858, A bill for an act relating to the environment; pollution control agency; conforming certain rulemaking procedures to the administrative procedure act; providing for junk yard investigations; permitting collection of money for household hazardous waste programs; providing for a charge for training program fees and for computer use; amending Minnesota Statutes 1990, sections 115.44, subdivisions 4, 6, and 7; 115A.96, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 115A and 116.

Reported the same back with the following amendments:

Page 3, line 17, after "money" insert "under a contract or other agreement"

Page 3, line 27, delete "materials" and insert "waste"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1013, A bill for an act repealing certain pipeline approval authority of the commissioner of natural resources; repealing Minnesota Statutes 1990, section 117.49.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1042, A bill for an act relating to economic development; changing the organization of the department of trade and economic development; amending Minnesota Statutes 1990, section 116J.01, subdivision 3.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 21, 202, 233, 274, 307, 414, 552, 716, 726, 832 and 1013 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 75 and 468 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Anderson, R.; McEachern and Nelson, K., introduced:

H. F. No. 1158, A bill for an act relating to education; extending to

sites the authority to levy for leased buildings; amending Minnesota Statutes 1990, section 275.125, subdivision 11d.

The bill was read for the first time and referred to the Committee on Education.

Carruthers introduced:

H. F. No. 1159, A bill for an act relating to collection and dissemination of data; enacting the uniform information practices code; repealing the government data practices act; prescribing penalties; proposing coding for new law as Minnesota Statutes, chapter 13C; repealing Minnesota Statutes 1990, sections 13.01 to 13.90.

The bill was read for the first time and referred to the Committee on Judiciary.

Welle, Cooper, Dauner, Vellenga and Onnen introduced:

H. F. No. 1160, A bill for an act relating to human services; requiring special fiscal note information on county costs for proposed changes to human services programs; requiring an annual report on the fiscal impact on counties of changes in state and federal human services laws, rules, or policies; providing for state reimbursement of 50 percent of county administrative expenses associated with determining and verifying eligibility for income maintenance and health care programs and providing direct services to recipients; providing for state reimbursement of 100 percent of increases in county income maintenance administrative costs attributable to caseload growth; including certain income maintenance administrative costs within the property tax levy limits; appropriating money; amending Minnesota Statutes 1990, sections 3.982; 256.01, by adding a subdivision; 256.025, by adding a subdivision; and 275.50, subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Dempsey introduced:

H. F. No. 1161, A bill for an act relating to public safety; providing for revocation of driver's licenses and permits, motor vehicle registration certificates, and motor vehicle certificates of title when persons pay for issuance of these documents with bad checks; proposing coding for new law in Minnesota Statutes, chapter 299A.

The bill was read for the first time and referred to the Committee on Transportation.

Dempsey introduced:

H. F. No. 1162, A bill for an act relating to marriage dissolution; regulating child support, maintenance, and property settlements; providing for mediation; amending Minnesota Statutes 1990, sections 518.175, subdivision 3, and by adding subdivisions; 518.18; 518.55, by adding a subdivision; 518.551, subdivisions 5 and 6; 518.57, by adding a subdivision; 518.619, by adding a subdivision; 518.64, by adding a subdivision; repealing Minnesota Statutes 1990, section 518.552, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Dempsey introduced:

H. F. No. 1163, A bill for an act relating to marriage dissolution; regulating child custody; providing for shared care of children; regulating support and other obligations of marriage after dissolution; amending Minnesota Statutes 1990, sections 144.244; 518.003, subdivision 3; 518.005, subdivision 2; 518.03; 518.10; 518.131, subdivisions 1, 2, 3, 6, and 7; 518.155; 518.156; 518.165, subdivisions 1 and 2; 518.166; 518.167, subdivisions 1 and 2; 518.168; 518.17, subdivisions 1, 3, and by adding a subdivision; 518.171, subdivision 6; 518.175; 518.176; 518.177; 518.179, subdivision 1; 518.18; 518.185; 518.552, subdivisions 1 and 2; 518.612; 518.619, subdivisions 1, 3, and 4; 518.63; and 631.52; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 1990, section 518.17, subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on Judiciary.

Murphy and Welker introduced:

H. F. No. 1164, A bill for an act relating to unemployment compensation; defining the term "wages"; amending Minnesota Statutes 1990, section 268.04, subdivision 25.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Frerichs, Davids, Welker and Kahn introduced:

H. F. No. 1165, A bill for an act relating to economic development; agricultural utilization research institute; providing that the actions of the board of directors are subject to approval by the board of

directors of the Greater Minnesota Corporation; amending Minnesota Statutes 1990, section 116O.09, subdivision 1a.

The bill was read for the first time and referred to the Committee on Economic Development.

Kahn and Simoneau introduced:

H. F. No. 1166, A bill for an act relating to the state treasurer; providing for the direct payment of bank service charges; appropriating money; amending Minnesota Statutes 1990, section 16A.27, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 7.

The bill was read for the first time and referred to the Committee on Appropriations.

Kahn and Simoneau introduced:

H. F. No. 1167, A bill for an act relating to the state treasurer; appropriating money for a new information system.

The bill was read for the first time and referred to the Committee on Appropriations.

Sviggum, Dorn, Pelowski, Munger and Wenzel introduced:

H. F. No. 1168, A bill for an act relating to occupations and professions; providing for the licensing of maintenance plumbers for hospitals and nursing homes; providing for rulemaking; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the first time and referred to the Committee on Commerce.

Hausman, Bauerly, Segal, Garcia and Runbeck introduced:

H. F. No. 1169, A bill for an act relating to education; establishing a program and financial incentives to provide coordinated services for children whose emotional/behavioral problems interfere with learning; expanding the membership of local coordinating councils responsible for mental health services for children; appropriating money; amending Minnesota Statutes 1990, section 245.4873, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 124C.

The bill was read for the first time and referred to the Committee on Education.

Hausman, Trimble and Wejcman introduced:

H. F. No. 1170, A bill for an act relating to human rights; lengthening the statute of limitations for human rights act violations; amending Minnesota Statutes 1990, sections 363.06, subdivision 3; and 363.116.

The bill was read for the first time and referred to the Committee on Judiciary.

Hausman and Wejcman introduced:

H. F. No. 1171, A bill for an act relating to commerce; imposing health regulations for tanning facilities; requiring licenses; providing exemptions; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Commerce.

Hausman, Trimble, Munger and Kahn introduced:

H. F. No. 1172, A bill for an act relating to the environment; appropriating money for a study of environmental damage caused by recreational vehicles.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hausman introduced:

H. F. No. 1173, A bill for an act relating to natural resources; amending certain provisions concerning mineral exploration, exploratory boring, and data acquired in connection therewith; authorizing the adoption of rules establishing minimum standards for wells to explore for or produce oil, gas, and related hydrocarbons; amending Minnesota Statutes 1990, sections 13.793, subdivision 2; 103I.601, subdivision 4; and 103I.605, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hausman introduced:

H. F. No. 1174, A bill for an act relating to natural resources; authorizing the commissioner to promulgate rules relating to oil, gas, and other hydrocarbon wells and their spacing, pooling, and unitization; providing enforcement authority; proposing coding for new law in Minnesota Statutes, chapter 93.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Cooper introduced:

H. F. No. 1175, A bill for an act relating to occupations and professions; establishing a system of licensure for acupuncture practitioners; amending Minnesota Statutes 1990, sections 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Hanson, Simoneau and Pauly introduced:

H. F. No. 1176, A bill for an act relating to waste; extending the date for incinerator ash to be considered special waste; amending Minnesota Statutes 1990, section 115A.97, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Cooper introduced:

H. F. No. 1177, A bill for an act relating to human services; exempting intermediate care facilities for persons with mental retardation or related conditions from certain additional state human services rules.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Jacobs, Sparby, Knickerbocker, Long and Boo introduced:

H. F. No. 1178, A bill for an act relating to financial institutions; permitting interstate banking with additional reciprocating states; amending Minnesota Statutes 1990, section 48.92, subdivision 7.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Orfield; Anderson, I.; Garcia; Schreiber and Koppendrayner introduced:

H. F. No. 1179, A bill for an act relating to metropolitan government; providing for an advisory task force on metropolitan planning and development; directing the metropolitan council to conduct a study.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Nelson, K.; Hausman; Scheid and McEachern introduced:

H. F. No. 1180, A bill for an act relating to education; proposing a program for children with barriers to learning and development; appropriating money; amending Minnesota Statutes 1990, sections 120.03, subdivision 1; and 120.17, subdivision 12, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Rest, Ogren, Wagenius, Schreiber and Dempsey introduced:

H. F. No. 1181, A bill for an act relating to taxation; providing for the collection of delinquent personal property taxes; requiring a manufactured home tax permit; requiring certain reports by certain manufactured home park operators and dealers; imposing a penalty; amending Minnesota Statutes 1990, sections 271.06, subdivision 1; 271.09, subdivision 3; 273.123, subdivision 1; 274.19; 290A.03, subdivisions 6 and 13; 290A.04, subdivision 3; 290A.07, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 277; repealing Minnesota Statutes 1990, sections 272.50; 272.51; 272.52; 272.53; 277.02; 277.05; 277.06; 277.07; 277.08; 277.09; 277.10; 277.11; 277.12; and 277.13.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, V.; Munger; Davids; Koppendrayner and Goodno introduced:

H. F. No. 1182, A bill for an act relating to waters; acceptance of funds or property and acquisition of real property by the state board

of water and soil resources; amending Minnesota Statutes 1990, section 103C.401, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rukavina, Begich, Battaglia, Janezich and Solberg introduced:

H. F. No. 1183, A bill for an act relating to data privacy; amending certain provisions concerning mineral exploration, exploratory boring, and data acquired by the department of natural resources in connection therewith; amending Minnesota Statutes 1990, sections 13.793, subdivision 2; 103I.601, subdivision 4; and 103I.605, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Pelowski, Dorn, Sviggum, Munger and Wenzel introduced:

H. F. No. 1184, A bill for an act relating to occupations and professions; providing certain exceptions for the licensing of maintenance electricians; amending Minnesota Statutes 1990, section 326.242, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce.

Tunheim, Murphy, Trimble and Gutknecht introduced:

H. F. No. 1185, A bill for an act relating to energy; providing incentives for renewable energy sources of utility power; amending Minnesota Statutes 1990, sections 216B.03; 216B.164, subdivision 3; and 272.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Energy.

Krueger introduced:

H. F. No. 1186, A bill for an act relating to Grey Eagle school district; authorizing a one time levy.

The bill was read for the first time and referred to the Committee on Education.

Schreiber; Hugoson; Olsen, S.; Stanius and Dempsey introduced:

H. F. No. 1187, A bill for an act relating to the financing of government in this state; providing property tax reform; reclassifying real and personal property and establishing exemption rates; establishing transitional class rates for taxes payable in 1992 and 1993; prescribing the contents of property tax statements; changing property tax due dates and settlement and distribution dates; providing an income sensitive homestead credit; providing a targeted property tax credit; changing tax increment financing pooling requirements; defining terms; imposing penalties; amending Minnesota Statutes 1990, sections 273.13, by adding subdivisions; 273.1316, subdivision 6; 274.19, subdivision 3; 275.065, subdivisions 3 and 6; 275.07, subdivisions 1 and 4; 275.08, by adding a subdivision; 276.04, subdivisions 2 and 3; 276.10; 276.11, subdivision 1; 277.01, subdivision 1; 278.01; 278.03; 278.05, subdivision 5; 279.01, by adding subdivisions; 289A.18, subdivision 5; 289A.56, subdivision 6; 290A.01; 290A.04, subdivision 2, and by adding a subdivision; 290A.07, subdivisions 2a and 3; 469.1763, subdivision 2; 469.177, subdivision 7, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1990, sections 273.124; 273.13; 290A.04, subdivisions 2b, 2h, and 2i; 276.09; 276.11, subdivisions 2 and 3; 276.111; and 279.01, subdivisions 1, 2, and 3.

The bill was read for the first time and referred to the Committee on Taxes.

Winter, Rukavina, Skoglund, Pugh and Steensma introduced:

H. F. No. 1188, A bill for an act relating to health; requiring physicians and outpatient health clinics to publish fees and provide cost estimates and other information; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Winter and Steensma introduced:

H. F. No. 1189, A bill for an act relating to counties; permitting counties to spend money for broadcast facilities; amending Minnesota Statutes 1990, section 375.164.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Jacobs, Hartle, Peterson and Dorn introduced:

H. F. No. 1190, A bill for an act relating to utilities; limiting assessments against cooperative electric associations and municipal electric utilities to the maximum assessments that may be made against public utilities; amending Minnesota Statutes 1990, section 216B.62, subdivision 5.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Onnen introduced:

H. F. No. 1191, A bill for an act relating to workers' compensation; requiring a study to determine incentives for an insurer to return an employee to work; requiring a study to determine policies to encourage the hiring of injured employees.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Onnen introduced:

H. F. No. 1192, A bill for an act relating to marriage dissolution; permitting the reopening of certain marriage dissolution decrees for the purpose of dividing certain military pension benefits; amending Minnesota Statutes 1990, section 518.145, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Jennings, Olson, K.; Girard; Bertram and Hugoson introduced:

H. F. No. 1193, A bill for an act relating to agriculture; ownership of farm land; modifying the definition of authorized farm corporation; amending Minnesota Statutes 1990, section 500.24, subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture.

Sarna introduced:

H. F. No. 1194, A bill for an act relating to retirement; adding a surviving spouse to the board of trustees of the Minneapolis police relief association; amending Laws 1965, chapter 493, section 3, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Thompson; Sarna; Garcia; Anderson, I., and McPherson introduced:

H. F. No. 1195, A bill for an act relating to retirement; giving employing units an option on the rule of 85; proposing coding for new law in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1990, section 356.70.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Clark, Dawkins, Vellenga and Kelso introduced:

H. F. No. 1196, A bill for an act relating to crimes; providing that it is a misdemeanor to sell butane to a minor; amending Minnesota Statutes 1990, sections 145.38; 145.385; and 145.39.

The bill was read for the first time and referred to the Committee on Judiciary.

Bauerly, Sarna, O'Connor and Gruenes introduced:

H. F. No. 1197, A bill for an act relating to commerce; franchises; regulating assignments, transfers, and sales; amending Minnesota Statutes 1990, section 80C.14, subdivision 5.

The bill was read for the first time and referred to the Committee on Commerce.

Dauner, Henry, Cooper, Macklin and Nelson, S., introduced:

H. F. No. 1198, A bill for an act relating to human services; requiring a 60-day residency period for eligibility for general assistance and work readiness; amending Minnesota Statutes 1990, section 256D.02, subdivision 12a.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Kalis, Boo, Lieder, Tunheim and Simoneau introduced:

H. F. No. 1199, A bill for an act relating to motor vehicles; authorizing the registrar of motor vehicles to prorate the original

registration on groups of passenger motor vehicles presented to St. Paul by a lessor; amending Minnesota Statutes 1990, section 168.017, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Sparby and Tunheim introduced:

H. F. No. 1200, A bill for an act relating to education; appropriating money for a telecommunications grant to the Goodridge school district.

The bill was read for the first time and referred to the Committee on Education.

Bishop, Jefferson, Goodno and Reding introduced:

H. F. No. 1201, A bill for an act relating to local government; permitting police and fire civil service commissions to expand certified lists in certain circumstances; amending Minnesota Statutes 1990, sections 419.06; and 420.07.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wenzel, Omann and Anderson, I., introduced:

H. F. No. 1202, A bill for an act relating to taxation; providing that certain income earned for service in the armed forces is exempt from taxation; amending Minnesota Statutes 1990, section 290.01, subdivision 19b.

The bill was read for the first time and referred to the Committee on Taxes.

Schreiber, Scheid, Carruthers, Jacobs and Stanius introduced:

H. F. No. 1203, A bill for an act relating to taxation; property; modifying the metropolitan revenue distribution system; phasing out certain exemptions; providing a variable contribution percentage; equalizing commercial-industrial tax capacities; changing certain definitions; eliminating the administrative auditor's functions; transferring administrative functions to the department of revenue; repealing the municipal equity account provisions; amending Minnesota Statutes 1990, sections 473F.01; 473F.02, subdivisions 3, 12, and 13; 473F.05; 473F.06; 473F.07; 473F.08, subdivisions 2, 5, 6, 7a,

and by adding a subdivision; 473F.09; 473F.10, subdivisions 1 and 2; and 473F.13, subdivision 1; repealing Minnesota Statutes 1990, sections 473F.02, subdivisions 6, 9, 11, 16, 17, 18, 19, and 20; 473F.03; 473F.12; and 473F.13, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Taxes.

Pugh, Blatz, Orfield and McGuire introduced:

H. F. No. 1204, A bill for an act relating to littering; providing that each day of violation is a separate offense; amending Minnesota Statutes 1990, section 609.68.

The bill was read for the first time and referred to the Committee on Judiciary.

Bishop, Skoglund, Frerichs and Thompson introduced:

H. F. No. 1205, A bill for an act relating to motorcycles; requiring proof of a motorcycle endorsement as a condition of registering a motorcycle; requiring proof of insurance as a condition of obtaining a motorcycle endorsement; proposing coding for new law in Minnesota Statutes, chapter 168.

The bill was read for the first time and referred to the Committee on Transportation.

Uphus and McGuire introduced:

H. F. No. 1206, A bill for an act relating to agriculture; providing for protection of certain wildflowers; changing certain penalties; amending Minnesota Statutes 1990, section 17.23, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Agriculture.

Valento, Newinski and Welker introduced:

H. F. No. 1207, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 1; providing that state spending may not increase at a greater rate than the increase in the consumer price index.

The bill was read for the first time and referred to the Committee on Ways and Means.

Battaglia and Rukavina introduced:

H. F. No. 1208, A bill for an act relating to game and fish; extending the date by which fish houses and dark houses must be removed from certain state waters; amending Minnesota Statutes 1990, section 97C.355, subdivision 7.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kahn, Abrams, Rukavina, Sarna and Beard introduced:

H. F. No. 1209, A resolution memorializing the President and Congress to condemn the use of Soviet military force in the Baltic Republics and support the Baltic Republics for their self-determination.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Weaver, Long, Schreiber, Ogren and Orenstein introduced:

H. F. No. 1210, A bill for an act relating to taxation; authorizing certain counties to levy for general purposes in lieu of imposing a levy for regional rail authority purposes; amending Minnesota Statutes 1990, sections 275.51, subdivision 3h; and 398A.04, subdivision 8.

The bill was read for the first time and referred to the Committee on Taxes.

Waltman, Vellenga, Davids, Tompkins and Bertram introduced:

H. F. No. 1211, A bill for an act relating to drug enforcement; authorizing an additional levy by counties for drug abuse resistance education; authorizing reimbursement of local government units and county law enforcement agencies who assign peace officers to teach drug abuse resistance education in schools; requiring certification of peace officers who teach drug abuse resistance education curricula in schools; amending Minnesota Statutes 1990, section 299A.33, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 299A.

The bill was read for the first time and referred to the Committee on Judiciary.

Gutknecht, Schafer, Jennings, Sparby and Sviggum introduced:

H. F. No. 1212, A resolution making application to the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the States, to require, with certain exceptions, that the Federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing such an amendment for submission to the States for ratification.

The bill was read for the first time and referred to the Committee on Ways and Means.

Bishop, Skoglund, Kahn, Orenstein and Olson, K., introduced:

H. F. No. 1213, A bill for an act relating to motorcycles; requiring proof of a motorcycle endorsement as a condition of registering a motorcycle; requiring proof of insurance as a condition of obtaining a motorcycle endorsement; requiring helmets on all motorcycle operators and passengers; repealing special provisions relating to introduction of evidence of use or failure to use a motorcycle helmet; amending Minnesota Statutes 1990, section 169.974, subdivisions 2 and 4; proposing coding for new law in Minnesota Statutes, chapter 168; repealing Minnesota Statutes 1990, section 169.974, subdivision 6.

The bill was read for the first time and referred to the Committee on Transportation.

Greenfield, Kahn, Hanson, Hausman and Bishop introduced:

H. F. No. 1214, A bill for an act relating to drivers' licenses; changing application procedures relating to making anatomical gifts; establishing an anatomical gift education program; appropriating money; amending Minnesota Statutes 1990, sections 171.06, subdivision 3; and 171.07, subdivision 5, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Bertram, Brown, Uphus, Vellenga and Dempsey introduced:

H. F. No. 1215, A bill for an act relating to agriculture; providing for enforcement of agricultural laws; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 17.

The bill was read for the first time and referred to the Committee on Judiciary.

Dawkins introduced:

H. F. No. 1216, A bill for an act relating to state government; clarifying employee interchange program; amending Minnesota Statutes 1990, section 15.53, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Valento and Newinski introduced:

H. F. No. 1217, A bill for an act relating to taxation; extending the time for public advertisements of notices of hearings on proposed property taxes; amending Minnesota Statutes 1990, section 275.065, subdivision 5a.

The bill was read for the first time and referred to the Committee on Taxes.

Abrams, Begich and Ogren introduced:

H. F. No. 1218, A bill for an act relating to taxation; property; extending the disabled homestead classification to certain persons; amending Minnesota Statutes 1990, section 273.13, subdivision 22.

The bill was read for the first time and referred to the Committee on Taxes.

Garcia, Henry, Pauly, Segal and Beard introduced:

H. F. No. 1219, A bill for an act relating to lawful gambling; taxes; exempting lawful gambling profits from the unrelated business income tax; changing the rate of the tax on pull-tabs and tipboards; abolishing the combined receipts tax; amending Minnesota Statutes 1990, sections 290.05, subdivision 3; 349.15; 349.16, subdivision 2; and 349.212, subdivision 4; repealing Minnesota Statutes 1990, section 349.212, subdivision 6.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Johnson, R.; Beard; Hanson; Marsh and Munger introduced:

H. F. No. 1220, A bill for an act relating to natural resources; directing a study of the potential of an adopt-a-park program by the department of natural resources.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Orenstein, Morrison, Brown and Carlson introduced:

H. F. No. 1221, A bill for an act relating to education; establishing innovation grants for post-secondary child care needs; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Farrell, Murphy, Goodno, Dauner and Nelson, S., introduced:

H. F. No. 1222, A bill for an act relating to public safety; modifying exceptions to the requirement of inspection of boilers and pressure vessels; amending Minnesota Statutes 1990, section 183.56.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Waltman introduced:

H. F. No. 1223, A bill for an act relating to taxation; allocating revenue from motor vehicle excise tax; proposing an amendment to the Minnesota Constitution, article XIV, to dedicate proceeds of a tax on the purchase price of a motor vehicle to highway and transit purposes; amending Minnesota Statutes 1990, section 297B.09.

The bill was read for the first time and referred to the Committee on Transportation.

Welker, Dempsey, Bettermann, Girard and Valento introduced:

H. F. No. 1224, A bill for an act relating to taxation; excluding the captured tax capacity of certain districts in determining the state tax increment financing aid reduction; amending Minnesota Statutes 1990, section 273.1399, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Welle, Brown, Bauerly, Pelowski and Dorn introduced:

H. F. No. 1225, A bill for an act relating to education; establishing a state system of technical colleges; amending Minnesota Statutes 1990, sections 43A.08, subdivision 1; 136C.04, subdivisions 3, 5, 12, 13, 14, 18, and by adding a subdivision; 136C.08, subdivision 1; 136C.15; 136C.31, subdivision 1; 136C.41, by adding a subdivision; 136C.44; 136D.21; 136D.30; 136D.73, subdivisions 2 and 4a; 136D.75; 136D.81, subdivision 1; 179A.10, subdivisions 1 and 2; and 275.125, subdivision 14a; proposing coding for new law in Minnesota Statutes, chapter 136C; repealing Minnesota Statutes 1990, sections 136C.02, subdivisions 6 to 9; 136C.04, subdivision 16; 136C.041; 136C.05; 136C.07, subdivisions 4, 5, and 5a; 136C.36; 136C.60 to 136C.69; 136D.77; 136D.81, subdivision 2; and 136D.91, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Dorn introduced:

H. F. No. 1226, A bill for an act relating to the city of Mankato; authorizing the city to annex uncontiguous territory to the city.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Girard and Wenzel introduced:

H. F. No. 1227, A bill for an act relating to agriculture; changing certain food licensing fees; amending Minnesota Statutes 1990, section 28A.08.

The bill was read for the first time and referred to the Committee on Agriculture.

Stanius, Ogren, Swenson, Heir and Koppendrayner introduced:

H. F. No. 1228, A bill for an act relating to taxation; property; extending the open space property tax benefits to equestrian property owned by certain organizations; providing for agricultural classification of certain property; amending Minnesota Statutes 1990, sections 273.112, subdivision 3; and 273.13, subdivision 23.

The bill was read for the first time and referred to the Committee on Taxes.

Pugh, Wejeman, Solberg, Orenstein and McGuire introduced:

H. F. No. 1229, A bill for an act relating to family law; amending the definition of qualified legal services programs so programs in all counties receive money to improve the access of low-income clients to legal representation in family matters; amending Laws 1990, chapter 574, section 25.

The bill was read for the first time and referred to the Committee on Judiciary.

Brown; Anderson, R., and Steensma introduced:

H. F. No. 1230, A bill for an act relating to agriculture; establishing a certification program to identify milk and milk products free of biosynthetic bovine somatotropin; amending Minnesota Statutes 1990, sections 151.01, subdivision 28; 151.15, subdivision 3; and 151.25; proposing coding for new law in Minnesota Statutes, chapter 32.

The bill was read for the first time and referred to the Committee on Agriculture.

O'Connor, Osthoff, Marsh and Blatz introduced:

H. F. No. 1231, A bill for an act relating to crime; providing penalties for criminal gang-related activity; providing enhanced penalties for certain repeat controlled substance offenders and for certain dangerous weapon offenders; authorizing the use of undercover buy fund money for witness protection purposes in certain cases; establishing a pilot program to promote alternative, after school activities; amending Minnesota Statutes 1990, sections 299C.065; 609.11, subdivision 5; and 609.66, subdivisions 1, 1a, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Judiciary.

Janezich, Rukavina, Bauerly, Solberg and Begich introduced:

H. F. No. 1232, A bill for an act relating to education; providing for the employment rights of teachers upon the dissolution of or a member district's withdrawal from certain cooperatives; proposing coding for new law in Minnesota Statutes, chapter 122.

The bill was read for the first time and referred to the Committee on Education.

Janezich; Rukavina; Solberg; Johnson, R., and Knickerbocker introduced:

H. F. No. 1233, A bill for an act relating to retirement; Hibbing police relief association and firefighters relief association; increasing certain benefits for surviving spouses and children; amending Laws 1967, chapter 678, section 2, as amended; and Laws 1971, chapter 614, section 1, subdivision 2, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Weaver, Munger, Lynch, Reding and Johnson, V., introduced:

H. F. No. 1234, A bill for an act relating to government operations; amending provisions to adopt emergency game and fish rules; providing alternative methods of publishing game and fish rules; deleting obsolete references to publication under the game and fish laws; authorizing the commissioner to protect wild animals by emergency rule; authorizing the commissioner to set seasons and limits for migratory birds and waterfowl; authorizing the commissioner to allow or prohibit hunting and fishing on certain state lands; amending Minnesota Statutes 1990, sections 3.846, subdivisions 1 and 4; 14.03, subdivision 3; 14.29, subdivision 2, and by adding a subdivision; 14.38, subdivision 6; 84.944, subdivision 1; 84A.02; 86A.06; 86B.211; 97A.045, subdivision 2; 97A.051, subdivisions 1, 2, and 4; 97A.081; 97A.141, by adding a subdivision; 97B.731, subdivision 1; and 97C.805, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97A and 97B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Lasley and Lynch introduced:

H. F. No. 1235, A bill for an act relating to education; authorizing a special capital loan; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Gutknecht, Goodno, Bettermann, Koppendrayner and Davids introduced:

H. F. No. 1236, A bill for an act relating to workers' compensation; regulating supplementary benefits; amending Minnesota Statutes 1990, section 176.132, subdivisions 1, 2, and 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

McGuire introduced:

H. F. No. 1237, A bill for an act relating to sentencing; making changes to the work release law; amending Minnesota Statutes 1990, section 631.425, subdivisions 3 and 7.

The bill was read for the first time and referred to the Committee on Judiciary.

Limmer, Solberg, Greenfield, Orenstein and Seaberg introduced:

H. F. No. 1238, A bill for an act relating to restitution; requiring offenders who have been court-ordered to pay restitution to provide affidavits of financial disclosure to investigating correctional agencies; amending Minnesota Statutes 1990, section 611A.04, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Limmer introduced:

H. F. No. 1239, A bill for an act relating to corrections; providing for reimbursement for certain sentences; proposing coding for new law in Minnesota Statutes, chapter 401.

The bill was read for the first time and referred to the Committee on Judiciary.

Gruenes, Greenfield, Sviggum, Jennings and Stanius introduced:

H. F. No. 1240, A bill for an act relating to human services; establishing requirements for home care services and preadmission screenings; clarifying requirements for alternative care; providing for alternative care programs; establishing a senior agenda for independent living; amending Minnesota Statutes 1990, sections 144A.31; 144A.45, subdivision 2; 144A.46, subdivision 2; 256B.04, subdivision 16; 256B.0625, subdivision 7, and by adding subdivisions; 256B.0627; 256B.093; 256B.64; 256D.44, by adding a subdivision; and Laws 1988, chapter 689, article 2, section 256, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 256 and 256B; repealing Minnesota Statutes 1990, sections 144A.31, subdivisions 2 and 3; 256B.0625, subdivisions 6 and 19; 256B.0627, subdivision 3; and 256B.71, subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Waltman introduced:

H. F. No. 1241, A bill for an act relating to agriculture; eliminating certain requirements for processing of farmstead cheese; amending Minnesota Statutes 1990, section 32.486, subdivision 1a.

The bill was read for the first time and referred to the Committee on Agriculture.

Uphus, Girard and Dempsey introduced:

H. F. No. 1242, A bill for an act relating to the legislature; preventing the payment of per diem during a special session of the legislature; amending Minnesota Statutes 1990, sections 3.099, subdivision 1; 3.101; and 3A.01, subdivision 6a; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1990, section 3.103.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Greenfield introduced:

H. F. No. 1243, A bill for an act relating to health; clarifying licensing requirements for certain residential programs for persons with chemical dependency; establishing procedures for contesting a transfer or discharge from a nursing home; setting a time limit for appeals of civil penalties under the nursing home licensing laws; providing procedures for contesting findings under the vulnerable adults act; amending Minnesota Statutes 1990, sections 144.50, subdivision 6; 144.653, subdivision 5; 144A.10, subdivisions 4 and 6d; 144A.135; 144A.45, subdivision 2; 144A.46, subdivision 2, and by adding a subdivision; 144A.53, subdivision 1; 144A.61, subdivisions 3, 3a, and 6a; 144A.611, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 144A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield, Kahn, Wejcman and Bishop introduced:

H. F. No. 1244, A bill for an act relating to health; establishing an adolescent pregnancy program; specifying duties; authorizing grants for pregnancy prevention; authorizing emergency rules; ap-

appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Ogren introduced:

H. F. No. 1245, A bill for an act relating to retirement; authorizing a contract between independent school district No. 100 and its superintendent.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jacobs; Murphy; Anderson, I., and Dawkins introduced:

H. F. No. 1246, A bill for an act relating to energy; expanding conservation improvement programs; extending protection against disconnection of residential utility customers during cold weather; improving energy efficiency by prohibiting incandescent lighting in certain exit signs; requiring applicants for certificates of need for large utility facilities to justify the use of nonrenewable rather than renewable energy; establishing energy conservation goals for state buildings; requiring a review of the state building code and energy standards; transferring the office of pipeline safety to the department of public service; making conforming amendments; prescribing penalties; appropriating money; amending Minnesota Statutes 1990, sections 16B.32; 16B.61, subdivision 3; 216B.095; 216B.16, subdivision 6b; 216B.241; 216B.243, by adding a subdivision; 216C.02, subdivision 1; 299F.011, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 216E; repealing Minnesota Statutes 1990, sections 16B.32, subdivision 2; and 299J.01 to 299J.18.

The bill was read for the first time and referred to the Committee on Energy.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 243, A bill for an act relating to highways; allowing specific service signs to be erected at intersections of trunk highways with interstate highways; amending Minnesota Statutes 1990, section 160.293, subdivisions 2 and 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 13, A bill for an act relating to taxation; allowing an extension to file income tax returns and property tax refund claims for national guard and reserve members who are called to active duty; amending Minnesota Statutes 1990, section 289A.39, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Rest moved that the House concur in the Senate amendments to H. F. No. 13 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 13, A bill for an act relating to taxation; providing that property owned by certain members of the military will be withheld from sale as tax-forfeited property; allowing an extension to file income tax returns and property tax refund claims for national guard and reserve members who are called to active duty; providing filing extensions for individuals who performed services in Operation Desert Shield; providing for early payment of interest on refunds; amending Minnesota Statutes 1990, sections 281.273; and 289A.39, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bauerly	Bishop	Carlson	Dauids
Anderson, I.	Beard	Blatz	Carruthers	Dawkins
Anderson, R.	Begich	Bodahl	Clark	Dempsey
Anderson, R. H.	Bertram	Boo	Cooper	Dille
Battaglia	Bettermann	Brown	Dauner	Dorn

Erhardt	Jennings	McGuire	Pelowski	Sviggum
Farrell	Johnson, A.	McPherson	Peterson	Swenson
Frederick	Johnson, R.	Morrison	Pugh	Thompson
Frerichs	Johnson, V.	Munger	Reding	Tompkins
Garcia	Kahn	Murphy	Rest	Trimble
Girard	Kalis	Nelson, K.	Rice	Tunheim
Goodno	Kelso	Nelson, S.	Rodosovich	Uphus
Greenfield	Kinkel	Newinski	Rukavina	Valento
Gruenes	Knickerbocker	O'Connor	Runbeck	Vellenga
Gutknecht	Koppendrayner	Ogren	Sarna	Wagenius
Hanson	Krinkie	Olsen, S.	Schafer	Waltman
Hartle	Krueger	Olson, E.	Scheid	Weaver
Haukoos	Lasley	Olson, K.	Schreiber	Wejzman
Hausman	Leppik	Omann	Seaberg	Welker
Heir	Lieder	Onnen	Segal	Welle
Henry	Limmer	Orenstein	Simoneau	Wenzel
Hufnagle	Long	Orfield	Skoglund	Winter
Hugoson	Lourey	Osthoff	Smith	Spk. Vanasek
Jacobs	Macklin	Ostrom	Solberg	
Janezich	Mariani	Ozment	Sparby	
Jaros	Marsh	Pauly	Stanisus	
Jefferson	McEachern	Pellow	Steenasma	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 286, 550, 5, 368 and 425.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 286, A bill for an act relating to cities of the first class; providing for the organization and powers of neighborhood revitalization policy boards; amending Minnesota Statutes 1990, section 469.1831, subdivision 6.

The bill was read for the first time and referred to the Committee on Economic Development.

S. F. No. 550, A bill for an act relating to health; employee drug testing; clarifying requirements for labs that test employees for drugs; amending Minnesota Statutes 1990, sections 181.950, subdivisions 2, 5, 8, and 10; 181.951, subdivision 1; 181.953, subdivisions 1, 3, 5, and 9; and 626.5562, subdivision 5; repealing Minnesota Statutes 1990, sections 181.950, subdivision 3; and 181.953, subdivision 2; Minnesota Rules, parts 4740.0100 to 4740.1090.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 5, A bill for an act relating to retirement; authorizing a benefit increase for certain retired police officers, firefighters, and surviving spouses in the city of Eveleth.

The bill was read for the first time.

Begich moved that S. F. No. 5 and H. F. No. 44, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 368, A bill for an act relating to motor vehicles; requiring the appointment of officers of statutory and home rule charter cities as deputy registrars in certain circumstances; amending Minnesota Statutes 1990, section 168.33, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 425, A bill for an act relating to unclaimed property; providing for payment of certain expenses for claims made in other states; amending Minnesota Statutes 1990, section 345.48, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 345.

The bill was read for the first time and referred to the Committee on Commerce.

There being no objection, the order of business advanced to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Vanasek, Long, Dempsey and Schreiber introduced:

House Resolution No. 2, A house resolution honoring Betty Wilson for her many years of quality news reporting.

SUSPENSION OF RULES

Long moved that the rules be so far suspended that House Resolution No. 2 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 2

A house resolution honoring Betty Wilson for her many years of quality news reporting.

Whereas, Betty Wilson has reigned these past years as dean of the Capitol Press Corps, a reporter for local newspapers for over 30 years, over 17 years of which were full time at the State Capitol; and

Whereas, Betty Wilson has survived, with patience and perseverance, the tenure of five Governors of the State of Minnesota: LeVander, Anderson, Perpich, Quie, and Carlson; and

Whereas, Betty Wilson has survived, with understanding and diligence, the tenure of eight Speakers of the Minnesota House of Representatives: Duxbury, Dirlam, Sieben, Sabo, Searle, Jennings, Norton, and Vanasek; and

Whereas, Betty Wilson has earned a reputation for tenacity and fair-mindedness among her peers, the public, and elected officials; and

Whereas, despite her tendency to seek out information others might be reluctant to share, Betty Wilson has garnered the sincere affection and respect of members of the Minnesota Legislature; and

Whereas, the public has come to know and recognize her byline and understands that when Betty Wilson covers politics in Minnesota, she brings to her readers directness, comprehension, and insight; and

Whereas, the worlds of government, politics, and journalism have all been touched by the hand of Betty Wilson in a way that will not be forgotten but will be missed; *Now, Therefore,*

Be It Resolved by the House of Representatives of the State of Minnesota that Betty Wilson be honored for her years of contribution to the delivery of quality news reporting, for her commitment to bringing the realities of government and politics to the people, and for her determination to achieve the highest level of journalistic excellence.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and that it be presented to Betty Wilson.

Long moved that House Resolution No. 2 be now adopted. The motion prevailed and House Resolution No. 2 was adopted.

There being no objection, the order of business reverted to the Consent Calendar.

CONSENT CALENDAR

H. F. No. 178, A bill for an act relating to occupations and professions; increasing minimum insurance coverage required for abstracters; abolishing requirement of seals by impression; repealing an obsolete provision; amending Minnesota Statutes 1990, sections 386.66 and 386.67; repealing Minnesota Statutes 1990, section 386.65, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Knickerbocker	Olson, K.	Smith
Anderson, I.	Frerichs	Koppendray	Omann	Solberg
Anderson, R.	Garcia	Krinkie	Onnen	Sparby
Anderson, R. H.	Girard	Krueger	Orenstein	Stanius
Battaglia	Goodno	Lasley	Orfield	Steensma
Bauerly	Greenfield	Leppik	Osthoff	Sviggum
Beard	Gruenes	Lieder	Ostrom	Swenson
Begich	Gutknecht	Limmer	Ozment	Thompson
Bertram	Hanson	Long	Pauly	Tompkins
Bettermann	Hartle	Lourey	Pellow	Trimble
Bishop	Haukoos	Lynch	Pelowski	Tunheim
Blatz	Hausman	Macklin	Peterson	Uphus
Bodahl	Heir	Mariani	Pugh	Valento
Boo	Henry	Marsh	Reding	Vellenga
Brown	Hufnagle	McEachern	Rest	Wagenius
Carlson	Hugoson	McGuire	Rice	Waltman
Carruthers	Jacobs	McPherson	Rodosovich	Weaver
Clark	Janezich	Morrison	Rukavina	Wejcman
Cooper	Jaros	Munger	Runbeck	Welker
Dauner	Jefferson	Murphy	Sarna	Welle
Davids	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dawkins	Johnson, R.	Nelson, S.	Scheid	Winter
Dempsey	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Dille	Kahn	O'Connor	Seaberg	
Dorn	Kalis	Ogren	Segal	
Erhardt	Kelso	Olsen, S.	Simoneau	
Farrell	Kinkel	Olson, E.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 697, A bill for an act relating to credit unions; providing that credit unions may be designated as depositories of state funds; providing for the election of a supervisory committee; clarifying investment authority of board of directors; amending Minnesota

Statutes 1990, sections 9.031, subdivision 1; 52.04, subdivision 1; 52.08; and 52.09, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Seaberg
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Segal
Anderson, R.	Garcia	Knickerbocker	Olsen, E.	Simoneau
Anderson, R. H.	Girard	Koppendrayar	Olsen, K.	Skoglund
Battaglia	Goodno	Krinkie	Omann	Smith
Bauerly	Greenfield	Krueger	Onnen	Solberg
Beard	Gruenes	Lasley	Orenstein	Sparby
Begich	Gutknecht	Leppik	Orfield	Stanius
Bertram	Hanson	Lieder	Osthoff	Steensma
Bettermann	Hartle	Limmer	Ostrom	Sviggum
Bishop	Haukoos	Long	Ozment	Thompson
Blatz	Hausman	Lourey	Pauly	Tompkins
Bodahl	Heir	Lynch	Pellow	Trimble
Brown	Henry	Macklin	Pelowski	Tunheim
Carlson	Hufnagle	Mariani	Peterson	Uphus
Carruthers	Hugoson	Marsh	Pugh	Valento
Clark	Jacobs	McEachern	Reding	Vellenga
Cooper	Janezich	McGuire	Rest	Wagenius
Dauner	Jaros	McPherson	Rice	Waltman
Davids	Jefferson	Morrison	Rodosovich	Weaver
Dawkins	Jennings	Munger	Rukavina	Wejzman
Dempsey	Johnson, A.	Murphy	Runbeck	Welker
Dille	Johnson, R.	Nelson, K.	Sarna	Welle
Dorn	Johnson, V.	Nelson, S.	Schafer	Wenzel
Erhardt	Kahn	Newinski	Scheid	Winter
Farrell	Kalis	O'Connor	Schreiber	

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 128, A bill for an act relating to water; mandating requirements on certain development; amending Minnesota Statutes 1990, section 103B.3363, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kelso	Olsen, S.	Segal
Anderson, I.	Frederick	Kinkel	Olson, E.	Simoneau
Anderson, R.	Frerichs	Knickerbocker	Olson, K.	Skoglund
Anderson, R. H.	Garcia	Koppendrayer	Omnn	Smith
Battaglia	Girard	Krinkie	Onnen	Solberg
Bauerly	Goodno	Krueger	Orenstein	Sparby
Beard	Greenfield	Lasley	Orfield	Stanius
Begich	Gruenes	Leppik	Osthoff	Steensma
Bertram	Gutknecht	Lieder	Ostrom	Sviggum
Bettermann	Hanson	Limmer	Ozment	Swenson
Bishop	Hartle	Long	Pauly	Thompson
Blatz	Haukoos	Lourey	Pellow	Tompkins
Bodahl	Hausman	Lynch	Pelowski	Trimble
Boo	Heir	Macklin	Peterson	Tunheim
Brown	Henry	Mariani	Pugh	Uphus
Carlson	Hufnagle	Marsh	Reding	Valento
Carruthers	Jacobs	McEachern	Rest	Vellenga
Clark	Janezich	McGuire	Rice	Wagenius
Cooper	Jaros	McPherson	Rodosovich	Waltman
Dauner	Jefferson	Morrison	Rukavina	Weaver
Davids	Jennings	Munger	Runbeck	Wejman
Dawkins	Johnson, A.	Murphy	Sarna	Welker
Dempsey	Johnson, R.	Nelson, K.	Schafer	Welle
Dille	Johnson, V.	Newinski	Scheid	Wenzel
Dorn	Kahn	O'Connor	Schreiber	Winter
Erhardt	Kalis	Ogren	Seaberg	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 132, A bill for an act relating to energy; improving energy efficiency by prohibiting incandescent lighting in certain exit signs; requiring amendments to building codes and standards to increase energy efficiency; requiring state agencies to use funds allocated for utility expenditures to buy nonincandescent bulbs; amending Minnesota Statutes 1990, sections 16B.61, subdivision 3; and 299F.011, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abrams	Bishop	Davids	Goodno	Hufnagle
Anderson, I.	Blatz	Dawkins	Greenfield	Hugoson
Anderson, R.	Bodahl	Dille	Gruenes	Jacobs
Anderson, R. H.	Boo	Dorn	Gutknecht	Janezich
Battaglia	Brown	Erhardt	Hanson	Jaros
Bauerly	Carlson	Farrell	Hartle	Jefferson
Beard	Carruthers	Frederick	Haukoos	Jennings
Begich	Clark	Frerichs	Hausman	Johnson, A.
Bertram	Cooper	Garcia	Heir	Johnson, R.
Bettermann	Dauner	Girard	Henry	Johnson, V.

Kahn	Marsh	Onnen	Runbeck	Tompkins
Kalis	McEachern	Orenstein	Sarna	Trimble
Kelso	McGuire	Orfield	Scheid	Tunheim
Kinkel	McPherson	Osthoff	Schreiber	Uphus
Knickerbocker	Morrison	Ostrom	Seaberg	Valento
Koppendrayner	Munger	Ozment	Segal	Vellenga
Krinkie	Murphy	Pauly	Simoneau	Wagenius
Krueger	Nelson, K.	Pellow	Skoglund	Waltman
Lasley	Nelson, S.	Pelowski	Smith	Weaver
Leppik	Newinski	Peterson	Solberg	Wejcman
Lieder	O'Connor	Pugh	Sparby	Welle
Limmer	Ogren	Reding	Stanius	Wenzel
Lourey	Olsen, S.	Rest	Steensma	Winter
Lynch	Olson, E.	Rice	Sviggum	Spk. Vanasek
Macklin	Olson, K.	Rodosovich	Swenson	
Mariani	Omann	Rukavina	Thompson	

Those who voted in the negative were:

Dempsey	Schafer	Welker
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The bill was passed and its title agreed to.

H. F. No. 326, A bill for an act relating to elections; providing for time off to vote in primaries; amending Minnesota Statutes 1990, section 204C.04.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Johnson, R.	Munger	Rice
Anderson, I.	Farrell	Johnson, V.	Murphy	Rodosovich
Anderson, R.	Frederick	Kahn	Nelson, K.	Rukavina
Anderson, R. H.	Frerichs	Kalis	Nelson, S.	Runbeck
Battaglia	Garcia	Kelso	Newinski	Sarna
Bauerly	Girard	Kinkel	O'Connor	Schafer
Beard	Goodno	Knickerbocker	Ogren	Scheid
Begich	Greenfield	Koppendrayner	Olsen, S.	Schreiber
Bertram	Gruenes	Krinkie	Olson, E.	Seaberg
Bettermann	Gutknecht	Krueger	Olson, K.	Segal
Bishop	Hanson	Lasley	Omann	Simoneau
Blatz	Hartle	Leppik	Onnen	Skoglund
Bodahl	Haukoos	Lieder	Orenstein	Smith
Boo	Hausman	Limmer	Orfield	Solberg
Brown	Heir	Long	Osthoff	Sparby
Carlson	Henry	Lourey	Ostrom	Stanius
Carruthers	Hufnagle	Lynch	Ozment	Steensma
Clark	Hugoson	Macklin	Pauly	Sviggum
Cooper	Jacobs	Mariani	Pellow	Swenson
Dauner	Janezich	Marsh	Pelowski	Thompson
Dawkins	Jaros	McEachern	Peterson	Tompkins
Dempsey	Jefferson	McGuire	Pugh	Trimble
Dille	Jennings	McPherson	Reding	Tunheim
Dorn	Johnson, A.	Morrison	Rest	Uphus

Valento	Wagenius	Weaver	Welle	Winter
Vellenga	Waltman	Wejeman	Wenzel	

Those who voted in the negative were:

Davids	Welker
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The bill was passed and its title agreed to.

H. F. No. 398, A bill for an act relating to elections; providing for high school students 16 years old or more to act as *election judges*; clarifying the right to take time off from work without penalty to serve as an election judge; amending Minnesota Statutes 1990, sections 204B.19, subdivision 1, and by adding a subdivision; and 204B.195.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kinkel	Olson, K.	Skoglund
Anderson, I.	Frerichs	Knickerbocker	Omann	Smith
Anderson, R.	Garcia	Koppendrayer	Onnen	Solberg
Anderson, R. H.	Girard	Krueger	Orenstein	Sparby
Battaglia	Goodno	Lasley	Orfield	Stanius
Bauerly	Greenfield	Leppik	Osthoff	Steensma
Beard	Gruenes	Lieder	Ostrom	Swenson
Begich	Gutknecht	Long	Ozment	Thompson
Bertram	Hanson	Lourey	Pauly	Tompkins
Bettermann	Hartle	Lynch	Pellow	Trimble
Bishop	Hausman	Macklin	Pelowski	Tunheim
Blatz	Henry	Mariani	Peterson	Uphus
Bodahl	Hufnagle	Marsh	Pugh	Valento
Boo	Hugoson	McEachern	Reding	Vellenga
Brown	Jacobs	McGuire	Rest	Wagenius
Carlson	Janezich	McPherson	Rice	Waltman
Carruthers	Jaros	Morrison	Rodosovich	Weaver
Clark	Jefferson	Munger	Rukavina	Wejeman
Cooper	Jennings	Murphy	Runbeck	Welle
Dauner	Johnson, A.	Nelson, K.	Sarna	Wenzel
Dawkins	Johnson, R.	Newinski	Scheid	Winter
Dille	Johnson, V.	O'Connor	Schreiber	Spk. Vanasek
Dorn	Kahn	Ogren	Scaberg	
Erhardt	Kalis	Olsen, S.	Segal	
Farrell	Kelso	Olson, E.	Simoneau	

Those who voted in the negative were:

Davids	Haukoos	Krinkie	Nelson, S.	Sviggm
Dempsey	Heir	Limmer	Schafer	Welker

The bill was passed and its title agreed to.

H. F. No. 616 was reported to the House.

Frederick moved that H. F. No. 616 be continued on the Calendar. The motion prevailed.

H. F. No. 633, A bill for an act relating to watercraft; regulating the use and operation of personal watercraft; amending Minnesota Statutes 1990, section 86B.005, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 86B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Krueger	Olsen, S.	Skoglund
Anderson, I.	Erhardt	Lasley	Onnen	Smith
Anderson, R.	Farrell	Leppik	Orenstein	Solberg
Anderson, R. H.	Frederick	Lieder	Orfield	Stanius
Battaglia	Goodno	Limmer	Osthoff	Steensma
Bauerly	Greenfield	Long	Ostrom	Swenson
Beard	Gutknecht	Lourey	Ozment	Thompson
Begich	Hanson	Lynch	Pellow	Tompkins
Bertram	Hartle	Macklin	Pelowski	Trimble
Bettermann	Hausman	Mariani	Peterson	Tunheim
Bishop	Hufnagle	Marsh	Pugh	Uphus
Blatz	Jacobs	McEachern	Reding	Valento
Bodahl	Janezich	McGuire	Rest	Vellenga
Boo	Jaros	McPherson	Rice	Wagenius
Brown	Jefferson	Morrison	Rodosovich	Waltman
Carlson	Johnson, A.	Munger	Rukavina	Weaver
Carruthers	Kahn	Murphy	Runbeck	Wejeman
Clark	Kalis	Nelson, K.	Sarna	Welle
Cooper	Kinkel	Nelson, S.	Scheid	Wenzel
Dauner	Knickerbocker	Newinski	Seaberg	Winter
Dawkins	Koppendrayner	O'Connor	Segal	Spk. Vanasek
Dempsey	Krinkie	Ogren	Simoneau	

Those who voted in the negative were:

Davids	Gruenes	Jennings	Omann	Sviggum
Dille	Haukoos	Johnson, R.	Pauly	Welker
Frerichs	Heir	Kelso	Schafer	
Garcia	Henry	Olson, E.	Schreiber	
Girard	Hugoson	Olson, K.	Sparby	

The bill was passed and its title agreed to.

GENERAL ORDERS

Long moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Bauerly moved that the name of Hasskamp be stricken and the name of Garcia be added as an author on H. F. No. 563. The motion prevailed.

Welker moved that the name of Begich be added as an author on H. F. No. 599. The motion prevailed.

Clark moved that the name of Hausman be added as an author on H. F. No. 753. The motion prevailed.

Gruenes moved that the name of Rukavina be added as an author on H. F. No. 995. The motion prevailed.

Orenstein moved that the name of Mariani be added as an author on H. F. No. 997. The motion prevailed.

Koppendrayer moved that his name be stricken as an author on H. F. No. 1028. The motion prevailed.

Lourey moved that the name of Clark be added as an author on H. F. No. 1073. The motion prevailed.

Lourey moved that the name of Clark be added as an author on H. F. No. 1098. The motion prevailed.

Carruthers moved that the name of Limmer be added as an author on H. F. No. 1101. The motion prevailed.

Macklin moved that H. F. No. 1010 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Judiciary. The motion prevailed.

Osthoff moved that H. F. No. 1151 be recalled from the Committee on Local Government and Metropolitan Affairs and be re-referred to the Committee on Economic Development. The motion prevailed.

Bishop moved that H. F. No. 1045 be recalled from the Committee

on Governmental Operations and be re-referred to the Committee on Economic Development. The motion prevailed.

Dawkins moved that H. F. No. 1065 be recalled from the Committee on Energy and be re-referred to the Committee on Regulated Industries. The motion prevailed.

Dawkins moved that H. F. No. 942 be recalled from the Committee on Energy and be re-referred to the Committee on Regulated Industries. The motion prevailed.

Segal moved that H. F. No. 1008 be recalled from the Committee on Education and be re-referred to the Committee on Health and Human Services. The motion prevailed.

Anderson, R. H., moved that the following statement be printed in the permanent Journal of the House:

“It was my intention to vote in the affirmative when the final vote was taken on the passage of H. F. No. 499 on Monday, March 25, 1991.” The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Tuesday, April 2, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and Speaker pro tempore Krueger declared the House stands adjourned until 2:30 p.m., Tuesday, April 2, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

TWENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 2, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Dr. Margaret J. Thomas, Executive Director, Minnesota Council of Churches, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Girard	Koppendrayar	Olson, K.	Smith
Battaglia	Goodno	Krinkie	Omann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Sviggum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Davids	Jefferson	Morrison	Rukavina	Wejcmán
Dawkins	Jennings	Munger	Runbeck	Welker
Dempsey	Johnson, A.	Murphy	Sarna	Welle
Dille	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dorn	Johnson, V.	Nelson, S.	Scheid	Winter
Erhardt	Kahn	Newinski	Schreiber	Spk. Vanasek
Farrell	Kalis	O'Connor	Seaberg	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Welker moved that further reading of the Journal be dispensed

with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 5 and H. F. No. 44, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Begich moved that S. F. No. 5 be substituted for H. F. No. 44 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 26, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Representative Vanasek:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 104, relating to consumer protection; regulating automatic garage door opening systems.

H. F. No. 290, relating to state employees; increasing the amount of vacation time a state employee may donate for the benefit of another state employee.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>1991</i>	<i>Date Filed</i> <i>1991</i>
	104	10	9:37 a.m. March 26	March 26
246		11	9:40 a.m. March 26	March 26

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the

Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1991</i>	<i>Date Filed 1991</i>
	290	9	9:35 a.m. March 26	March 27
141		15	10:53 a.m. March 27	March 27

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 2, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

MINNESOTANS' HEALTH CARE PLAN

Section 1. [62J.08] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For purposes of this chapter, the following terms have the meanings given them.

Subd. 2. [GROUPS; DEFINITIONS.] The definitions of small group, medium-sized group, large group, and group sponsor in this section are subject to United States Code, title 26, sections 414(b), 414(c), and 414(m), and federal regulations related to those sections, when a group sponsor or sponsors alter, reform, or redefine a group or groups to avoid or to take advantage of community rating. The commissioners of health care access, commerce, and health may adopt rules to supplement those federal statutes and regulations to prevent qualification as a large, medium-sized, or small group through the use of separate organizations, multiple organizations, employee leasing, or other arrangements.

Subd. 3. [ADULT.] "Adult" means a person 18 years of age or older.

Subd. 4. [CHILD.] "Child" means a person under 18 years of age.

Subd. 5. [COMMISSIONER OR COMMISSIONER OF HEALTH CARE ACCESS.] "Commissioner" or "commissioner of health care access" means the commissioner of health care access or, prior to the existence of that commissioner, the commissioner of human services.

Subd. 6. [DEPARTMENT.] "Department" means the department of health care access or, prior to the existence of that department, the bureau of health care access in the department of human services.

Subd. 7. [GROUP SPONSOR.] "Group sponsor" means an employer or other entity described in section 62A.10, subdivision 1, as an eligible purchaser of health coverage.

Subd. 8. [HEALTH COVERAGE.] "Health coverage" means a policy or contract providing health and accident benefit under chapter 62A, 62C, 62D, 62E, 62H, or 64B; under section 471.617, subdivision 2; or through the state plan. Health coverage does not include a policy or contract designed primarily to provide coverage on a per diem, fixed annuity, or nonexpense-incurred basis, or that provides only accident coverage.

Subd. 9. [HEALTH PLAN COMPANY.] "Health plan company" means any entity governed by chapter 62A, 62C, 62D, 62E, 62H, or 64B, or section 471.617, subdivision 2, that offers, sells, issues, or renews health coverage in this state. Health plan company does not include an entity that sells only policies designed primarily to provide coverage on a per diem, fixed annuity, or nonexpense-incurred basis, or policies that provide only accident coverage.

Subd. 10. [HEALTH PROFESSIONAL.] In benefit set descriptions, references to services performed by "health professionals" include services performed by any qualified health professionals acting within their licensed, certified, or registered scope of practice.

Subd. 11. [INDIVIDUAL.] "Individual" means an individual or family that applies to a health plan company or the state plan for health coverage on an individual or family basis.

Subd. 12. [INTERMEDIATE BENEFIT SET.] "Intermediate benefit set" means the health care benefits specified in article 2, sections 1 to 10.

Subd. 13. [LARGE GROUP.] "Large group" means a group of 100 or more employees or members of a group sponsor that applies for or obtains health coverage from a health plan company or the state plan. Owners of sole proprietorships, partnerships, and other unincorporated entities are employees for purposes of this definition. Dependents of employees or members do not count for purposes of this definition.

Subd. 14. [MEDIUM-SIZED GROUP.] "Medium-sized group" means a group of not fewer than 30 nor more than 99 employees or members of a group sponsor that applies for or obtains health coverage from a health plan company or the state plan. Owners of sole proprietorships, partnerships, and other unincorporated entities are employees for purposes of this definition. Dependents of employees or members do not count for purposes of this definition.

Subd. 15. [MINIMUM INSURANCE BENEFIT SET.] "Minimum insurance benefit set" means the health care benefits that must be included in health coverage offered, sold, issued, or renewed by health plan companies, as specified in article 2, section 14.

Subd. 16. [MINNESOTA RESIDENT.] "Minnesota resident" means a person whose principal place of residence is Minnesota and who (1) is employed in Minnesota; or (2) has resided in Minnesota for at least 90 consecutive days.

Subd. 17. [SMALL GROUP.] "Small group" means a group of not fewer than two nor more than 29 employees or members of a group sponsor that applies for or obtains health coverage from a health plan company or the state plan. Owners of sole proprietorships, partnerships, and other unincorporated entities are employees for purposes of this definition. Dependents of employees or members do not count for purposes of this definition.

Subd. 18. [STATE PLAN.] "State plan" means the Minnesotans' health care plan administered by the commissioner of health care access.

Subd. 19. [SUPPLEMENTAL BENEFIT SET.] “Supplemental benefit set” means the health care benefits available through the state plan that exceed the intermediate benefit set, as specified in article 2, section 13.

Subd. 20. [UNIVERSAL BASIC BENEFIT SET.] “Universal basic benefit set” means the health care benefits specified in article 2, section 12.

Sec. 2. [62J.09] [CREATION.]

The Minnesotans’ health care plan is created to provide health coverage to individuals, families, and employers who do not have access to other affordable health coverage.

Sec. 3. [62J.10] [COVERAGE REQUIRED FOR MINNESOTA RESIDENTS.]

All Minnesota residents must obtain health coverage equal to or greater than the intermediate benefit set or the minimum insurance benefit set. Coverage may be obtained through the state plan, an employer, an individual policy with a private health plan company, or any other source of coverage. Minnesota residents must provide proof of coverage in the manner required by the commissioner of health care access.

Sec. 4. [62J.11] [ELIGIBILITY OF INDIVIDUALS AND FAMILIES.]

To be eligible to obtain coverage through the state plan, individuals and families must be Minnesota residents and have no other source of health coverage or must have coverage that primarily supplements, rather than duplicates, the intermediate benefit set. A Minnesota resident individual or family may switch from private health coverage to the state plan provided the transfer does not result in simultaneous coverage under both the state plan and another health care plan. The individual or family must contribute to the cost of health coverage as provided in section 5.

Sec. 5. [62J.12] [INDIVIDUAL AND FAMILY PREMIUMS.]

Subdivision 1. [SLIDING SCALE.] Each individual and family unit enrolled in the state plan shall pay a premium set in relation to gross income and family size. The commissioner shall establish a sliding scale to determine the amount of the premium each individual or family must pay to obtain health coverage through the state plan. The sliding scale must use the federal poverty guidelines as the primary unit of measurement, and must be based on an individual’s or family’s federal adjusted gross income as shown on the federal income tax return. If the family files separate returns,

the federal adjusted gross income from the returns must be combined for purposes of computing the family's federal adjusted gross income. If coverage provided through the state plan is equivalent to the intermediate benefit set described in article 2, sections 2 to 10, the sliding scale must be designed so that individuals and families with incomes less than 25 percent of the federal poverty level pay 1.08 percent of their gross income, and those with incomes between 250 percent and 275 percent of the federal poverty level pay 6.5 percent of their gross income. Individuals and families with gross incomes over 275 percent of the federal poverty guideline or \$40,000, whichever is less, are not eligible for a subsidized premium and must pay 100 percent of the cost of coverage through the state plan. For coverage that differs significantly from the intermediate benefit set, the sliding scale must be adjusted to reflect the differences in coverage. In addition to payments under the sliding scale, enrollees may be required to make greater payments depending on the health plan chosen. The commissioner shall pass on differences in premiums between health plans to enrollees, except that the commissioner may limit differences in charges to enrollees if necessary to prevent enrollment that exceeds the capacity of certain plans.

Subd. 2. [ADJUSTMENTS TO THE INCOME LIMIT AND SLIDING SCALE.] The commissioner shall adjust the sliding scale and the maximum income limit for subsidized coverage to reflect changes in prevailing income levels, health coverage costs, and benefit levels.

Subd. 3. [MUST NOT HAVE ACCESS TO EMPLOYER-SUBSIDIZED COVERAGE.] To be eligible for subsidized coverage, an individual or family must not have access to subsidized health coverage through an employer, unless the amount of employer subsidy toward the cost of coverage is less than an amount determined by the commissioner of health care access. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The commissioner must treat employer contributions to Internal Revenue Code Section 125 plans as qualified employer subsidies toward the cost of health coverage for employees for purposes of this section.

Subd. 4. [NO SUBSIDY AVAILABLE FOR MEDICARE SUPPLEMENT COVERAGE.] An individual eligible for Medicare benefits must pay 100 percent of the cost of obtaining Medicare supplement coverage through the state plan, regardless of income.

Subd. 5. [COVERAGE MUST NOT DISPLACE FEDERALLY SUBSIDIZED HEALTH COVERAGE.] Subsidized state plan coverage must not displace subsidized health coverage through a federally supported health program. The commissioner shall establish procedures and requirements to allow coordinated, limited, or supplemental participation in the Minnesotans' health care plan,

including limited subsidies, of participants in federally supported health programs to the extent necessary to provide coverage comparable to coverage provided to other state plan enrollees without displacing federal benefits.

Subd. 6. [MUST BE A PERMANENT MINNESOTA RESIDENT.] To be eligible for a subsidy, individuals and families must be permanent residents of Minnesota, and must have resided in Minnesota for at least 12 months prior to application. This 12-month requirement for residency does not apply to a person who is employed within the state, provided the person satisfies the other criteria for permanent residence. A permanent Minnesota resident is a Minnesota resident who considers Minnesota to be the person's principal place of residence and intends to remain in the state permanently or for a long period of time and not as a temporary or short-term resident. An individual or family that moved to Minnesota primarily to obtain medical treatment or health coverage for a preexisting condition is not a permanent resident and is not entitled to subsidized coverage through the state plan.

Sec. 6. [62J.13] [ELIGIBILITY OF EMPLOYERS.]

Subdivision 1. [GROUP COVERAGE.] An employer is eligible to enroll its employees in the state plan as a group in order to offer its employees health coverage under the Minnesotans' health care plan. To be eligible to participate, an employer must pay Minnesota unemployment insurance premiums and have two or more covered employees, including the owner, or, if a sole proprietor, must have at least one employee covered by unemployment insurance and be included in the group for purposes of health coverage. A self-employed person with no employees may not participate as an employer but may participate as an individual or family. The employer must collect employees' share of premiums and remit them to the commissioner along with the employer's contribution. Sliding scale premium subsidies as described in section 5 do not apply to group coverage. The commissioner shall establish conditions for enrollment of employer groups. Conditions may include, but are not limited to, minimum employer contributions toward coverage for employees and their families, minimum standards for employee eligibility, and eligibility waiting periods for new employees. The commissioner may establish special conditions and procedures for employers who are health care providers participating in state health care programs after considering the impact of H.F. No. 5, section 2, and of different levels of employer contributions toward employee health coverage, on state health care program reimbursement rates and obligations. The commissioner shall use administrative systems for group coverage for employers that will identify and enroll enrollees in a manner comparable to individual, nongroup enrollment in order to enhance the portability of coverage to an individual policy or to another employer covered through the state

plan, and to minimize administrative costs associated with frequent reissuing of policies.

Subd. 2. [COVERAGE OF PART-TIME AND SEASONAL EMPLOYEES.] The commissioner shall establish conditions, procedures, and a special accounting mechanism to allow employers to defray the cost of coverage for part-time and seasonal employees through the state plan without including these employees in the employer's health benefits program. This is the only circumstance under which an employer subsidy toward the cost of employee health coverage and a state subsidy for health coverage through the state plan may be combined. Employers that have terminated health benefits for part-time or seasonal employees within the three years before application are not eligible to participate in the part-time or seasonal employee enrollment system. Part-time or seasonal employees on whose behalf employer contributions have been submitted must obtain coverage through the state plan as individuals or families rather than as an employee group. The employer contributions must be used to reduce the premium that the employee would otherwise have owed, and will be in addition to any individual premium subsidy to which the employee would otherwise be entitled. The commissioner shall establish definitions and standards for part-time and seasonal employees as necessary to implement this subdivision.

Sec. 7. [62J.14] [COVERAGE.]

Subdivision 1. [INTERMEDIATE BENEFIT SET.] Individuals, families, and groups with two to five employees or members may purchase the intermediate benefit set described in article 2, sections 2 to 10, through the state plan.

Subd. 2. [SUPPLEMENTAL BENEFIT SET.] Individuals, families, and groups covered by the intermediate benefit set may purchase at their own expense the supplemental benefit set as described in article 2, section 15, through the state plan. Groups with more than five employees or members that participate in the state plan must purchase the supplemental benefit set and the intermediate benefit set.

PROGRAM ADMINISTRATION

Sec. 8. [62J.15] [PROVISION OF HEALTH CARE SERVICES; MANAGED CARE.]

In areas of the state where managed care health plans operate, the commissioner must deliver health care through contracts with managed care health plans. The commissioner may require contractors to provide all services under the intermediate benefit set, or may contract separately for certain services if the commissioner

determines this to be in the best interests of the state plan. In order to qualify for participation in the state plan, a managed care health plan must meet the specifications in this section.

(a) The health plan must demonstrate to the satisfaction of the commissioner that it is financially responsible and may reasonably be expected to meet its obligations to enrollees and prospective enrollees.

(b) The health plan must have sufficient provider network capacity to adequately serve enrollees and prospective enrollees.

(c) The health plan must have established procedures adequate to manage the delivery of health care. The procedures must incorporate clear standards of practice or protocols where they exist. The procedures must also require enrollees to register with a specific primary care clinic which will coordinate referrals, hospitalizations, and other health care delivery. A plan that has not established these procedures may participate in the program if the plan demonstrates to the satisfaction of the commissioner that an alternative, comparably effective system of case management has been established. A managed care health plan that has not established procedures satisfactory to the commissioner may participate in the program if the plan agrees to implement satisfactory procedures within three years from the date it is accepted for participation by the commissioner.

(d) The health plan must demonstrate a long-term commitment to improving the quality and efficiency of health care.

(e) The health plan must have established programs to educate enrollees about appropriate use of the health care system. The programs may include self-care education, telephone nurse access, encouragement of healthy lifestyles, and encouragement of conformance to prescribed courses of treatment.

(f) Health plans must notify enrollees by mail when coverage limits under the intermediate benefit set have been reached and explain that payment for future services in excess of the coverage limits are the responsibility of the patient.

(g) The health plan must include appropriate use of nonphysician providers within its overall framework of managed care.

Sec. 9. [62J.16] [AREAS WITHOUT SATISFACTORY MANAGED CARE HEALTH PLANS.]

In areas of the state where the commissioner determines satisfactory managed care health plans are not available, the commissioner

shall make health care available using one or more of the options specified in this section.

(a) The commissioner may recruit or encourage managed care health plans to serve the area.

(b) The commissioner may establish managed care health plans through direct contracts with existing clinics or other health care providers in the area consistent with the specifications and objectives of the state plan.

(c) The commissioner may pay providers on a fee-for-service basis, using the department of human services claims processing system, health care utilization review system, and other managed care procedures. When developing the payment system, the commissioner shall investigate the proposed Medicare resource-based relative value scale as the basis for a new fee schedule and the possibility of collective bargaining with health care providers. Participating providers must be required to operate under the department's managed care standards and procedures. Payment will be based on a fee schedule to be established by the commissioner with payments established at a level to ensure that program costs in the area are lower than under a managed care system. Providers must be required to accept program enrollees as a condition of serving patients covered by any health coverage program financed by state or local government, including public employee health benefit programs. Providers must be prohibited from billing enrollees for any portion of health care charges not reimbursed by the commissioner, except to collect copayments and deductibles or to charge for services that exceed coverage limits, to the extent these are specified in the state plan.

(d) The commissioner may establish health care clinics to provide services using managed care procedures.

Sec. 10. [62J.17] | ENCOURAGEMENT OF PARTICIPATION OF PROVIDERS SERVING LOW-INCOME PERSONS. |

The commissioner shall encourage expansion or development of health plans that include providers currently serving low-income, uninsured state residents, including nonprofit community clinics, public health departments, and public hospitals. The commissioner's managed care specifications must apply to these providers when serving program enrollees.

Sec. 11. [62J.18] | HEALTH PLAN COMPENSATION; GENERAL. |

The commissioner shall establish health plan payment arrangements in order to create financial incentives to improve the effec-

tiveness and efficiency of health care delivery. Health plans under contract with the state plan may not vary the benefits included in the intermediate benefit set in order to reduce the cost of premiums. Participating health plans must assume responsibility for health care delivery and must assume financial risk, subject to the limits established through the reinsurance pool. To prevent uncertainty regarding the mix and cost of enrollees from resulting in higher charges in the state plan during the first three years, the commissioner may share risk above or below the health plan's expected costs for state plan enrollees, to the extent that such risk sharing would reduce charges in the state plan. The risk sharing must not alter the community-rated basis for health plans premiums as specified in H.F. No. 4, article 6, section 5, as introduced. The commissioner shall establish a reserve fund or take other appropriate action to ensure that state funding will be available to fully satisfy the state's payment and risk-sharing obligations in the event the costs of coverage through the state plan are higher than expected. The commissioner is responsible for collecting premium payments from individuals, families, and employers, and health plan reimbursement may not be linked to collection of premium payments.

Sec. 12. [62J.19] [OUTREACH ACTIVITIES.]

Subdivision 1. [OUTREACH TO INDIVIDUALS.] The commissioner shall establish outreach activities to inform state residents about public and private sources of health coverage and to assist them in obtaining coverage. Outreach activities must include the following:

(1) health coverage information and counseling services provided throughout the state and through a toll-free telephone number; and

(2) ongoing publicity and advertising activities.

Subd. 2. [OUTREACH TO EMPLOYERS.] The commissioner shall establish outreach activities to inform employers about the Minnesotans' health care plan and other sources of health care coverage and to assist them to obtain or expand coverage for their employees. Outreach activities must be directed at the types of employers determined by the commissioner to be most interested in joining the state plan.

Sec. 13. [62J.20] [ENROLLMENT EDUCATION AND ASSISTANCE.]

The commissioner shall provide enrollment education and assistance to state residents. The assistance may include written materials, workshops, and individual assistance. Educational programs and assistance must be designed to serve persons who are not proficient in English or who have special communication needs. The

program must provide information on the following topics in addition to information provided at the discretion of the commissioner:

- (1) basic and supplemental coverage offered by the state plan;
- (2) features of specific health plans offered by the state plan, including information on obtaining health care within health plans and descriptions of provider networks;
- (3) differences between individual and group coverage;
- (4) premiums associated with each plan and premium payment procedures and obligations; and
- (5) actions enrollees must take if eligibility status changes.

Sec. 14. [62J.21] [APPLICATION FORMS AND PROCEDURES.]

Subdivision 1. [PROCEDURES.] The commissioner shall accept application forms submitted by mail or in person. Applicants must include payment equal to one month of premium costs with the completed application. Applicants who are employed full-time by an employer who participates in the state plan must apply through the employer. Part-time and seasonal employees of an employer who participates in the state plan may participate on an individual basis as provided in section 6, subdivision 2.

Subd. 2. [FORMS.] Application must be made on forms supplied by the commissioner. The commissioner shall design the form in order to collect the minimum amount of information necessary to administer the program. A more detailed form may be designed for use by applicants potentially eligible for federally subsidized health care programs and other state programs.

Subd. 3. [AVAILABILITY OF FORMS.] The commissioner shall make application forms available throughout Minnesota at state government offices; at hospitals, clinics, and other health care provider offices, especially where large numbers of low-income persons are served; with individual income tax forms; with applications for a driver's license, state identification card, or motor vehicle registration; with school and college registration materials; at food shelves; at the offices of insurers, health maintenance organizations, and other health plan companies; at school district offices; at public and private elementary schools; at community health offices; and at women, infants, and children (WIC) program sites.

Sec. 15. [62J.22] [ELIGIBILITY DETERMINATION.]

Subdivision 1. [ELIGIBILITY VERIFICATION.] The emphasis of eligibility verification procedures must be on achieving enrollment

and coverage as soon after application as possible. To this end, confirmation of income and other information provided by the applicant shall occur primarily through use of personal data that the state gathers, such as income tax records, for other purposes. The commissioner may use individuals' social security numbers as identifiers for purposes of administering the plan.

Subd. 2. [APPLICANT INFORMATION.] Applicants shall submit evidence of family income, earned and unearned, for use in determining the amount of the premium and eligibility for a subsidy. Enrollees shall report changes in eligibility status as they occur.

Subd. 3. [FRAUD.] If subsequent to enrollment an enrollee in the state plan is found to have provided fraudulent information, the commissioner may disenroll the enrollee if the enrollee has sufficient, alternate coverage, but must maintain enrollment for those without alternate coverage. In all cases, the commissioner may recover premiums not paid due to fraud through the means listed in section 21, subdivision 3.

Subd. 4. [REVERIFICATION.] Eligibility for the state plan must be redetermined annually. The commissioner must use mail and other, simple means of obtaining information from enrollees, then engage in random checkups of the accuracy of information provided.

Sec. 16. [62J.23] [ENROLLMENT.]

Subdivision 1. [COVERAGE EFFECTIVE DATE.] Coverage becomes effective on the next first or 15th of a month, whichever comes first, after the commissioner transfers enrollment information to the health plan selected by the applicant. The transfer to the health plan must occur no later than two weeks after the commissioner receives a completed application and payment of one month of premium costs.

Subd. 2. [ENROLLMENT CONFIRMATION.] No more than two weeks shall elapse between the time the commissioner receives a completed application and the applicant is notified of acceptance, rejection, or unusual delay and the reasons why. Refusal to provide a health history will not disqualify an applicant from the state plan. The commissioner shall operate a toll-free telephone service to confirm individual enrollment in the state plan. The service must be available to assist enrollees, health plans, and providers.

Sec. 17. [62J.24] [OPEN ENROLLMENT.]

The commissioner shall establish an annual open enrollment period during which enrollees must be allowed to transfer between health plans. Enrollees may not transfer between plans during

other periods unless their place of residence changes and their current plan does not provide coverage in the new location.

Sec. 18. [62J.25] [PREMIUM PAYMENTS; APPLICATION.]

The premium payment procedures established in sections 19 and 20 apply to coverage purchased through the Minnesotans' health care plan by an individual or an employer.

Sec. 19. [62J.26] [PAYMENTS FROM INDIVIDUALS.]

Subdivision 1. [AUTOMATIC PAYMENTS.] The commissioner shall establish an automatic premium payment system and shall require enrollees not receiving group coverage through an employer to make payments through the automatic system whenever practical. The system may include automatic payment through:

- (1) automatic bank account debiting;
- (2) automatic income withholding for employees, modeled after the system used for child support enforcement;
- (3) automatic collections through the state income tax system, including automatic deductions for employees and estimated payments for self-employed enrollees;
- (4) automatic deductions from unemployment compensation benefits; or
- (5) other methods developed by the commissioner.

Subd. 2. [MANUAL PAYMENTS.] The commissioner may allow manual payments directly from enrollees to the commissioner for enrollees:

- (1) making their initial premium payment with their application form;
- (2) expected to remain on the program for a short period of time; or
- (3) for whom automatic payments are impractical.

Subd. 3. [PAYMENT PERIODS.] Premiums shall be paid on a monthly basis. The commissioner shall encourage enrollees to make premium payments covering longer periods of time whenever practical.

Sec. 20. [62J.27] [EMPLOYER ENROLLMENT.]

Subdivision 1. [ENROLLMENT OF EMPLOYEES.] Employers seeking to participate in the state plan must apply to the commissioner to enroll their employees. A person enrolled under this method ceases to be covered as a member of the employer's group when employment with the employer is discontinued. The commissioner shall establish procedures to convert enrollees from group coverage to individual coverage when they cease employment with an employer who participates in the program unless the enrollee can provide evidence of coverage through a new employer or through some other plan.

Subd. 2. [COLLECTION OF PREMIUMS.] The commissioner shall require employers participating in the state plan to collect the employees' share of premiums and pay the employees' share and the employers' share directly to the commissioner.

Subd. 3. [TECHNICAL ASSISTANCE TO EMPLOYERS.] The commissioner must provide technical assistance to employers participating in the state plan. Technical assistance must be targeted to employers who do not currently offer employee health benefits or for whom technical assistance services are not readily available. The assistance must be provided at cost and may include assistance on the following:

- (1) designing and establishing a health benefit program;
- (2) administering state and federal continuation coverage requirements; and
- (3) establishing tax-sheltered premium accounts for employees.

Sec. 21. [62J.28] [ENFORCEMENT PROCEDURES.]

Subdivision 1. [EVIDENCE OF COVERAGE REQUIRED.] The commissioner shall enforce the requirement that all state residents must maintain and show evidence of health insurance coverage.

Subd. 2. [RESTRICTION ON TERMINATING COVERAGE.] The commissioner shall prohibit an enrollee from terminating coverage in the Minnesotans' health care plan except when the enrollee provides evidence of alternative coverage.

Subd. 3. [NONPAYMENT OF PREMIUM.] The commissioner may not cancel an enrollee's participation in the state plan for failure to pay premiums. The commissioner shall attempt to collect unpaid premiums through the following methods:

- (1) automatic income withholding, modeled after the child support enforcement system;

(2) automatic payroll deductions; or

(3) other methods identified or developed by the commissioner.

Subd. 4. [IDENTIFICATION OF UNINSURED PERSONS.] The commissioner shall develop and implement a system to identify state residents who have not obtained health care coverage. The system may include a survey question added to driver's license applications, income tax forms, school registration forms, and other similar forms. The system may include additional methods developed by the commissioner.

Subd. 5. [PROVISION OF COVERAGE.] The commissioner shall enroll state residents identified under subdivision 4 in the state plan and collect the appropriate premium from them.

Subd. 6. [IMPLEMENTATION.] In developing procedures to implement this section, the commissioner shall consult with the attorney general.

Sec. 22. [EFFECTIVE DATE FOR MANDATORY UNIVERSAL COVERAGE.]

Section 3 is effective July 1, 1993, or one year after the state plan becomes available statewide, whichever occurs later.

Sec. 23. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of human services for the purposes of section 10, to be available until June 30, 1993.

ARTICLE 2

COVERED SERVICES

THE INTERMEDIATE BENEFIT SET

Section 1. [62J.29] [AUTHORITY TO OFFER COVERAGE.]

Health plan companies participating in the state plan are authorized to offer, sell, issue, and renew the intermediate benefit set and the supplemental benefit set subject to the terms established by the commissioner of health care access, notwithstanding any contrary provisions of this chapter, chapter 62A, 62C, 62D, or 62E, or other laws governing health coverage.

Sec. 2. [62J.30] |COVERED SERVICES: PREVENTIVE CARE. |

(a) The intermediate benefit set covers expenses for the following preventive care services for all intermediate benefit set enrollees:

(1) prenatal and postnatal care;

(2) well baby exams for children under one year of age;

(3) immunizations; and

(4) selected tests, screenings, and examinations that are demonstrated to be cost-effective components of a preventive care program, including but not limited to: Pap tests for women age 18 and older at intervals recommended by the American Cancer Society; and mammograms for women age 50 and older at intervals recommended by the American Cancer Society.

(b) The intermediate benefit set covers the following services for children, if the services are provided as part of an early and periodic screening, diagnosis, and treatment (EPSDT) regimen:

(1) routine physical exams and well child exams, including the cost of laboratory and X-ray services associated with the exam;

(2) eye exams conducted by a licensed ophthalmologist or optometrist;

(3) hearing exams; and

(4) speech exams.

Sec. 3. [62J.31] |COVERED SERVICES: PRIMARY CARE; PRESCRIPTION DRUGS; INJECTIONS; SUPPLIES. |

Subdivision 1. [PRIMARY CARE.] The intermediate benefit set covers a total of up to eight visits per year provided by primary care physicians, nurse practitioners, and physician assistants. "Visits" include office visits, home visits, and visits in a custodial facility. For the purpose of this benefit, "primary care physicians" include only general and family practitioners, internists, pediatricians, obstetricians, and gynecologists, when serving in a primary care, rather than a consultative, capacity. Additional visits are covered when they are an alternative to inpatient care. The limit on visits does not apply to children.

Subd. 2. [PRESCRIPTION DRUGS.] The intermediate benefit set covers outpatient prescription drugs ordered by an authorized prescriber, including the dispensing fee, from a formulary specified by the commissioner. Adult prescriptions are subject to a \$5 copay-

ment. The commissioner shall establish a broader formulary for children. There is no copayment for prescriptions for children.

Subd. 3. [THERAPEUTIC INJECTIONS.] The intermediate benefit set covers therapeutic injections administered by a qualified health professional from a formulary specified by the commissioner. Therapeutic injections administered to adults are subject to a \$5 copayment. The commissioner shall establish a broader formulary for children. There is no copayment for therapeutic injections administered to children.

Subd. 4. [MEDICAL EQUIPMENT AND SUPPLIES FOR CHILDREN.] The intermediate benefit set covers the following medical equipment and supplies for children:

(1) appliances and equipment, including but not limited to orthotics, canes, crutches, glucosan, glucometers, intermittent positive pressure machines, rib belts for the treatment of an accident or illness, walkers, and wheelchairs;

(2) prosthetics and artificial parts that replace missing body parts or improve body function;

(3) one pair of eyeglasses every two years, unless more often if recommended by a qualified health professional. Contact lenses are not covered; and

(4) hearing aids.

Sec. 4. [62J.32] [COVERED SERVICES: ADDITIONAL OUTPATIENT SERVICES.]

Subdivision 1. [OUTPATIENT SPECIALIST AND THERAPY SERVICES.] The intermediate benefit set covers a total of up to eight visits and consultations per year, excluding visits as defined in section 3, subdivision 1, provided by qualified health professionals. Additional visits are covered when they are an alternative to inpatient care. The limit on visits and consultations does not apply to children.

Subd. 2. [OUTPATIENT SURGICAL SERVICES.] The intermediate benefit set covers health professional and institutional outpatient surgical services, including surgery performed in a hospital outpatient department, physician's office, or freestanding surgical facility. This benefit includes services by an anesthesiologist or anesthetist for outpatient surgeries.

Subd. 3. [RADIOLOGY AND PATHOLOGY SERVICES.] The intermediate benefit set covers radiology and pathology services performed by a hospital outpatient department or a freestanding

surgical facility. This benefit also provides for professional services provided by a qualified health professional when X rays and laboratory procedures are performed in a physician's office, hospital outpatient department, or freestanding surgical facility.

Subd. 4. [CARDIOVASCULAR TESTS AND PROCEDURES.] The intermediate benefit set covers therapeutic services, cardiography, cardiac catheterization, and other cardiovascular services performed or ordered by a qualified health professional.

Subd. 5. [ALLERGY TESTING AND IMMUNOTHERAPY FOR CHILDREN.] The intermediate benefit set covers professional services and materials associated with allergy testing and immunotherapy provided to children, when administered by a qualified health professional.

Subd. 6. [DIALYSIS PROCEDURES.] The intermediate benefit set covers services by a qualified health professional for dialysis treatment, including hemodialysis, peritoneal dialysis, and miscellaneous dialysis procedures.

Subd. 7. [MISCELLANEOUS TESTS AND PROCEDURES.] The intermediate benefit set covers the following additional professional services: biofeedback services, gastroenterology services, otorhinolaryngology services, vestibular functions tests, noninvasive peripheral vascular diagnostic studies, pulmonary services, neurology services, chemotherapy services, and dermatology services.

Sec. 5. [62J.33] [COVERED SERVICES: MENTAL HEALTH AND ALCOHOL OR DRUG DEPENDENCY CARE; INPATIENT AND OUTPATIENT.]

Subdivision 1. [INPATIENT MENTAL HEALTH.] The intermediate benefit set covers 80 percent of the cost of inpatient hospitalization for treatment of mental disorders. After a family's total copayment for all covered inpatient benefits, including mental health and all other categories of covered inpatient care, except maternity, exceeds \$2,500 in one calendar year, the intermediate benefit set covers 100 percent of additional services. After the intermediate benefit set has paid \$70,000 in inpatient benefits of any kind except maternity for a person within a calendar year, the intermediate benefit set will cover no further inpatient benefits, except maternity, of any kind for that person for that calendar year.

Subd. 2. [INPATIENT HEALTH PROFESSIONAL SERVICES; VISITS AND CONSULTATIONS.] The intermediate benefit set covers, subject to subdivision 1, physician services for visits, consultations, and other care provided for treatment of mental disorders on an inpatient basis at a hospital or approved extended care facility. This benefit also provides for the care of critically ill patients in a variety of settings that require the constant attention of a qualified

health professional. Consultations by nonphysicians are covered if provided by appropriate health professionals.

Subd. 3. [INPATIENT ALCOHOL AND DRUG DEPENDENCY TREATMENT NOT COVERED.] The intermediate benefit set does not cover inpatient hospital treatment of alcohol or drug dependency.

Subd. 4. [OUTPATIENT MENTAL HEALTH.] The intermediate benefit set covers up to ten hours per year of outpatient mental health therapy by a qualified professional. Two hours of group therapy count as one hour of individual therapy. Additional hours are covered when they are an alternative to inpatient care.

Subd. 5. [OUTPATIENT ALCOHOL AND DRUG DEPENDENCY TREATMENT.] The intermediate benefit set covers up to ten hours per year of outpatient treatment of alcohol or drug dependency by a qualified health professional or outpatient treatment program. Two hours of group treatment count as one hour of individual treatment.

Sec. 6. [62J.34] [COVERED SERVICES: MATERNITY.]

Subdivision 1. [INPATIENT MATERNITY; HOSPITAL SERVICES.] The intermediate benefit set covers 80 percent of the cost of maternity inpatient care, consisting of room, board, and ancillary services. After a patient's total copayment for covered hospital services for inpatient maternity care reaches \$500 per pregnancy, the intermediate benefit set covers 100 percent of additional services. This copayment is separate from the copayment for nonmaternity inpatient care. This benefit covers vaginal and caesarean deliveries, complications of pregnancy, miscarriages, and other medically necessary services. This subdivision includes only hospital inpatient services. This subdivision does not cover neonatal care or services associated with premature birth.

Subd. 2. [OUTPATIENT MATERNITY; HOSPITAL SERVICES.] The intermediate benefit set covers outpatient treatment of miscarriages, testing procedures such as amniocentesis and ultrasound, and other medically necessary procedures. This subdivision covers only use of hospital facilities and services by hospital employees.

Subd. 3. [HEALTH PROFESSIONALS; OBSTETRICAL CARE.] The intermediate benefit set covers health professional services for vaginal and caesarean deliveries, complications of pregnancy, miscarriages, and other medically necessary procedures. This benefit includes delivery care, surgical care, and anesthesia. This benefit does not include standard prenatal and postnatal visits, which the intermediate benefit set covers as preventive care in section 2.

Subd. 4. [ABORTION SERVICES.] The intermediate benefit set

covers abortion and abortion-related services only if one of the conditions in section 256B.0625, subdivision 16, is met.

Sec. 7. [62J.35] [COVERED SERVICES: EMERGENCY CARE.]

Subdivision 1. [HOSPITAL EMERGENCY ROOM.] After a \$50 copayment paid by the insured, the intermediate benefit set covers hospital or clinic services for outpatient emergency medical care performed on an emergency basis in the emergency area of a hospital outpatient department or urgent care center, or a free-standing medical clinic that provides 24-hour emergency care. The \$50 copayment is waived if the person is admitted to a hospital within 24 hours for a condition related to the emergency care. This subdivision does not include health professional services, which are covered in subdivision 2.

Subd. 2. [HEALTH PROFESSIONALS; EMERGENCY ROOM CARE.] The intermediate benefit set covers emergency services by qualified health professionals performed in the emergency area of a hospital outpatient department or urgent care center, or a free-standing medical clinic that provides 24-hour emergency care.

Subd. 3. [AMBULANCE.] The intermediate benefit set covers 80 percent of the cost of licensed ambulance service. Ambulance service for maternity care is not covered except when medically necessary.

Sec. 8. [62J.36] [COVERED SERVICES: HOSPITAL INPATIENT AND HOME HEALTH CARE.]

Subdivision 1. [GENERAL COPAYMENT AND BENEFIT LIMIT; HOSPITALIZATION.] The intermediate benefit set covers 80 percent of the cost of general inpatient hospitalization. After a family's total copayment for all covered inpatient benefits, including mental health and all other categories of covered inpatient care, except maternity, exceeds \$2,500 in one calendar year, the intermediate benefit set covers 100 percent of additional services. After the intermediate benefit set has paid \$70,000 in inpatient benefits of any kind except maternity for a person within a calendar year, the intermediate benefit set will cover no further inpatient benefits, except maternity, of any kind for that person for that calendar year.

Subd. 2. [HOSPITAL INPATIENT SERVICES.] The intermediate benefit set covers, subject to subdivision 1, hospital services, including inpatient room, board, and ancillary services. The covered room charges are for a semiprivate room, except as otherwise provided in section 62E.06, subdivision 1, paragraph (c), clause (4). Ancillary services include use of surgical and intensive care facilities, inpatient nursing care, pathology and radiology procedures, drugs, supplies, physical therapy, and other services normally provided by hospitals. Ancillary services do not include care by health professionals, whether or not employed by the hospital. This subdivision

does not include maternity and related neonatal care, alcohol and drug abuse treatment, or inpatient confinement for nursing or custodial care.

Subd. 3. [INPATIENT HEALTH PROFESSIONAL SURGERY.] The intermediate benefit set covers, subject to subdivision 1, services by surgeons, assistant surgeons, anesthesiologists, anesthesiologists, and other qualified health professionals for surgery and related procedures, including normal presurgical and postsurgical examinations, for inpatient nonmaternity surgery.

Subd. 4. [INPATIENT HEALTH PROFESSIONAL RADIOLOGY AND PATHOLOGY.] The intermediate benefit set covers, subject to subdivision 1, services by physicians for radiology and pathology evaluation performed on an inpatient basis.

Subd. 5. [INPATIENT HEALTH PROFESSIONAL SERVICES; VISITS AND CONSULTATIONS.] The intermediate benefit set covers, subject to subdivision 1, physician services for visits, consultations, and other care provided on an inpatient basis at a hospital or approved extended care facility. This benefit also provides for the care of critically ill patients in a variety of settings that require the constant attention of the physician. Consultations by nonphysicians are covered if provided by appropriate health professionals.

Subd. 6. [EXTENDED CARE FACILITIES.] The intermediate benefit set covers, subject to subdivision 1, room, board, and ancillary services at an approved extended care facility that is the extended care unit of a hospital or an independent skilled nursing facility. This benefit covers only noncustodial care.

Subd. 7. [PRIVATE DUTY NURSING; HOME HEALTH CARE.] The intermediate benefit set covers, subject to subdivision 1, private duty nursing and home health visits by a home health professional if prescribed by the attending physician. Custodial care is not covered.

Sec. 9. [62J.37] [COVERED SERVICES: CHILDREN'S DENTAL CARE.]

This benefit provides for preventive and nonpreventive services for children.

(a) The intermediate benefit set covers preventive services which include oral examinations, X rays, fluoride applications, teeth cleaning, and other laboratory and diagnostic tests.

(b) The intermediate benefit set covers 80 percent of the cost of basic nonpreventive services which include emergency treatment, space maintainers, simple extractions, surgical extractions, oral

surgery, anesthesia services, restorations, periodontics, and endodontics.

(c) The intermediate benefit set covers 50 percent of the cost of major nonpreventive services which include inlays and crowns, dentures and other removable prosthetics, bridges and other fixed prosthetics, denture and bridge repair, and other prosthetics.

Sec. 10. [62J.375] [COVERED SERVICES; LANGUAGE TRANSLATIONS AND INTERPRETERS.]

The intermediate benefit set covers sign and spoken language interpreters necessary in connection with receipt of any other services covered under the plan.

Sec. 11. [62J.38] [EXCLUDED SERVICES.]

Subdivision 1. [MEDICAL NECESSITY.] The intermediate benefit set does not cover services that are not medically necessary.

Subd. 2. [OTHER EXCLUDED SERVICES.] Regardless of medical necessity, the intermediate benefit set does not cover the following services:

(1) expenses listed under section 62E.06, subdivision 1, paragraph (c);

(2) inpatient treatment of alcoholism, chemical dependency, or drug addiction;

(3) treatment of temporomandibular joint disorder;

(4) treatment of craniomandibular disorder;

(5) orthodontia care;

(6) experimental procedures;

(7) custodial care;

(8) personal comfort or beautification;

(9) treatment for obesity;

(10) in vitro fertilization;

(11) artificial insemination;

(12) reversal of voluntary sterilization; and

(13) transsexual surgery.

UNIVERSAL BASIC BENEFIT PLAN

Sec. 12. [62J.39] [UNIVERSAL BASIC BENEFIT SET.]

Subdivision 1. [CONTENT OF THE UNIVERSAL BASIC BENEFIT SET.] The universal basic benefit set is a uniform standard of health coverage that will be available to all Minnesotans. The commissioner shall determine the content of the universal basic benefit set, with the advice of the technology and benefits advisory committee as established in H.F. No. 5. The universal basic benefit set must include:

(1) the benefits contained in the intermediate benefit set, including but not limited to full coverage for prenatal care, immunizations, and other preventive care as currently mandated for health maintenance organizations; and

(2) other health care services of demonstrated effectiveness, consistent with the following principles: (i) universal and equitable access to health care procedures and technologies; (ii) maintenance of an appropriate balance between expenditures for primary and preventive care, and expenditures for high cost cases; (iii) promotion of high quality and cost-effective health care; and (iv) adherence to budget targets.

Subd. 2. [CONVERSION TO THE UNIVERSAL BASIC BENEFIT SET.] The following changes will occur on July 1, 1995:

(1) the universal basic benefit set will replace the intermediate benefit set as the benefit set made available on a subsidized basis through the state plan;

(2) the supplemental benefit set will no longer be available through the state plan;

(3) the state plan may make available optional coverage that exceeds the universal basic benefit set;

(4) the intermediate benefit set will no longer be available in the private market;

(5) the universal basic benefit set will replace the mandated benefits currently required under chapters 60A, 62A, 62C, 62D, and 62E; and

(6) any health coverage programs sponsored by state or local

government will be required to provide benefits equal to or better than the universal basic benefit set.

Sec. 13. [62J.40] [AVAILABILITY OF INTERMEDIATE BENEFIT SET.]

The intermediate benefit set is available only to individuals and to small groups containing no more than five employees or members. The intermediate benefit set may be offered through the state plan, and through the private market only by health plan companies participating in the state plan.

Sec. 14. [62J.41] [MINIMUM INSURANCE BENEFIT SET.]

For all health plan companies except those governed by chapter 62D, the minimum insurance benefit set is a number two qualified plan, as defined in section 62E.06, subdivision 2. For the purposes of this requirement, actuarial equivalence must not be used. For health plan companies governed by chapter 62D, the minimum insurance benefit set is the set of benefits required under chapter 62D. Except as provided in section 13, no health coverage may be offered, sold, issued, or renewed to any Minnesota resident or to any group in Minnesota unless the coverage meets or exceeds the requirements of the minimum insurance benefit set.

Sec. 15. [62J.42] [SUPPLEMENTAL BENEFIT SET.]

The supplemental benefit set includes the benefits commonly included in group health coverage offered by health maintenance organizations operating under chapter 62D that are not included in the intermediate benefit set. The commissioner of health care access shall establish, by rule, uniform provisions for the supplemental benefit set. The state plan and health plan companies participating in the state plan must make the supplemental benefit set available as an option to any individual or group covered by the intermediate benefit set. For groups too large to qualify for the intermediate benefit set, the intermediate benefit set combined with the supplemental benefit set will be the only benefit set available through the state plan.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 15 are effective on July 1, 1992."

Delete the title and insert:

"A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain

health coverage; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62J.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 6, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE 1
RURAL HEALTH INITIATIVES

Section 1. Minnesota Statutes 1990, section 144.147, subdivision 4, is amended to read:

Subd. 4. [ALLOCATION OF GRANTS.] (a) Eligible hospitals must apply to the commissioner no later than September 1, ~~1990~~, of each year for grants awarded ~~in the 1991 state fiscal year; and no later than September 1, 1990, for grants awarded in the 1992 state~~ for the fiscal year beginning the following July 1.

(b) The commissioner may award ~~at least~~ a maximum of two grants for each fiscal year. The commissioner must make a final decision on the funding of each application within 60 days of the deadline for receiving applications.

(c) Each relevant community health board has 30 days in which to review and comment to the commissioner on grant applications from hospitals in their community health service area.

(d) In determining which hospitals will receive grants under this section, the commissioner shall consider the following factors:

(1) Description of the problem, description of the project, and the likelihood of successful outcome of the project. The applicant must explain clearly the nature of the health services problems in their service area, how the grant funds will be used, what will be accomplished, and the results expected. The applicant should describe achievable objectives, a timetable, and roles and capabilities of responsible individuals and organizations.

(2) The extent of community support for the hospital and this proposed project. The applicant should demonstrate support for the hospital and for the proposed project from other local health service providers and from local community and government leaders. Evidence of such support may include past commitments of financial support from local individuals, organizations, or government entities; and commitment of financial support, in-kind services or cash, for this project.

(3) The comments, if any, resulting from a review of the application by the community health board in whose community health service area the hospital is located.

(e) In evaluating applications, the commissioner shall score each application on a 100 point scale, assigning the maximum of 70 points for an applicant's understanding of the problem, description of the project, and likelihood of successful outcome of the project; and a maximum of 30 points for the extent of community support for the hospital and this project. The commissioner may also take into account other relevant factors.

(f) A grant to a hospital, including hospitals that submit applications as consortia, may not exceed \$50,000 a year and may not exceed a term of two years. Prior to the receipt of any grant, the hospital must certify to the commissioner that at least one-half of the amount, which may include in-kind services, is available for the same purposes from nonstate sources. A hospital receiving a grant under this section may use the grant for any expenses incurred in the development of strategic plans or the implementation of transition projects with respect to which the grant is made. Project grants

may not be used to retire debt incurred with respect to any capital expenditure made prior to the date on which the project is initiated.

Sec. 2. [144.1481] [RURAL HEALTH ADVISORY COMMITTEE.]

Subdivision 1. [ESTABLISHMENT; MEMBERSHIP.] The commissioner of health shall establish a 15-member rural health advisory committee. The committee shall consist of the following individuals, all of whom must reside outside the seven-county metropolitan area:

(1) two members from the house of representatives of the state of Minnesota, one from the majority party and one from the minority party;

(2) two members from the senate of the state of Minnesota, one from the majority party and one from the minority party;

(3) a volunteer member of an ambulance service based outside the seven-county metropolitan area;

(4) a representative of a hospital located outside the seven-county metropolitan area;

(5) a representative of a nursing home located outside the seven-county metropolitan area;

(6) a medical doctor or doctor of osteopathy licensed under chapter 147;

(7) a midlevel practitioner;

(8) a registered nurse or licensed practical nurse;

(9) a licensed health care professional from an occupation not otherwise represented on the committee;

(10) a representative of an institution of higher education located outside the seven-county metropolitan area that provides training for rural health care providers; and

(11) three consumers, at least one of whom must be an advocate for persons who are mentally ill or developmentally disabled.

The commissioner will make recommendations for committee membership. Committee members will be appointed by the governor. In making appointments, the governor shall ensure that appointments provide geographic balance among those areas of the state outside the seven-county metropolitan area. The chair of the committee shall be elected by the members. The terms, compensa-

tion, and removal of members are governed by section 15.059. The advisory committee does not expire as provided in section 15.059, subdivision 5.

Subd. 2. [DUTIES.] The advisory committee shall:

(1) advise the commissioner of health, the commissioner of human services, the office of rural health established in section 3, and other state agencies on rural health issues;

(2) provide a systematic and cohesive approach toward rural health issues and rural health care planning, at both a local and statewide level;

(3) develop and evaluate mechanisms to encourage greater cooperation among rural communities and among providers;

(4) recommend and evaluate approaches to rural health issues that are sensitive to the needs of local communities;

(5) develop methods for identifying individuals who are underserved by the rural health care system; and

(6) evaluate the Minnesotans' health care plan and recommend program changes needed to better address problems and needs in rural health care.

Subd. 3. [STAFFING; OFFICE SPACE; EQUIPMENT.] The commissioner shall provide the advisory committee with staff support, office space, and access to office equipment and services.

Sec. 3. [144.1482] [OFFICE OF RURAL HEALTH.]

Subdivision 1. [ESTABLISHMENT; FEDERAL GRANT APPLICATION.] The commissioner of health shall establish an office of rural health within the department. The commissioner shall also apply for a federal grant to establish the office of rural health, as provided under the federal Public Health Service Act, Public Law Number 101-597.

Subd. 2. [DUTIES.] (a) The office of rural health shall:

(1) establish and maintain a clearinghouse for collecting and disseminating information on rural health care issues, research findings, and innovative approaches to the delivery of rural health care;

(2) coordinate the activities relating to rural health care that are carried out by the state to avoid duplication of effort;

(3) identify federal and state rural health programs and provide technical assistance to public and nonprofit entities, including community and migrant health centers, to assist them in participating in these programs;

(4) assist rural communities in improving the delivery and quality of health care in rural areas and in recruiting and retaining health professionals;

(5) work with the bureau of health care access in the department of human services to provide access to health care in rural Minnesota; and

(6) carry out the duties assigned in section 4.

(b) To carry out these duties, the office may contract with or provide grants to public and private, nonprofit entities.

Sec. 4. [144.1483] [RURAL HEALTH INITIATIVES.]

The commissioner of health, through the office of rural health, and consulting as necessary with the commissioner of human services, the higher education coordinating board, and other state agencies, shall:

(1) develop a detailed plan regarding the feasibility of coordinating rural health care services by organizing individual medical providers and smaller hospitals and clinics into referral networks with larger rural hospitals and clinics that provide a broader array of services. Where possible, this plan will guide the bureau of health care access as established under H.F. No. 5 in contracting for health care delivery throughout Minnesota;

(2) administer the planning and transition grant program for rural hospitals established under sections 144.1465 and 144.147, and develop and administer planning and transition grant programs for health care providers and communities. Grants may be used for planning regarding the use of facilities, recruitment of health personnel, and coordination of health services;

(3) administer the program of financial assistance established under section 5 for rural hospitals in isolated areas of the state that are in danger of closing without financial assistance, and that have exhausted local sources of support;

(4) develop recommendations regarding health education and training programs in rural areas, including but not limited to a physician assistants' training program, continuing education programs for rural health care providers, and rural outreach programs for nurse practitioners within existing training programs;

(5) develop a statewide, coordinated recruitment strategy for health care personnel;

(6) develop and administer technical assistance programs to assist rural communities in: (i) planning and coordinating the delivery of local health care services; and (ii) hiring physicians, nurse practitioners, public health nurses, physician assistants, and other health personnel;

(7) study and recommend changes in the regulation of health care personnel, such as nurse practitioners and physician assistants, related to scope of practice, the amount of on-site physician supervision, and dispensing of medication, to address rural health personnel shortages;

(8) develop recommendations for establishing telecommunication systems to improve rural health education and health care delivery;

(9) support efforts to ensure continued funding for medical and nursing education programs that will increase the number of health professionals serving in rural areas;

(10) support efforts to secure higher reimbursement for rural health care providers from the Medicare and medical assistance programs; and

(11) carry out other activities necessary to address rural health problems.

Sec. 5. [144.1484] [RURAL HOSPITAL FINANCIAL ASSISTANCE GRANTS.]

The commissioner of health shall award financial assistance grants to rural hospitals in isolated areas of the state. To qualify for a grant, a hospital must: (1) be eligible to be classified as a sole community hospital according to the criteria in Code of Federal Regulations, title 42, section 412.92; (2) have experienced net income losses in the two most recent consecutive hospital fiscal years for which audited financial information is available; (3) consist of 20 or fewer licensed beds; and (4) have exhausted local sources of support. Before applying for a grant, the hospital must have developed a strategic plan. The commissioner shall award grants in equal amounts.

Sec. 6. [144.1485] [DATA BASE ON HEALTH PERSONNEL.]

The commissioner of health shall develop and maintain a data base on health services personnel. The commissioner shall use this information to assist local communities and units of state government to develop plans for the recruitment and retention of health

personnel. Information collected in the data base must include, but is not limited to, data on levels of educational preparation, specialty, and place of employment. The commissioner may collect information through the registration and licensure systems of the state health licensing boards.

Sec. 7. [REPORT ON RURAL HOSPITAL FINANCIAL ASSISTANCE GRANTS.]

The commissioner of health shall examine the eligibility criteria for rural hospital financial assistance grants under section 5 and report to the legislature by February 1, 1992, on any needed modifications.

Sec. 8. [APPROPRIATION.]

\$. . . . is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1993, to implement sections 1 to 7.

Sec. 9. [EFFECTIVE DATE.]

Section 2 creating the rural health advisory committee is effective January 1, 1992.

ARTICLE 2

HOSPITALS; EMERGENCY MEDICAL SERVICES; DISPENSING

Section 1. Minnesota Statutes 1990, section 16A.124, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings here given them.

(a) "Commissioner" means the commissioner of finance.

(b) "State agency" has the meaning assigned to it in section 16B.01.

(c) "Vendor" includes, but is not limited to, "vendors of medical care" as defined in section 256B.02, subdivision 7.

Sec. 2. Minnesota Statutes 1990, section 16A.124, subdivision 4, is amended to read:

Subd. 4. [INVOICE ERRORS.] If an invoice is incorrect, defective, or otherwise improper, the agency must notify the vendor of all

errors, within ten days of ~~discovering~~ discovery of the ~~error~~ errors. Upon receiving a corrected invoice, the agency must pay the bill within the time limitation contained in subdivision 3.

Sec. 3. Minnesota Statutes 1990, section 43A.17, subdivision 9, is amended to read:

Subd. 9. [POLITICAL SUBDIVISION SALARY LIMIT.] The salary of a person employed by a statutory or home rule charter city, county, town, school district, metropolitan or regional agency, or other political subdivision of this state, or employed under section 422A.03, may not exceed 95 percent of the salary of the governor as set under section 15A.082, except as provided in this subdivision. Deferred compensation and payroll allocations to purchase an individual annuity contract for an employee are included in determining the employee's salary. The salary of a medical doctor or doctor of osteopathy occupying a position that the governing body of the political subdivision has determined requires an M.D. or D.O. degree is excluded from the limitation in this subdivision. The commissioner may increase the limitation in this subdivision for a position that the commissioner has determined requires special expertise necessitating a higher salary to attract or retain a qualified person. The commissioner shall review each proposed increase giving due consideration to salary rates paid to other persons with similar responsibilities in the state. The commissioner may not increase the limitation until the commissioner has presented the proposed increase to the legislative commission on employee relations and received the commission's recommendation on it. The recommendation is advisory only. If the commission does not give its recommendation on a proposed increase within 30 days from its receipt of the proposal, the commission is deemed to have recommended approval.

Sec. 4. Minnesota Statutes 1990, section 43A.23, is amended by adding a subdivision to read:

Subd. 4. [STATE HEALTH PLAN.] The commissioner of employee relations shall provide flexibility in interpreting policies and procedures for implementing and administering the state health plan, to ensure adequate access throughout the state to the state health plan, and to maintain a viable rural health care delivery system.

Sec. 5. Minnesota Statutes 1990, section 144.581, subdivision 1, is amended to read:

Subdivision 1. [NONPROFIT CORPORATION POWERS.] A municipality, political subdivision, state agency, or other governmental entity that owns or operates a hospital authorized, organized, or operated under chapters 158, 250, 376, and 397, or under sections 246A.01 to 246A.27, 412.221, 447.05 to 447.13, 447.31, or 471.59, or under any special law authorizing or establishing a hospital or

hospital district shall, relative to the delivery of health care services, have, in addition to any authority vested by law, the authority and legal capacity of a nonprofit corporation under chapter 317A, including authority to

- (a) enter shared service and other cooperative ventures,
- (b) join or sponsor membership in organizations intended to benefit the hospital or hospitals in general,
- (c) enter partnerships,
- (d) incorporate other corporations,
- (e) have members of its governing authority or its officers or administrators serve as directors, officers, or employees of the ventures, associations, or corporations,
- (f) own shares of stock in business corporations,
- (g) offer, directly or indirectly, products and services of the hospital, organization, association, partnership, or corporation to the general public, and
- (h) ~~provide funds for payment of educational expenses of up to \$20,000 per individual, if the hospital or hospital district has at least \$1,000,000 in reserve and depreciation funds at the time of payment, and these reserve and depreciation funds were obtained solely from the operating revenues of the hospital or hospital district, and~~
- (i) ~~provide funds of up to \$50,000 per year per individual for a maximum of two years to supplement the incomes of family practice physicians, up to a maximum of \$100,000 in annual income, if the hospital or hospital district has at least \$250,000 in reserve and depreciation funds at the time of payment, and these reserve and depreciation funds were obtained solely from the operating revenues of the hospital or hospital district. expend funds, including public funds in any form, or devote the resources of the hospital or hospital district, to recruit or retain physicians whose services are necessary or desirable for meeting the health care needs of the population, and for successful performance of the hospital or hospital district's public purpose of the promotion of health. Allowable uses of funds and resources include the retirement of medical education debt, payment of one time amounts in consideration of services rendered or to be rendered, payment of recruitment expenses, payment of moving expenses, and the provision of other financial assistance necessary for the recruitment and retention of physicians, provided that the expenditures in whatever form are reasonable under the facts and circumstances of the situation.~~

Sec. 6. Minnesota Statutes 1990, section 144.8093, is amended to read:

144.8093 [EMERGENCY MEDICAL SERVICES FUND.]

Subdivision 1. [CITATION.] This section is the "Minnesota emergency medical services system support act."

Subd. 2. [ESTABLISHMENT AND PURPOSE.] In order to develop, maintain, and improve *regional emergency medical services systems*, the department of health shall establish an emergency medical services system fund. The fund shall be used for the general purposes of promoting systematic, cost-effective delivery of emergency medical care throughout the state; identifying common local, regional, and state emergency medical system needs and providing assistance in addressing those needs; ~~undertaking special projects of statewide significance that will enhance the provision of emergency medical care in Minnesota~~ providing discretionary grants for emergency medical service projects with potential regionwide significance; providing for public education about emergency medical care; promoting the exchange of emergency medical care information; ~~ensuring the ongoing coordination of regional emergency medical services systems~~; and establishing and maintaining training standards to ensure consistent quality of emergency medical services throughout the state.

Subd. 3. [USE AND RESTRICTIONS.] Designated *regional emergency medical services systems* may use emergency medical services system funds to support local and regional emergency medical services as determined within the region, with particular emphasis given to supporting and improving emergency trauma and cardiac care and training. No part of a region's share of the fund may be used to directly subsidize any ambulance service operations or rescue service operations or to purchase any vehicles or parts of vehicles for an ambulance service or a rescue service.

Subd. 4. [DISTRIBUTION.] Money from the fund shall be distributed according to this subdivision. ~~Eighty-Ninety-three and one-third percent of the fund shall be distributed annually on a contract for services basis with each of the eight regional emergency medical services systems designated by the commissioner of health.~~ The systems shall be governed by a body consisting of appointed representatives from each of the counties in that region and shall also include representatives from emergency medical services organizations. The commissioner shall contract with a regional entity only if the contract proposal satisfactorily addresses proposed emergency medical services activities in the following areas: personnel training, transportation coordination, public safety agency cooperation, communications systems maintenance and development, public involvement, health care facilities involvement, and system management. If each of the regional emergency medical services systems

submits a satisfactory contract proposal, then this part of the fund shall be distributed evenly among the regions. If one or more of the regions does not contract for the full amount of its even share or if its proposal is unsatisfactory, then the commissioner may reallocate the unused funds to the remaining regions on a pro rata basis. Six and two-thirds percent of the fund shall be used by the commissioner to support regionwide reporting systems and to provide other regional administration and technical assistance. ~~Thirteen and one-third percent shall be distributed by the commissioner as discretionary grants for special emergency medical services projects with potential statewide significance.~~

Sec. 7. Minnesota Statutes 1990, section 176.011, subdivision 9, is amended to read:

Subd. 9. [EMPLOYEE.] "Employee" means any person who performs services for another for hire including the following:

(1) an alien;

(2) a minor;

(3) a sheriff, deputy sheriff, constable, marshal, police officer, firefighter, county highway engineer, and peace officer while engaged in the enforcement of peace or in the pursuit or capture of a person charged with or suspected of crime;

(4) a person requested or commanded to aid an officer in arresting or retaking a person who has escaped from lawful custody, or in executing legal process, in which cases, for purposes of calculating compensation under this chapter, the daily wage of the person shall be the prevailing wage for similar services performed by paid employees;

(5) a county assessor;

(6) an elected or appointed official of the state, or of a county, city, town, school district, or governmental subdivision in the state. An officer of a political subdivision elected or appointed for a regular term of office, or to complete the unexpired portion of a regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;

(7) an executive officer of a corporation, except those executive officers excluded by section 176.041;

(8) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioners of human services and corrections similar to those of officers and employees of the institutions, and whose services have been accepted

or contracted for by the commissioner of human services or corrections as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

(9) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision of it. The daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed by paid employees;

(10) a voluntary uncompensated worker participating in a program established by a county welfare board. In the event of injury or death of the worker, the wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid in the county at the time of the injury or death for similar services performed by paid employees working a normal day and week;

(11) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 84.089. The daily wage of the worker for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(12) a member of the military forces, as defined in section 190.05, while in state active service, as defined in section 190.05, subdivision 5a. The daily wage of the member for the purpose of calculating compensation under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(13) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138. The daily wage of the worker, for the purposes of calculating compensation under this chapter, shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(14) a voluntary uncompensated worker, other than a student, who renders services at the Minnesota state academy for the deaf or the Minnesota state academy for the blind, and whose services have been accepted or contracted for by the state board of education, as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of

the injury or death for similar services performed in institutions by paid employees;

(15) a voluntary uncompensated worker, other than a resident of the veterans home, who renders services at a Minnesota veterans home, and whose services have been accepted or contracted for by the commissioner of veterans affairs, as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(16) a worker who renders in-home attendant care services to a physically handicapped person, and who is paid directly by the commissioner of human services for these services, shall be an employee of the state within the meaning of this subdivision, but for no other purpose;

(17) students enrolled in and regularly attending the medical school of the University of Minnesota in the graduate school program or the postgraduate program. The students shall not be considered employees for any other purpose. In the event of the student's injury or death, the weekly wage of the student for the purpose of calculating compensation under this chapter, shall be the annualized educational stipend awarded to the student, divided by 52 weeks. The institution in which the student is enrolled shall be considered the "employer" for the limited purpose of determining responsibility for paying benefits under this chapter;

(18) a faculty member of the University of Minnesota employed for an academic year is also an employee for the period between that academic year and the succeeding academic year if:

(a) the member has a contract or reasonable assurance of a contract from the University of Minnesota for the succeeding academic year; and

(b) the personal injury for which compensation is sought arises out of and in the course of activities related to the faculty member's employment by the University of Minnesota;

(19) a worker who performs volunteer ambulance driver or attendant services is an employee of the political subdivision, nonprofit hospital, nonprofit corporation, or other entity for which the worker performs the services. The daily wage of the worker for the purpose of calculating compensation under this chapter shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(20) a voluntary uncompensated worker, accepted by the commis-

sioner of administration, rendering services as a volunteer at the department of administration. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(21) a voluntary uncompensated worker rendering service directly to the pollution control agency. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees; ~~and~~

(22) a voluntary uncompensated worker while volunteering services as a first responder or as a member of a law enforcement assistance organization while acting under the supervision and authority of a political subdivision. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees; and

(23) a voluntary uncompensated worker while volunteering services as a member of a rescue squad organized under the authority of a political subdivision. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees.

If it is difficult to determine the daily wage as provided in this subdivision, the trier of fact may determine the wage upon which the compensation is payable.

Sec. 8. Minnesota Statutes 1990, section 256.969, subdivision 6a, is amended to read:

Subd. 6a. [SPECIAL CONSIDERATIONS.] (a) In determining the payment rates, the commissioner shall consider whether the following circumstances exist:

(1) [MINIMAL MEDICAL ASSISTANCE USE.] Minnesota hospitals with 30 or fewer annualized admissions of Minnesota medical assistance recipients in the base year, excluding Medicare crossover admissions, may have the base year operating rates, as adjusted by the case mix index, and property payment rates established at the 70th percentile of hospitals in the peer group in effect during the base year as established by the Minnesota department of health for use by the rate review program. Rates within a peer group shall be adjusted for differences in fiscal years and outlier percentage payments before establishing the 70th percentile. The operating payment rate portion of the 70th percentile shall be adjusted by the hospital cost index. To have rates established under this paragraph,

the hospital must notify the commissioner in writing by November 1 of the year preceding the rate year. This paragraph shall be applied to all payment rates of the affected hospital.

(2) [UNUSUAL COST OR LENGTH OF STAY EXPERIENCE.] The commissioner shall establish day and cost outlier thresholds for each diagnostic category beyond the geometric mean length of stay or allowable cost. Payment for the days and cost beyond the outlier threshold shall be in addition to the operating and property payment rates per admission established under subdivisions 2, 2b, and 2c. Payment for outliers shall be at 70 percent of the allowable operating cost calculated by dividing the operating payment rate per admission, after adjustment by the case mix index, hospital cost index, relative values and the disproportionate population adjustment, by the arithmetic mean length of stay for the diagnostic category. The outlier threshold for neonatal and burn diagnostic categories shall be established at one standard deviation beyond the geometric mean length of stay or allowable cost, and payment shall be at 90 percent of allowable operating cost calculated in the same manner as other outliers. A hospital may choose an alternative percentage outlier payment to a minimum of 60 percent and a maximum of 80 percent if the commissioner is notified in writing of the request by October 1 of the year preceding the rate year. The chosen percentage applies to all diagnostic categories except burns and neonates. The percentage of allowable cost that is unrecognized by the outlier payment shall be added back to the base year operating payment rate per admission. Cost outliers shall be calculated using hospital specific allowable cost data. If a stay is both a day and a cost outlier, outlier payments shall be based on the higher outlier payment.

(3) [DISPROPORTIONATE NUMBERS OF LOW-INCOME PATIENTS SERVED.] For admissions occurring on or after July 1, 1989, the medical assistance disproportionate population adjustment shall comply with federal law at fully implemented rates. The commissioner may establish a separate disproportionate population operating payment rate adjustment under the general assistance medical care program. For admissions occurring on or after the rate year beginning January 1, 1991, the disproportionate population adjustment shall be derived from base year Medicare cost report data and may be adjusted by data reflecting actual claims paid by the department.

(4) [SEPARATE BILLING BY CERTIFIED REGISTERED NURSE ANESTHETISTS.] Hospitals may exclude certified registered nurse anesthetist costs from the operating payment rate as allowed by section 256B.0625, subdivision 11. To be eligible, a hospital must notify the commissioner in writing by October 1 of the year preceding the rate year of the request to exclude certified registered nurse anesthetist costs. The hospital must agree that all

hospital claims for the cost and charges of certified registered nurse anesthetist services will not be included as part of the rates for inpatient services provided during the rate year. In this case, the operating payment rate shall be adjusted to exclude the cost of certified registered nurse anesthetist services. Payments made through separate claims for certified registered nurse anesthetist services shall not be paid directly through the hospital provider number or indirectly by the certified registered nurse anesthetist to the hospital or related organizations.

(5) [SPECIAL RATES.] The commissioner may establish special rate-setting methodologies, including a per day operating and property payment system, for hospice, ventilator dependent, and other services on a hospital and recipient specific basis taking into consideration such variables as federal designation, program size, and admission from a medical assistance waiver or home care program. The data and rate calculation method shall conform to the requirements of paragraph (7), except that hospice rates shall not exceed the amount allowed under federal law and payment shall be secondary to any other medical assistance hospice program. Rates and payments established under this paragraph must meet the requirements of section 256.9685, subdivisions 1 and 2, and must not exceed payments that would otherwise be made to a hospital in total for rate year admissions under subdivisions 2, 2b, 2c, 3, 4, 5, and 6. The cost and charges used to establish rates shall only reflect inpatient medical assistance covered services. Hospital and claims data that are used to establish rates under this paragraph shall not be used to establish payments or relative values under subdivisions 2, 2b, 2c, 3, 4, 5, and 6.

(6) [REHABILITATION DISTINCT PARTS.] Units of hospitals that are recognized as rehabilitation distinct parts by the Medicare program shall have separate provider numbers under the medical assistance program for rate establishment and billing purposes only. These units shall also have operating and property payment rates and the disproportionate population adjustment established separately from other inpatient hospital services, based on the methods of subdivisions 2, 2b, 2c, 3, 4, 5, and 6. The commissioner may establish separate relative values under subdivision 2 for rehabilitation hospitals and distinct parts as defined by the Medicare program. For individual hospitals that did not have separate medical assistance rehabilitation provider numbers or rehabilitation distinct parts in the base year, hospitals shall provide the information needed to separate rehabilitation distinct part cost and claims data from other inpatient service data.

(7) [NEONATAL TRANSFERS.] For admissions occurring on or after July 1, 1989, neonatal diagnostic category transfers shall have operating and property payment rates established at receiving hospitals which have neonatal intensive care units on a per day payment system that is based on the cost finding methods and

allowable costs of the Medicare program during the base year. Other neonatal diagnostic category transfers shall have rates established according to paragraph (8). The rate per day for the neonatal service setting within the hospital shall be determined by dividing base year neonatal allowable costs by neonatal patient days. The operating payment rate portion of the rate shall be adjusted by the hospital cost index and the disproportionate population adjustment. The cost and charges used to establish rates shall only reflect inpatient services covered by medical assistance. Hospital and claims data used to establish rates under this paragraph shall not be used to establish payments or relative values under subdivisions 2, 2b, 2c, 3, 4, 5, and 6.

(8) [TRANSFERS.] Except as provided in paragraphs (5) and (7), operating and property payment rates for admissions that result in transfers and transfers shall be established on a per day payment system. The per day payment rate shall be the sum of the adjusted operating and property payment rates determined in subdivisions 2b and 2c, divided by the arithmetic mean length of stay for the diagnostic category. Each admission that results in a transfer and each transfer is considered a separate admission to each hospital, and the total of the admission and transfer payments to each hospital must not exceed the total per admission payment that would otherwise be made to each hospital under paragraph (2) and subdivisions 2b and 2c.

(b) The computation of each hospital's payment rate and the relative values of the diagnostic categories are not subject to the routine service cost limitation imposed under the Medicare program.

(c) Indian health service facilities are exempt from the rate establishment methods required by this section and shall be reimbursed at the facility's usual and customary charges to the general public. This exemption is not effective for payments under general assistance medical care.

(d) Except as provided in paragraph (a), clauses (1) and (3), out-of-state hospitals that are located within a Minnesota local trade area shall have rates established using the same procedures and methods that apply to Minnesota hospitals. Hospitals that are not required by law to file information in a format necessary to establish rates shall have rates established based on the commissioner's estimates of the information. Relative values of the diagnostic categories shall not be redetermined under this paragraph until required by rule. Hospitals affected by this paragraph shall then be included in determining relative values. However, hospitals that have rates established based upon the commissioner's estimates of information shall not be included in determining relative values. This paragraph is effective for hospital fiscal years beginning on or after July 1, 1988. A hospital shall provide the information neces-

sary to establish rates under this paragraph at least 90 days before the start of the hospital's fiscal year.

(e) Hospitals that are not located within Minnesota or a Minnesota local trade area shall have operating and property rates established at the average of statewide and local trade area rates or, at the commissioner's discretion, at an amount negotiated by the commissioner. Relative values shall not include data from hospitals that have rates established under this paragraph. Payments, including third party liability, established under this paragraph may not exceed the charges on a claim specific basis for inpatient services that are covered by medical assistance.

(f) Medical assistance inpatient payment rates must include the cost incurred by hospitals to pay the department of health for metabolic disorder testing of newborns who are medical assistance recipients, if the cost is not recognized by another payment source.

(g) Medical assistance inpatient payments shall increase 20 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occurred between ~~July~~ April 1, 1988 1991, and ~~December 31, 1990~~ the implementation date of the upgrade to the Medicaid management information system, if: (i) the hospital had 100 or fewer Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987, to June 30, 1987; (ii) the hospital had 100 or fewer licensed beds on March 1, 1988; (iii) the hospital is located in Minnesota; and (iv) the hospital is not located in a city of the first class as defined in section 410.01. For this paragraph, medical assistance does not include general assistance medical care.

(h) Medical assistance inpatient payments shall increase 15 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occurred between ~~July~~ April 1, 1988 1991, and ~~December 31, 1990~~ the implementation date of the upgrade to the Medicaid management information system, if: (i) the hospital had more than 100 but fewer than 250 Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987, to June 30, 1987; (ii) the hospital had 100 or fewer licensed beds on March 1, 1988; (iii) the hospital is located in Minnesota; and (iv) the hospital is not located in a city of the first class as defined in section 410.01. For this paragraph, medical assistance does not include general assistance medical care.

(i) Admissions occurring on or after July 1, 1990, that are classified to a diagnostic category of mental health or chemical dependency shall have rates established according to the methods of paragraph (a), clause (8), except the per day rate shall be multiplied by a factor of 2, provided that the total of the per day rates shall not

exceed the per admission rate. This methodology shall also apply when a hold or commitment is ordered by the court for the days that inpatient hospital services are medically necessary. Stays which are medically necessary for inpatient hospital services and covered by medical assistance shall not be billable to any other governmental entity. Medical necessity shall be determined under criteria established to meet the requirements of section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b).

Sec. 9. Minnesota Statutes 1990, section 447.31, subdivision 1, is amended to read:

Subdivision 1. [RESOLUTIONS.] Any ~~four~~ two or more cities and towns, however organized, except cities of the first class, may create a hospital district. They must do so by resolutions adopted by their respective governing bodies or electors. A hospital district may be reorganized according to sections 447.31 to 447.37. Reorganization must be by resolutions adopted by the district's hospital board and the governing body or voters of each city and town in the district.

Sec. 10. Minnesota Statutes 1990, section 447.31, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF RESOLUTION.] A resolution under subdivision 1 must state that a hospital district is authorized to be created under sections 447.31 to 447.37, or that an existing hospital district is authorized to be reorganized under sections 447.31 to 447.37, in order to acquire, improve, and run hospital and nursing home facilities that the hospital board decides are necessary and expedient in accordance with sections 447.31 to 447.37. The resolution must name the ~~four~~ two or more cities or towns included in the district. The resolution must be adopted by a two-thirds majority of the members-elect of the governing body or board acting on it, or by the voters of the city or town as provided in this section.

Each resolution adopted by the governing body of a city or town must be published in its official newspaper and takes effect 40 days after publication, unless a petition for referendum on the resolution is filed with the governing body within 40 days. A petition for referendum must be signed by at least five percent of the number of voters voting at the last election of officers. If a petition is filed, the resolution does not take effect until approved by a majority of voters voting on it at a regular municipal election or a special election which the governing body may call for that purpose.

The resolution may also be initiated by petition filed with the governing body of the city or town, signed by at least ten percent of the number of voters voting at the last general election. A petition must present the text of the proposed resolution and request an election on it. If the petition is filed, the governing body shall call a special election for the purpose, to be held within 30 days after the

filing of the petition, or may submit the resolution to a vote at a regular municipal election that is to be held within the 30-day period. The resolution takes effect if approved by a majority of voters voting on it at the election. Only one election shall be held within any given 12-month period upon resolutions initiated by petition. The notice of the election and the ballot used must contain the text of the resolution, followed by the question: "Shall the above resolution be approved?"

Sec. 11. [STUDY OF BASIC AND ADVANCED LIFE SUPPORT REIMBURSEMENT.]

The commissioner of human services, in consultation with the commissioner of health, shall study the mechanisms and rates of reimbursement for advanced and basic life support ambulance and special transportation service calls under medical assistance and general assistance medical care. The study shall examine methods of simplifying the claims process, interpretation of the "medically necessary" criteria and prior approval in light of the statutory mandate that ambulance service may not be denied, as well as other issues that create impediments to reasonable and fair reimbursement. The commissioner shall report findings and offer recommendations to the legislature by February 1, 1992, on means of maximizing potential reimbursement levels.

Sec. 12. [STUDY OF AMBULANCE SUBSCRIPTION PLANS.]

The commissioner of commerce and the commissioner of health shall study prepaid ambulance service plans that allow a person to prepay for ambulance services on a yearly basis. The commissioners shall study plans offered in other states and shall study the cost effectiveness and feasibility of offering these plans in Minnesota. The commissioners shall study methods of funding the plans. The commissioners shall also address the issue of whether these plans should be regulated as insurance, health maintenance organizations, or as another type of entity. The commissioners shall conduct the study in conjunction with the attorney general. The commissioners shall report the findings of the study to the legislature by January 1, 1992.

Sec. 13. [APPROPRIATION.]

\$. is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1993, for the medical assistance small volume adjustment for hospitals.

Delete the title and insert:

"A bill for an act relating to health care; establishing mechanisms to assure access to health care throughout the state; providing

initiatives to improve access to health care in rural areas; establishing a rural health advisory committee; providing changes to the emergency medical services fund; including volunteer rescue squad workers as employees under workers' compensation; requiring studies; appropriating money; amending Minnesota Statutes 1990, sections 16A.124, subdivisions 1 and 4; 43A.17, subdivision 9; 43A.23, by adding a subdivision; 144.147, subdivision 4; 144.581, subdivision 1; 144.8093; 176.011, subdivision 9; 256.969, subdivision 6a; and 447.31, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 144."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 7, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [62J.44] [HEALTH CARE ANALYSIS UNIT.]

Subdivision 1. [ESTABLISHMENT.] The commissioner shall establish a health care analysis unit to conduct data and research initiatives in order to improve the efficiency and effectiveness of health care in Minnesota.

Subd. 2. [GENERAL DUTIES; IMPLEMENTATION DATE.] The commissioner, through the health care analysis unit, shall:

(1) conduct applied research using existing and newly established health care data bases, and promote applications based on existing research;

(2) establish the condition-specific data base required under section 2;

(3) develop and implement data collection procedures to ensure a high level of cooperation from health care providers and health plans;

(4) work closely with health plans and health care providers under contract with the commissioner of health care access to promote improvements in health care efficiency and effectiveness;

(5) periodically evaluate the state's existing health care financing and delivery programs, and the health programs created or administered by the commissioner of health care access;

(6) regularly prepare estimates, specific to Minnesota, of total health service expenditures and sources of payment;

(7) participate as a partner or sponsor of private sector initiatives that promote publicly disseminated applied research on health care delivery, outcomes, costs, quality, and management;

(8) conduct periodic surveys, including those required by section 4; and

(9) provide technical assistance to health plan and health care purchasers, as required by section 5.

The commissioner shall begin implementation of these data collection and research initiatives by July 1, 1992.

Subd. 3. [CRITERIA FOR UNIT INITIATIVES.] Data and research initiatives by the health care analysis unit must:

(1) serve the needs of the general public, public sector health care programs, employers and other purchasers of health care, health care providers, including providers serving large numbers of low-income people, and health plan companies;

(2) promote a significantly accelerated pace of publicly disseminated, applied research on health care delivery, outcomes, costs, quality, and management;

(3) conduct research and promote health care applications based on scientifically sound and statistically valid methods;

(4) be statewide in scope, in order to benefit health care purchasers and providers in all parts of Minnesota and to ensure a broad and representative data base for research, comparisons, and applications;

(5) emphasize data that is useful, relevant, and nonredundant of existing data. The initiatives may duplicate existing private activities, if this is necessary to ensure that the data collected will be in the public domain;

(6) be structured to minimize the administrative burden on health plans, health care providers, and the health care delivery system; and

(7) promote continuous improvement in the efficiency and effectiveness of health care delivery.

Subd. 4. [CRITERIA FOR PUBLIC SECTOR HEALTH CARE PROGRAMS.] Data and research initiatives related to public sector health care programs must:

(1) assist the state's current health care financing and delivery programs, and the state plan, to deliver and purchase health care in a manner that promotes improvements in health care efficiency and effectiveness;

(2) assist the state in its public health activities, including the analysis of disease prevalence and trends and the development of public health responses;

(3) assist the state in developing and refining its overall health policy, including policy related to health care costs, quality, and access; and

(4) provide a data source that allows the evaluation of state health care financing and delivery programs.

Subd. 5. [DATA COLLECTION PROCEDURES.] The health care analysis unit shall collect data from health care providers, health plan companies, and individuals in the most cost-effective manner. The unit may require health care providers and health plan companies to collect and provide patient health data, provide mailing lists of patients, and cooperate in other ways with the data collection process. The health care analysis unit may assign, or require health care providers and health plan companies to assign, a unique identification number to each patient to safeguard patient identity.

Subd. 6. [DATA CLASSIFICATION.] (a) Data collected through the large-scale data base initiatives of the health care analysis unit required by section 62J.45 are classified as private data on individuals and may be disclosed only to: employees of the bureau of health care access working on bureau initiatives; researchers affiliated with university research centers or departments, who are conducting research on health outcomes, practice parameters, and medical practice style; researchers working under contract with the bureau of health care access; and individuals purchasing health care services for health plan companies and groups.

(b) Data collected through the survey research initiatives of the health care analysis unit required by section 62J.47 are classified as public data under section 13.03, except that any patient or enrollee identifying information is private data.

(c) Summary data derived from data collected through the large-scale data base and survey research initiatives of the health care analysis unit may be provided under section 13.05, subdivision 7, and may be released in studies produced by the bureau of health care access.

Subd. 7. [FEDERAL AND OTHER GRANTS.] The commissioner of human services shall seek federal funding, and funding from private and other non-state sources, for the initiatives of the health care analysis unit.

Sec. 2. [62J.45] [LARGE-SCALE DATA BASE.]

Subdivision 1. [ESTABLISHMENT.] The health care analysis unit shall establish a large-scale data base for a limited number of health conditions. This initiative must meet the requirements of this section.

Subd. 2. [SPECIFIC HEALTH CONDITIONS.] (a) The data must be collected for specific health conditions, rather than specific procedures, types of health care providers, or services. The health care analysis unit shall designate up to eight specific health conditions for which data shall be collected during the first year of operation. For subsequent years, data may be collected for up to six additional specific health conditions. The number of specific conditions for which data is collected is subject to the availability of appropriations.

(b) The initiative must emphasize conditions that account for significant total costs, when considering both the frequency of a condition and the unit cost of treatment. The initial emphasis must be on the study of conditions commonly treated in hospitals on an inpatient or outpatient basis, or in freestanding outpatient surgical centers. As improved data collection and evaluation techniques are incorporated, this emphasis shall be expanded to include entire

episodes of care for a given condition, whether or not treatment includes use of a hospital or a freestanding outpatient surgical center.

Subd. 3. [INFORMATION TO BE COLLECTED.] The data collected must include information on health outcomes, including information on mortality, patient functional status and quality of life, symptoms, and patient satisfaction. The data collected must include information necessary to measure and make adjustments for differences in the severity of patient condition across different health care providers, and may include data obtained directly from the patient or from patient medical records. The data must be collected in a manner that allows comparisons to be made between providers, health plan companies, public programs, and other entities.

Subd. 4. [DATA COLLECTION AND REVIEW.] Data collection for any one condition must continue for a sufficient time to permit adequate analysis, feedback to providers, and monitoring for changes in practice patterns. The health care analysis unit shall annually review all specific health conditions for which data is being collected, in order to determine if data collection for that condition should be continued.

Subd. 5. [USE OF EXISTING DATA BASES.] (a) The health care analysis unit shall negotiate with private sector organizations currently collecting data on specific health conditions of interest to the unit, in order to obtain required data in a cost-effective manner and minimize administrative costs. The unit shall attempt to establish linkages between the large scale data base established by the unit and existing private sector data bases and shall consider and implement methods to streamline data collection in order to reduce public and private sector administrative costs.

(b) The health care analysis unit shall use existing public sector data bases, such as those existing for medical assistance and Medicare, to the greatest extent possible. The unit shall establish linkages between existing public sector data bases and consider and implement methods to streamline public sector data collection in order to reduce public and private sector administrative costs.

Sec. 3. [62J.46] [ANALYSIS AND USE OF DATA COLLECTED THROUGH THE LARGE-SCALE DATA BASE.]

Subdivision 1. [DATA ANALYSIS.] The health care analysis unit shall analyze the data collected on specific health conditions using existing medical practice parameters and newly researched medical practice parameters, including those established through the medical effectiveness studies of the federal government. The unit may also use the data collected to develop new practice parameters, or refine existing practice parameters, and may encourage or coordi-

nate private sector research efforts designed to develop or refine practice parameters.

Subd. 2. [EDUCATIONAL EFFORTS.] The health care analysis unit shall maintain and improve the quality of health care in Minnesota by providing medical practitioners in the state with information about practice parameters and medical practice style. The unit shall disseminate medical parameters for specific medical conditions, and the research findings on which these parameters are based, to all medical practitioners in the state who diagnose or treat the medical condition.

Subd. 3. [PEER REVIEWS.] The unit may require peer reviews for specific medical conditions for which medical practice in all or part of the state deviates from practice parameters. The unit may also require peer reviews for specific medical conditions for which there are large variations in treatment method or frequency of treatment in all or part of the state. Peer reviews may be required for all medical practitioners statewide, or limited to medical practitioners in specific areas of the state. The peer reviews shall determine if the procedures conducted by medical practitioners are medically necessary and appropriate. If a medical practitioner's practice style does not change and the practitioner continues to perform procedures that are medically inappropriate, even after educational efforts by the review panel, the panel may report the practitioner to the appropriate professional licensing board.

Sec. 4. [62J.47] [SURVEY RESEARCH.]

The health care analysis unit shall conduct periodic surveys to accomplish the data and research goals listed in section 1. These surveys shall include, but are not limited to:

(1) surveys of enrollee satisfaction with health plans and health care providers;

(2) surveys to monitor changes over time in financial and geographic access and sources of health coverage;

(3) surveys of health service prices, especially for services less commonly covered by health insurance, or for which patients commonly face significant out-of-pocket expenses;

(4) surveys of health plan prices, especially for health plans sold on a community-rated or table-rated basis; and

(5) surveys of new procedures and treatments performed by health care providers, as a basis for considering changes in the benefits provided by state health coverage programs.

Sec. 5. [62J.48] [TECHNICAL ASSISTANCE FOR PURCHASERS.]

The health care analysis unit shall provide technical assistance to health plan and health care purchasers. The unit shall collect information about:

(1) premiums, benefit levels, managed care procedures, health care outcomes, and other features of popular health plans and health plan companies; and

(2) prices, outcomes, provider experience, and other information for services less commonly covered by insurance or for which patients commonly face significant out-of-pocket expenses.

The commissioner shall publicize this information in an easily understandable format.

Sec. 6. Minnesota Statutes 1990, section 147.091, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS LISTED.] The board may refuse to grant a license or may impose disciplinary action as described in section 147.141 against any physician. The following conduct is prohibited and is grounds for disciplinary action:

(a) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such requirements.

(b) Obtaining a license by fraud or cheating, or attempting to subvert the licensing examination process. Conduct which subverts or attempts to subvert the licensing examination process includes, but is not limited to: (1) conduct which violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination; (2) conduct which violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or (3) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

(c) Conviction, during the previous five years, of a felony reasonably related to the practice of medicine or osteopathy. Conviction as used in this subdivision shall include a conviction of an offense which if committed in this state would be deemed a felony without

regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon.

(d) Revocation, suspension, restriction, limitation, or other disciplinary action against the person's medical license in another state or jurisdiction, failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction, or having been refused a license by any other state or jurisdiction.

(e) Advertising which is false or misleading, which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by another physician.

(f) Violating a rule promulgated by the board or an order of the board, a state, or federal law which relates to the practice of medicine, or in part regulates the practice of medicine including without limitation sections 148A.02, 609.344, and 609.345, or a state or federal narcotics or controlled substance law.

(g) Engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare or safety of a patient; or medical practice which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(h) Failure to supervise a physician's assistant or failure to supervise a physician under any agreement with the board.

(i) Aiding or abetting an unlicensed person in the practice of medicine, except that it is not a violation of this paragraph for a physician to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of that person's license or registration or delegated authority.

(j) Adjudication as mentally incompetent, mentally ill or mentally retarded, or as a chemically dependent person, a person dangerous to the public, or a person who has a psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board orders otherwise.

(k) Engaging in unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in

which proceeding actual injury to a patient need not be established. Unprofessional conduct shall also include the performance of procedures that are judged by a peer review panel as medically inappropriate and in conflict with established medical practice parameters.

(l) Inability to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills.

(m) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.

(n) Failure by a doctor of osteopathy to identify the school of healing in the professional use of the doctor's name by one of the following terms: osteopathic physician and surgeon, doctor of osteopathy, or D.O.

(o) Improper management of medical records, including failure to maintain adequate medical records, to comply with a patient's request made pursuant to section 144.335 or to furnish a medical record or report required by law.

(p) Fee splitting, including without limitation:

(1) paying, offering to pay, receiving, or agreeing to receive, a commission, rebate, or remuneration, directly or indirectly, primarily for the referral of patients or the prescription of drugs or devices;

(2) dividing fees with another physician or a professional corporation, unless the division is in proportion to the services provided and the responsibility assumed by each professional and the physician has disclosed the terms of the division;

(3) referring a patient to any health care provider as defined in section 144.335 in which the referring physician has a significant financial interest unless the physician has disclosed the physician's own financial interest; and

(4) dispensing for profit any drug or device, unless the physician has disclosed the physician's own profit interest.

The physician must make the disclosures required in this clause in advance and in writing to the patient and must include in the disclosure a statement that the patient is free to choose a different health care provider. This clause does not apply to the distribution of revenues from a partnership, group practice, nonprofit corporation, or professional corporation to its partners, shareholders, members, or employees if the revenues consist only of fees for services per-

formed by the physician or under a physician's direct supervision, or to the division or distribution of prepaid or capitated health care premiums, or fee-for-service withhold amounts paid under contracts established under other state law.

(q) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.

(r) Becoming addicted or habituated to a drug or intoxicant.

(s) Prescribing a drug or device for other than medically accepted therapeutic or experimental or investigative purposes authorized by a state or federal agency or referring a patient to any health care provider as defined in section 144.335 for services or tests not medically indicated at the time of referral.

(t) Engaging in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior which is seductive or sexually demeaning to a patient.

(u) Failure to make reports as required by section 147.111 or to cooperate with an investigation of the board as required by section 147.131.

Sec. 7. [STUDY OF ADMINISTRATIVE COSTS.]

The health care analysis unit shall study costs and requirements incurred by health plan companies and health care providers that are related to the collection and submission of information to the state and federal government, insurers, and other third parties. The unit shall recommend to the commissioner by January 1, 1993, any reforms that may reduce these costs without compromising the purposes for which the information is collected.

Sec. 8. [APPROPRIATION.]

\$. is appropriated from the general fund to the commissioner of human services, for the biennium ending June 30, 1993, to establish a health care analysis unit and implement the initiative required by sections 1 to 7."

Delete the title and insert:

"A bill for an act relating to health care; creating a health care analysis unit; requiring data and research initiatives; requiring assistance to health care consumers; clarifying grounds for discipline for unprofessional conduct by a physician; appropriating money; amending Minnesota Statutes 1990, section 147.091, subdi-

vision 1; proposing coding for new law in Minnesota Statutes, chapter 62J.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 9, A bill for an act relating to education; establishing a legislative commission on children, youth, and their families; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the following amendments:

Page 1, line 15, after “state” insert “and local”

Page 2, line 12, delete “ASSISTANCE OF OTHER AGENCIES” and insert “INFORMATION COLLECTION; INTERGOVERNMENTAL COORDINATION” and before “The” insert “(a) The commission may conduct public hearings and otherwise collect data and information necessary to its purposes.

(b)”

Page 2, line 13, after “information” insert “or assistance”

Page 2, line 15, after “information” insert “or assistance”

Page 2, after line 15, insert:

“(c) Before implementing new or substantially revised programs relating to the subjects being studied by the commission under subdivision 7, the commissioner responsible for the program shall prepare an implementation plan for the program and shall submit the plan to the commission for review and comment. The commission may advise and make recommendations to the commissioner on the implementation of the program and may request such changes or additions in the plan as it deems appropriate.

(d) By July 1, 1991, the responsible state agency commissioners, including the commissioners of education, health, human services, jobs and training, and corrections, shall prepare data for presentation to the commission on the state programs to be examined by the commission under subdivision 7, clause (1).

(e) In order to facilitate coordination between executive and legislative authorities, the governor shall appoint a person to act as liaison between the commission and the governor.

Subd. 6. [LEGISLATIVE REPORTS AND RECOMMENDATIONS.] The commission shall make recommendations to the legislature or committees, as it deems appropriate to assist the legislature in formulating legislation. To facilitate coordination between executive and legislative authorities, the commission shall review and evaluate the plans and proposals of the governor and state agencies on matters within its jurisdiction and shall provide the legislature with its analysis and recommendations. The commission shall report its final recommendations under subdivision 7, clause (1), by January 1, 1993. The commission shall submit a progress report by January 1, 1992.

Subd. 7. [PRIORITIES.] The commission shall give priority to studying and reporting to the legislature on the following matters:

(1) Methods of improving legislative consideration of children and family issues and coordinating state agency programs relating to children and families, including the desirability, feasibility, and effects of creating a new state department of children's services, or children and family services, in which would be consolidated the responsibility for administering state programs relating to children and families.

(2) Methods of consolidating or coordinating local health, correctional, educational, job, and human services, to improve the efficiency and effectiveness of services to children and families and to eliminate duplicative and overlapping services. The commission shall evaluate and make recommendations on programs and projects in this and other states that encourage or require local jurisdictions to consolidate the delivery of services in schools or other community centers to reduce the cost and improve the coverage and accessibility of services.

(3) Methods of improving and coordinating educational, social, and health care services that assist children and families during the early childhood years. The commission's study must include an evaluation of the following: early childhood health and development screening services, headstart, child care, and early childhood family education.

(4) Methods of improving and coordinating the practices of judicial, correctional, and social service agencies in placing juvenile offenders and children who are in need of protective services or treatment."

Page 2, line 23, delete "7" and insert "9"

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 58, A bill for an act relating to state government; providing for a study of decentralization of state government; providing for a report to the legislature; appropriating money.

Reported the same back with the following amendments:

Page 1, after line 21, insert:

"Two of the members from each house of the legislature must be from the metropolitan area, as defined in Minnesota Statutes, section 473.121. Two of the members from each house must be from outside the metropolitan area. At least one member from each house must be a member of the governmental operations committee."

Page 1, lines 23 and 24, delete "at least 50 percent of state departments and agencies" and insert "a greater percentage of state department and agency positions"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 157, A bill for an act relating to the city of Crookston; permitting the establishment of special service districts in the city of Crookston.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 173, A bill for an act relating to the University of Minnesota; changing the structure of certain bargaining units; amending Minnesota Statutes 1990, section 179A.11, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 179, A bill for an act relating to animals; prohibiting greyhound races using live lures and training of greyhound dogs for racing using live lures; proposing coding for new law in Minnesota Statutes, chapter 343.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 299, A bill for an act relating to retirement; local police and salaried firefighters relief associations; providing for the continuation of surviving spouse benefits in the event of remarriage; amending Minnesota Statutes 1990, sections 69.48; 353B.11, subdivision 6; 423.387, subdivision 1; 423.58, subdivision 1; 423.810, subdivision 1; and 424.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 423A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 15.53, subdivision 2, is amended to read:

Subd. 2. The period of individual assignment or detail under an interchange program shall not exceed 24 months, nor shall any person be assigned or detailed for more than 24 months during any

36-month period, except when the assignment or detail is made to coincide with an unclassified appointment under section 15.06. Details relating to any matter covered in sections 15.51 to 15.57 may be the subject of an agreement between the sending and receiving agencies. Elected officials shall not be assigned from a sending agency nor detailed to a receiving agency.

Sec. 2. [352.011] [SERVICE EXCLUSION.]

Notwithstanding any law to the contrary, a person serving in the state unclassified service under an employee interchange program according to section 15.53 who remains a contributing member of another public pension plan during the state service is not a member of any plan administered by the Minnesota state retirement system for the service under the employee interchange program.

Sec. 3. [423A.17] [AUTHORITY TO IMPLEMENT THE CONTINUATION OF SURVIVING SPOUSE BENEFITS UPON REMARRIAGE.]

(a) Notwithstanding a provision of section 69.48; 423.387, subdivision 1; 423.58, subdivision 1; 423.810, subdivision 1; or 424.24, subdivision 1, or other law governing a local police or salaried firefighters relief association to the contrary, the board of trustees of a local relief association governed by section 69.77, with municipal approval as provided in section 69.77, subdivision 2i, may amend the bylaws of the relief association to provide that a surviving spouse benefit is payable for the life of the surviving spouse and remains payable even in the event of the remarriage of the surviving spouse.

(b) If the surviving spouse benefit change described in paragraph (a) is made, the change applies to a surviving spouse benefit payable on the effective date of the change and to the potential surviving spouses of all active, deferred, or retired members of the relief association who have that status on the effective date of the change.

(c) If the surviving spouse benefit change described in paragraph (a) is made and if the bylaws so provide, a person who formerly was receiving surviving spouse benefits from the relief association and who had those benefits discontinued by virtue of the remarriage is entitled, upon application, to a resumption of the surviving spouse benefit, beginning with the last day of the month following receipt of the application by the secretary of the relief association.

(d) The bylaw amendment is not effective until a certified copy of the amendment and the municipal approval has been filed by the municipal clerk with the executive director of the legislative commission on pensions and retirement, the state auditor, and the secretary of state.

This section does not authorize payment of a benefit to an estate.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective on the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to state government; describing conditions of certain employee interchange programs; authorizing the continuation of surviving spouse benefits for local police and salaried firefighter relief associations in the event of remarriage; amending Minnesota Statutes 1990, section 15.53, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 352 and 423A.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 311, A bill for an act relating to commerce; providing that cost of doing business by cigarette wholesalers does not include discounts for purposes of the Minnesota unfair cigarette sales act; requiring use of cigarette distributor fees for administration of that act; appropriating money; amending Minnesota Statutes 1990, sections 325D.32, subdivision 10; and 325D.415.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 343, A bill for an act relating to animals; providing for disposition of certain seized animals; requiring bond or other security for expenses of care in certain cases; proposing coding for new law in Minnesota Statutes, chapter 343.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 343.22, subdivision 1, is amended to read:

Subdivision 1. [REPORTING.] Any person who has reason to believe that a violation of this chapter has taken place or is taking place may apply to any court having jurisdiction over actions alleging violation of that section for a warrant and for investigation. The court shall examine under oath the person so applying and any witnesses the applicant produces and the court shall take their affidavits in writing. The affidavits must set forth facts tending to establish the grounds for believing a violation of this chapter has occurred or is occurring, or probable cause to believe that a violation exists. If the court is satisfied of the existence of the grounds of the application, or that there is probable cause to believe a violation exists, it shall issue a signed search warrant and order for investigation to a peace officer in the county. The order shall command the officer to proceed promptly to the location of the alleged violation; along with. The order may command that a doctor of veterinary medicine accompany the officer.

Sec. 2. Minnesota Statutes 1990, section 343.22, subdivision 3, is amended to read:

Subd. 3. [DISPOSAL OF ~~CERTAIN~~ ANIMALS.] Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to this section may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. All other animals shall be disposed of as provided in section 343.235. The authority taking custody of the animals may recover all costs incurred under this section.

Sec. 3. Minnesota Statutes 1990, section 343.29, subdivision 1, is amended to read:

Subdivision 1. [DELIVERY TO SHELTER.] Any peace officer, animal control officer, or agent of the federation or county or district societies for the prevention of cruelty, may remove, shelter, and care for any animal which is not properly sheltered from cold, hot, or inclement weather or any animal not properly fed and watered, or provided with suitable food and drink. When necessary, a peace officer, animal control officer, or agent may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall be immediately notified, and the person having possession of the animal, shall have a lien thereon for its care and keeping; ~~the reasonable value of the food and drink furnished;~~ and the expenses of the notice. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within ~~five~~ seven days after notice, redeem the animal by paying the expenses authorized

by this subdivision, the animal may be ~~treated as an estray~~ disposed of as provided in section 343.235.

Sec. 4. [343.235] [DISPOSITION OF SEIZED ANIMALS.]

Subdivision 1. [GENERAL RULE.] An animal taken into custody under section 343.22 or 343.29 may be humanely disposed of at the discretion of the jurisdiction having custody of the animal seven days after the animal is taken into custody.

Subd. 2. [SECURITY.] A person claiming an interest in an animal in custody under subdivision 1 may prevent disposition of the animal by posting a bond or security in an amount sufficient to provide for the animal's care and keeping for at least 30 days, inclusive of the date on which the animal was taken into custody. Even if a bond or security is posted, the authority having custody of the animal may humanely dispose of the animal at the end of the time for which expenses of care and keeping are covered by the bond or security, unless there is a court order prohibiting the disposition. The order must provide for a bond or other security in the amount necessary to protect the authority having custody of the animal from any cost of the care, keeping, or disposal of the animal.

Subd. 3. [NOTICE.] The authority taking custody of an animal under section 343.22 or 343.29 shall give notice of this section by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to animals; providing for disposition of certain animals taken into custody by public authorities; requiring bond or other security for expenses of care in certain cases; amending Minnesota Statutes 1990, sections 343.22, subdivisions 1 and 3; and 343.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 343."

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 389, A bill for an act relating to retirement; highway patrol refund of certain employee contributions upon death; amending Minnesota Statutes 1990, section 352B.11, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 10, after "annuity" insert "under section 352B.08, subdivision 3,"

Page 1, line 11, after "annuity" insert "under section 352B.08, subdivision 3,"

Page 1, line 13, before "contributions" insert "member" and after "contributions" insert "under section 352B.02, subdivision 1a,"

Page 1, line 14, delete everything after the comma

Page 1, line 15, delete "paid to" and after "spouse" insert a comma and delete the second "to" and insert a comma

Page 1, line 16, after "shares" insert a comma and delete "to" and insert a comma

Page 1, line 17, before the period, insert "is entitled, upon application, to a refund. The refund is equal to the balance of accumulated member contributions under section 352B.02, subdivision 1a, remaining after subtracting the total amount of benefits paid to the decedent"

Page 1, after line 17, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1991."

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 427, A bill for an act relating to utilities; requiring

certificate of authority from public utilities commission to resell local telephone exchange services; proposing coding for new law in Minnesota Statutes, chapter 237.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [237.685] [RESALE OF LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE.]

Subdivision 1. [DEFINITION.] For the purposes of this section "resale of local exchange services" means the offering or provision of local exchange telecommunications services through the use of the central office facilities of a local exchange company. Resale of local exchange services does not include the provision of private shared telecommunication service as defined in section 237.68.

Subd. 2. [CONTINUATION OF CERTIFICATE OF AUTHORITY FOR RESALE OF LOCAL EXCHANGE SERVICES.] A person that was providing resale of local exchange services in multiple locations under an interim certificate of authority granted by the commission as of January 1, 1991, may continue to provide resale of local exchange services under that certificate of authority without obtaining authorization under section 237.16, unless it seeks to expand the area in which it provides the resale of local exchange services to an additional area served by a local exchange company other than the company in whose service area the person was providing the services on January 1, 1991. If the person seeks to provide the resale of local exchange services in the service area of another local exchange company, it shall obtain prior authorization from the commission under section 237.16. A provision in the existing certificate of authority that requires annual reporting by the local exchange service reseller remains in force. The certificate does not and may not prohibit the reseller from seeking or receiving authority from the commission to resell long distance service or from providing any other telecommunications service permitted by law.

Subd. 3. [TELEPHONE COMPANY.] For the purposes of this chapter, a person that engages in the resale of local exchange services is a telephone company or an independent telephone company, depending on the number of customers and the services provided, as defined in section 237.01.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to telephone service; authorizing a person that was providing resale of local exchange telecommunications services on January 1, 1991, to continue to provide those services; proposing coding for new law in Minnesota Statutes, chapter 237."

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 431, A bill for an act relating to insurance; transferring authority for regulation of certain aspects of health maintenance organizations from commissioner of health to commissioner of commerce; amending Minnesota Statutes 1990, sections 60B.03, subdivision 2; 60B.15; 60B.20; 62D.01, subdivision 2; 62D.02, subdivision 3, and by adding subdivisions; 62D.03; 62D.04; 62D.041; 62D.042, subdivisions 5 and 7; 62D.043; 62D.045, subdivision 1; 62D.05, subdivision 6; 62D.06, subdivision 2; 62D.07, subdivisions 2, 3, and 10; 62D.08; 62D.09, subdivisions 1, 6, and 8; 62D.10, subdivision 4; 62D.11; 62D.12, subdivisions 1, 2, and 9; 62D.121, subdivisions 2, 3a, 4, 5, 6, and 7; 62D.122; 62D.123, subdivision 4; 62D.14; 62D.15; 62D.16; 62D.17; 62D.18; 62D.182; 62D.19; 62D.20; 62D.21; 62D.211; 62D.22, subdivisions 4 and 10; 62D.24; 62D.30; and 144.691, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 62D.

Reported the same back with the following amendments:

Page 37, after line 21, insert:

"Sec. 26. [62D.112] [ALLOCATION OF COMPLAINTS.]

(a) If the commissioner of commerce receives a complaint from an enrollee about a health maintenance organization and the complaint involves only the quality of health care, a dispute regarding whether treatment is experimental or medically necessary, or another solely medical issue, the commissioner of commerce shall refer the complaint to the commissioner of health. The commissioner of commerce shall inform the enrollee of the referral and of a telephone number at which the enrollee may contact the department of health regarding the complaint.

(b) If the commissioner of commerce receives a complaint from an enrollee about a health maintenance organization and the complaint involves in part an issue listed in paragraph (a), the commis-

sioner of commerce may, in that commissioner's discretion, refer the complaint, or a portion of it, to the commissioner of health, or may request the assistance of the commissioner of health. If the commissioner of commerce refers the complaint, or a portion of it, to the commissioner of health, the commissioner of commerce shall inform the enrollee of the referral and of a telephone number at which the enrollee may contact the department of health regarding the complaint."

Page 45, lines 14 and 15, strike "of health"

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 444, A bill for an act relating to local government; permitting Pennington county and Thief River Falls to construct, finance, and own student housing.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 479, A bill for an act relating to towns; providing for the appointment of town officers under certain circumstances; amending Minnesota Statutes 1990, section 367.03, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 488, A bill for an act relating to human services licensing; repealing certain rule criteria for disqualification of applicants for licensing and their employees; amending Minnesota Statutes 1990, section 245A.04, subdivision 3.

Reported the same back with the following amendments:

Page 4, line 15, after "parts" insert "9502.0335, subpart 6, item B;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 584, A bill for an act relating to local government; authorizing municipalities to enter into joint ventures with telecommunications organizations; amending Minnesota Statutes 1990, section 237.19.

Reported the same back with the following amendments:

Page 1, line 13, after "may" insert "thereafter"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Regulated Industries.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 611, A bill for an act relating to retirement; Duluth and St. Paul fire department relief associations; providing a refund to a beneficiary or estate in the event of certain deaths.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [423A.18] MEMBER CONTRIBUTION REFUND TO BENEFICIARY UPON DEATH; AUTHORITY TO IMPLEMENT BENEFIT.]

(a) Notwithstanding any law to the contrary, for a local police or salaried firefighters relief association that implements the provision with municipal approval as provided in paragraph (c), if an active, deferred, or retired member of the relief association dies and no survivor benefit is payable, the designated beneficiary of the decedent or, if none, the legal representative of the estate of the decedent is entitled, upon application, to a refund.

(b) The refund under paragraph (a) is an amount equal to the member contributions to the credit of the decedent, plus interest on those contributions at an annual compound rate of five percent from the first day of the month following the date of the contribution to the first day of the month following the date of death of the decedent, reduced by the sum of any service pension or disability benefit previously paid by the fund to the decedent.

(c) The benefit under this section must be implemented by an amendment to the bylaws of the relief association, with municipal approval as provided in section 69.77, subdivision 2i. The bylaw amendment is not effective until a certified copy of the amendment and the municipal approval has been filed by the municipal clerk with the executive director of the legislative commission on pensions and retirement, the state auditor, and the secretary of state.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to retirement; local police and salaried firefighters relief associations; authorizing the payment of a refund to the designated beneficiary of certain decedents; proposing coding for new law in Minnesota Statutes, chapter 423A.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 615, A bill for an act relating to the military; providing for issuance of a state ribbon to certain participants in the Persian

Gulf War; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 190.

Reported the same back with the following amendments:

Page 1, line 10, after "Minnesota" insert "army or air" and delete "or reserve"

Page 1, line 11, delete "components"

Page 1, line 15, after the period insert "In the case of other reservists ordered to active duty, a certificate replica of the state ribbon will be rendered."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 623, A bill for an act relating to Martin county; permitting the consolidation of the offices of auditor and treasurer.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 667, A bill for an act relating to public safety; authorizing certain departmental employees to donate vacation time to bargaining representatives; proposing coding for new law in Minnesota Statutes, chapter 299A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 43A.04, subdivision 8, is amended to read:

Subd. 8. [DONATION OF TIME.] Notwithstanding any law to the contrary, the commissioner shall authorize the appointing authority to permit the donation of up to ~~three~~ eight hours of accumulated vacation time in each year by each employee who is a member of law enforcement unit number 1 or 219 to their union representative for the purpose of carrying out the duties of office."

Delete the title and insert:

"A bill for an act relating to state government; increasing the amount of vacation time that certain state employees can donate to bargaining representatives; amending Minnesota Statutes 1990, section 43A.04, subdivision 8."

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 671, A bill for an act relating to human services; child care providers; allowing an extension for installing interior vertical access in child care facilities in churches; amending Minnesota Statutes 1990, section 16B.61, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 11, after "existing" insert "church" and delete everything after "building"

Page 2, line 12, delete "organization" and insert "which is exempt from taxation under section 272.02, subdivision 1, clause (5)"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 683, A bill for an act relating to alcoholic beverages; prohibiting a retailer from having an interest in a manufacturer, brewer, or wholesaler; prohibiting a retailer from renting space to a

manufacturer, brewer, or wholesaler; providing that brand registration is for a three-year period; specifying that club on-sale licenses are subject to approval of the commissioner of public safety; consolidating provisions of law relating to seasonal on-sale licenses; providing extended duration of seasonal licenses in certain counties; clarifying law on issuance of off-sale licenses by counties; allowing gambling on licensed premises when governed by tribal ordinance or a tribal-state compact; clarifying language on certain prohibitions on issuance of multiple licenses and repealing obsolete provisions relating thereto; prohibiting off-site storage of intoxicating liquor; specifying applicability of license limits to certain fourth-class cities; changing the expiration date for consumption and display permits; raising the minimum age for keeping intoxicating liquor in bottle clubs; authorizing commissioner of public safety to impose civil penalties for conducting or permitting unlawful gambling on licensed premises, or for failure to remove impure products; specifying applicability to municipal liquor stores of prohibitions against permitting consumption of alcoholic beverages by underage persons; clarifying language on sales of intoxicating liquor on Christmas day; providing for Sunday liquor elections in counties; prohibiting sale of certain beverages of more than 50 percent alcohol content; authorizing commissioner of public safety to inspect alcoholic beverages for purity of contents, and to order the removal of impure products; specifying that a split liquor referendum is not required for issuance of club licenses; authorizing the seizure and disposition of unlawfully purchased alcoholic beverages; repealing restrictions on rules of the commissioner of public safety and wine sales at Twin Cities International Airport; amending Minnesota Statutes 1990, sections 340A.301, subdivision 7; 340A.311; 340A.402; 340A.404, subdivisions 1 and 6; 340A.405, subdivisions 2 and 6; 340A.408, subdivision 2; 340A.410, subdivision 5; 340A.412, subdivisions 2, 3, and by adding a subdivision; 340A.413, subdivision 1; 340A.414, subdivisions 4 and 8; 340A.415; 340A.503, subdivision 1; 340A.504, subdivisions 2 and 3; 340A.506; 340A.508, by adding a subdivision; 340A.601, subdivision 5; 340A.604; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 1990, sections 340A.314; 340A.404, subdivision 6a; and 340A.903.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 340A.301, subdivision 7, is amended to read:

Subd. 7. [INTEREST IN OTHER BUSINESS.] (a) Except as provided in this subdivision, a holder of a license as a manufacturer, brewer, or wholesaler may not have any ownership, in whole or in part, in a business holding a retail intoxicating liquor or nonintoxicating malt liquor license, ~~but~~. The commissioner may not issue a

license under this section to a manufacturer, brewer, or wholesaler if a retailer of intoxicating liquor has a direct or indirect interest in the manufacturer, brewer, or wholesaler. A manufacturer or wholesaler of intoxicating liquor may use or have property rented for retail intoxicating liquor sales only if the manufacturer or wholesaler has owned the property continuously since November 1, 1933. A retailer of intoxicating liquor may not use or have property rented for the manufacture or wholesaling of intoxicating liquor.

(b) A licensed brewer of malt liquor described in subdivision 6, clause (d) may be issued an on-sale intoxicating liquor or nonintoxicating malt liquor license by a municipality for a restaurant operated in or immediately adjacent to the place of manufacture.

(c) Except as provided in subdivision 7a, no brewer as defined in subdivision 7a may have any interest, in whole or in part, directly or indirectly, in the license, business, assets, or corporate stock of a licensed malt liquor wholesaler.

Sec. 2. Minnesota Statutes 1990, section 340A.311, is amended to read:

340A.311 [BRAND REGISTRATION.]

(a) A brand of intoxicating liquor or nonintoxicating malt liquor may not be manufactured ~~or~~, imported into, or sold in the state unless the brand label has been registered with and approved by the commissioner. A brand registration must be renewed every three years in order to remain in effect. The fee for an initial brand registration is \$20. The brand label of a brand of intoxicating liquor or nonintoxicating malt liquor which has not been sold in the state for two years or more must be reregistered before its sale can be resumed. The brand label of a brand of intoxicating liquor or nonintoxicating malt liquor ~~which has not been sold in the state for at least three years for which the brand registration has expired,~~ is conclusively deemed abandoned by the manufacturer or importer.

(b) In this section "brand" and "brand label" include trademarks and designs used in connection with labels.

(c) A brand label may be registered only by the brand owner or authorized agent. No brand may be imported into the state for sale without the consent of the brand owner or authorized agent. This section does not limit the provisions of section 340A.307.

Sec. 3. Minnesota Statutes 1990, section 340A.402, is amended to read:

340A.402 [PERSONS ELIGIBLE.]

No retail license may be issued to:

(1) a person not a citizen of the United States or a resident alien;

(2) a person under 21 years of age;

(3) a person who has had an intoxicating liquor or nonintoxicating liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; or

(4) a person not of good moral character and repute.

In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage; or

(5) a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

Sec. 4. Minnesota Statutes 1990, section 340A.404, subdivision 1, is amended to read:

Subdivision 1. [CITIES.] A city may issue an on-sale intoxicating liquor license to the following establishments located within its jurisdiction:

(1) hotels;

(2) restaurants;

(3) bowling centers;

(4) clubs or congressionally chartered veterans organizations with the approval of the commissioner, provided that the organization has been in existence for at least three years and liquor sales will only be to members and bona fide guests;

(5) sports facilities located on land owned by the metropolitan sports commission; and

(6) exclusive liquor stores.

Sec. 5. Minnesota Statutes 1990, section 340A.404, subdivision 6, is amended to read:

Subd. 6. [COUNTIES.] (a) A county board may issue an annual on-sale intoxicating liquor license within the area of the county that is unorganized or unincorporated to a bowling center, restaurant, or club with the approval of the commissioner.

(b) A county board may also with the approval of the commissioner issue up to ten seasonal on-sale licenses to restaurants and clubs for the sale of intoxicating liquor within the area of the county that is unorganized or unincorporated to a restaurant or club with the approval of the commissioner. Notwithstanding section 340A.412, subdivision 8, a seasonal license is valid for a period specified by the board, not to exceed ~~six~~ nine months. Not more than one license may be issued for any one premises during any consecutive 12-month period.

Sec. 6. Minnesota Statutes 1990, section 340A.405, subdivision 2, is amended to read:

Subd. 2. [COUNTIES.] (a) A county may issue an off-sale intoxicating license with the approval of the commissioner to exclusive liquor stores located within unorganized territory of the county.

(b) A county board of any county except Ramsey county containing a town exercising powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town with the approval of the commissioner. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(c) A county board of any county except Ramsey county containing a town that may not exercise powers under section 368.01, subdivision 1, may issue a combination off-sale and on-sale license to restaurants within that town with the approval of the commissioner pursuant to section 340A.404, subdivision 6. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(d) No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises proposed to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, the character and reputation of the applicant, and the propriety of the location. Any hearing held under this paragraph is not subject to chapter 14.

(e) A county board may not issue a license under this subdivision to a person for an establishment located less than one mile by the most direct route from the boundary of any statutory or home rule city ~~except cities of the first class or within Pine, Carlton, Carver, Itasca, or Red Lake county within one mile of a statutory or home rule city with that had established a municipal liquor store before August 1, 1991, provided, that a county board may not issue a license under this subdivision to a person for an establishment located less than three miles by the most direct route from the boundary of the cities of Alexandria, Fergus Falls, or Elk River.~~

(f) The town board may impose an additional license fee in an amount not to exceed 20 percent of the county license fee.

(g) Notwithstanding any provision of this subdivision or Laws 1973, chapter 566, as amended by Laws 1974, chapter 200, a county board may transfer or renew a license that was issued by a town board under Minnesota Statutes 1984, section 340.11, subdivision 10b, prior to January 1, 1985.

Sec. 7. Minnesota Statutes 1990, section 340A.405, subdivision 6, is amended to read:

Subd. 6. [AIRPORTS COMMISSION.] The metropolitan airports commission may with the approval of the commissioner issue licenses for the off-sale of ~~Minnesota-produced~~ wine at the Minneapolis-St. Paul International Airport.

Sec. 8. Minnesota Statutes 1990, section 340A.408, subdivision 2, is amended to read:

Subd. 2. [INTOXICATING LIQUOR; ON-SALE.] (a) The license fee for a retail on-sale intoxicating liquor license is the fee set by the city or county issuing the license subject to the limitations imposed under this subdivision.

(b) The annual license fee for an on-sale intoxicating liquor license issued by a city municipality to a club must be no greater than:

- (1) \$300 for a club with under 200 members;
- (2) \$500 for a club with between 201 and 500 members;
- (3) \$650 for a club with between 501 and 1,000 members;
- (4) \$800 for a club with between 1,001 and 2,000 members;
- (5) \$1,000 for a club with between 2,001 and 4,000 members;
- (6) \$2,000 for a club with between 4,001 and 6,000 members; or

(7) \$3,000 for a club with over 6,000 members.

(c) The license fee for the issuance of a wine license may not exceed one-half of the license fee charged for an on-sale intoxicating liquor license, or \$2,000, whichever is less.

(d) The town board of a town in which an on-sale establishment has been licensed by a county may impose an additional license fee on each such establishment in an amount not to exceed 20 percent of the county license fee.

Sec. 9. Minnesota Statutes 1990, section 340A.410, subdivision 5, is amended to read:

Subd. 5. [GAMBLING PROHIBITED.] (a) No retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in section 349.30, or permit gambling therein except as provided in this subdivision.

(b) Gambling equipment may be kept or operated and raffles conducted on licensed premises and adjoining rooms when the use of the gambling equipment is authorized under by (1) chapter 349, (2) a tribal ordinance in conformity with the Indian Gaming Regulatory Act, Public Law Number 100-497, or (3) a tribal-state compact authorized under section 3.9221.

(c) Lottery tickets may be purchased and sold within the licensed premises as authorized by the director of the lottery under chapter 349A.

Sec. 10. Minnesota Statutes 1990, section 340A.412, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION OF ON-SALE LICENSES.] (a) The city or county having jurisdiction over on-sale licenses to sell intoxicating liquor shall on initial application for an on-sale license or on application for a transfer of an existing license conduct a preliminary background and financial investigation of the applicant. The application must be in the form prescribed by the ~~bureau of criminal apprehension~~ commissioner and with any additional information as the governing body of the city or county having jurisdiction over the license requires. If the governing body of the city or county having jurisdiction determines or if the ~~bureau of criminal apprehension~~ commissioner on its the commissioner's own initiative determines that a comprehensive background and investigation of the applicant is necessary, the governing body may conduct the investigation itself or contract with the ~~bureau of criminal apprehension~~ commissioner for the investigation. In addition, an investigation may be required prior to renewal of an existing

on-sale license when the governing body of the city or county deems it in the public interest. An investigation fee not to exceed \$500 shall be charged an applicant by the city or county if the investigation is conducted within the state, or the actual cost not to exceed \$10,000 if the investigation is required outside the state.

(b) No license may be issued, transferred, or renewed if the results of the investigation show, to the satisfaction of the governing body, that issuance, transfer, or renewal would not be in the public interest.

Sec. 11. Minnesota Statutes 1990, section 340A.412, subdivision 3, is amended to read:

Subd. 3. [LIMITATIONS ON ISSUANCE OF LICENSES TO ONE PERSON OR PLACE.] ~~(a) No more than one off-sale intoxicating liquor license may be directly or indirectly issued to any one person or for any one place in each city or county.~~

~~(b) For the purpose of this subdivision, the term "interest":~~

~~(1) includes any pecuniary interest in the ownership, operation, management, or profits of a retail liquor establishment, and a person who receives money from time to time directly or indirectly from a licensee, in the absence of consideration and excluding gifts or donations, has a pecuniary interest in the retail license; and~~

~~(2) does not include loans; rental agreements; open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures, supplies to the establishment; an interest in a corporation owning or operating a hotel but having at least 150 or more rental units holding a liquor license in conjunction therewith; or ten percent or less interest in any other corporation holding a license.~~

~~(c) In determining whether an "interest" exists, the transaction must have been bona fide and the reasonable value of the goods and things received as consideration for a payment by the licensee and all other facts reasonably tending to prove or disprove the existence of a purposeful scheme or arrangement to evade the restrictions of this subdivision must be considered. A municipality may not issue directly or indirectly more than one off-sale intoxicating liquor license to any one person or for any one place.~~

Sec. 12. Minnesota Statutes 1990, section 340A.412, is amended by adding a subdivision to read:

Subd. 12. [OFF-SITE STORAGE PROHIBITION.] A holder of a retail intoxicating liquor license or a municipal liquor store may not

store any intoxicating liquor at any location other than the licensed premises except with the written permission of the commissioner.

Sec. 13. Minnesota Statutes 1990, section 340A.413, subdivision 1, is amended to read:

Subdivision 1. [ON-SALE LICENSES.] No on-sale intoxicating liquor license may be issued in any city except as provided in this section in excess of the following limits:

(1) in cities of the first class, one license for every 1,500 population, up to 200 licenses;

(2) in cities of the second class, not more than 18 licenses plus one for every 2,500 population over 45,000;

(3) in cities of the third class, not more than 12 licenses;

(4) in cities of the fourth class, including cities whose acts of incorporation were repealed by Laws 1973, chapter 123, article V, section 5, not more than seven licenses;

(5) in statutory cities of 5,000 to 10,000 population, not more than six licenses;

(6) in statutory cities of 2,500 to 5,000 population, not more than five licenses;

(7) in statutory cities of 500 to 2,500 population, not more than four licenses; and

(8) in statutory cities under 500 population, not more than three licenses.

Sec. 14. Minnesota Statutes 1990, section 340A.414, subdivision 4, is amended to read:

Subd. 4. [PERMIT EXPIRATION.] All permits issued under this section expire on ~~June 30~~ March 31 of each year.

Sec. 15. Minnesota Statutes 1990, section 340A.414, subdivision 8, is amended to read:

Subd. 8. [LOCKERS.] A club issued a permit under this section may allow members to bring and keep a personal supply of intoxicating liquor in lockers on the club's premises. All bottles kept on the premises must have attached to it a label signed by the member. No person under ~~19~~ 21 years of age may keep a supply of intoxicating liquor on club premises.

Sec. 16. Minnesota Statutes 1990, section 340A.415, is amended to read:

340A.415 [LICENSE REVOCATION OR SUSPENSION.]

The authority issuing or approving any retail license or permit under this chapter shall either suspend for up to 60 days or revoke the license or permit or impose a civil fine not to exceed \$2,000 for each violation on a finding that the license or permit holder has failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages. No suspension or revocation takes effect until the license or permit holder has been afforded an opportunity for a hearing under sections 14.57 to 14.69 of the administrative procedure act. This section does not require a political subdivision to conduct the hearing before an employee of the office of administrative hearing. The issuing authority or the commissioner may impose the penalties provided in this section on a retail licensee who knowingly (1) sells alcoholic beverages to another retail licensee for the purpose of resale, ~~or on a retail licensee who~~ (2) purchases alcoholic beverages from another retail licensee for the purpose of resale, (3) conducts or permits the conduct of gambling on the licensed premises in violation of the law, or (4) fails to remove or dispose of alcoholic beverages when ordered by the commissioner to do so under section 20.

Sec. 17. Minnesota Statutes 1990, section 340A.503, subdivision 1, is amended to read:

Subdivision 1. [CONSUMPTION.] It is unlawful for any:

(1) retail intoxicating liquor or nonintoxicating liquor licensee, municipal liquor store, or bottle club permit holder under section 340A.414, to permit any person under the age of 21 years to consume alcoholic beverages on the licensed premises or within the municipal liquor store; or

(2) person under the age of 21 years to consume any alcoholic beverages. If proven by a preponderance of the evidence, it is an affirmative defense to a violation of this clause that the defendant consumed the alcoholic beverage in the household of the defendant's parent or guardian and with the consent of the parent or guardian.

Sec. 18. Minnesota Statutes 1990, section 340A.504, subdivision 2, is amended to read:

Subd. 2. [INTOXICATING LIQUOR; ON-SALE.] No sale of intoxicating liquor for consumption on the licensed premises may be made:

(1) between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;

(2) after 1:00 a.m. on Sundays, except as provided by subdivision 3;

(3) between 8:00 p.m. on December 24 and 8:00 a.m. on December 25, ~~except as provided that when December 25 occurs on a Sunday~~ on-sales on that day are governed by subdivision 3.

Sec. 19. Minnesota Statutes 1990, section 340A.504, subdivision 3, is amended to read:

Subd. 3. [INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE.] (a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and 1:00 a.m. on Mondays.

(b) The governing body of a municipality may after one public hearing by ordinance permit a restaurant, hotel, bowling center, or club to sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 1:00 a.m. on Mondays, provided that the licensee is in conformance with the Minnesota clean air act.

(c) An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed \$200.

(d) A ~~municipality~~ city may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the ~~municipality~~ city voting on the question at a general or special election. A county may issue a Sunday intoxicating liquor license in a town only if authorized to do so by the voters of the town as provided in paragraph (e). A county may issue a Sunday intoxicating liquor license in unorganized territory only if authorized to do so by the voters of the election precinct that contains the licensed premises, voting on the question at a general or special election.

(e) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers.

(f) Voter approval is not required for licenses issued by the metropolitan airports commission or common carrier licenses issued by the commissioner. Common carriers serving intoxicating liquor

on Sunday must obtain a Sunday license from the commissioner at an annual fee of \$50, plus \$5 for each duplicate.

Sec. 20. Minnesota Statutes 1990, section 340A.506, is amended to read:

340A.506 [SALES OF ETHYL ALCOHOL AND NEUTRAL SPIRITS PROHIBITED.]

Subdivision 1. [ETHYL ALCOHOL; NEUTRAL SPIRITS.] No person may sell at retail for beverage purposes ethyl alcohol or neutral spirits, or substitutes thereof, possessing the taste, aroma, and characteristics generally attributed to ethyl alcohol or neutral spirits. Nothing in this section prohibits the manufacture or sale of other products obtained by use of ethyl alcohol or neutral spirits as defined in United States Treasury Department, Bureau of Internal Revenue, Regulations 125, Article II, Standards of Identity for Distilled Spirits.

Subd. 2. [MAXIMUM ALCOHOL CONTENT.] No person may sell for beverage purposes any spirits, distilled from grain or corn, with an alcohol content of more than 50 percent which equals 100 proof, unless such spirits have been aged in wood casks for not less than four years.

Sec. 21. Minnesota Statutes 1990, section 340A.508, is amended by adding a subdivision to read:

Subd. 3. [PURITY OF CONTENTS.] The commissioner may examine the contents of any container of alcoholic beverages on the premises of any licensee under this chapter or any municipal liquor store, for the purpose of determining the purity of the alcoholic beverages. The commissioner may remove any container, or remove all or part of the contents thereof, for the purpose of conducting tests of purity. The commissioner may order the removal from inventory of any container the contents of which fail to meet standards of purity established by rules adopted under this subdivision, and may order the disposal of the contents. Any person who fails to remove or dispose of alcoholic beverages when ordered to do so by the commissioner is guilty of a misdemeanor. The commissioner may adopt rules that (1) provide standards of purity for alcoholic beverages and procedures for testing for purity, and (2) govern the removal from inventory and disposal of alcoholic beverages that do not meet the commissioner's standards of purity.

Sec. 22. Minnesota Statutes 1990, section 340A.601, subdivision 5, is amended to read:

Subd. 5. [ISSUANCE OF LICENSES TO PRIVATE PERSONS.] A city owning and operating a municipal liquor store may issue

on-sale liquor licenses to hotels, clubs, and restaurants. A city issuing on-sale licenses under this subdivision may continue to operate the municipal liquor store or may resume operation of a municipal liquor store previously discontinued.

The number of on-sale licenses issued under this section by a city is governed by section 340A.413.

A city may not issue licenses under this section, other than a license issued to a club under section 340A.404, subdivision 1, clause (4), until authorized by the voters of the city voting on the question at a special election called for that purpose.

Sec. 23. Minnesota Statutes 1990, section 340A.604, is amended to read:

340A.604 [SUSPENSION OF OPERATION.]

A court shall notify the commissioner in writing within ten days whenever a municipal officer or employee has been convicted of any of the following offenses committed in a municipal liquor store:

- (1) selling alcoholic beverages to persons or at times prohibited by law;
- (2) selling alcoholic beverages for resale;
- (3) selling alcoholic beverages on which state taxes have not been paid; or
- (4) violating the provisions of section 340A.410, subdivision 6 5 relating to gambling and gambling devices.

On receiving the notice of conviction the commissioner may suspend for up to 30 days the operation of the municipal liquor store where the offense occurred. The commissioner must notify in writing the municipality operating the store of the effective dates of the suspension. An appeal of the suspension is a contested case under sections 14.57 to 14.69 of the administrative procedure act.

Sec. 24. [340A.706] [SEIZURE OF UNLAWFULLY PURCHASED ALCOHOLIC BEVERAGES.]

Subdivision 1. [DEFINITION.] For purposes of this section, "unlawfully purchased alcoholic beverages" means alcoholic beverages purchased in a transaction that violates section 340A.310 or 340A.505.

Subd. 2. [SEIZURE AUTHORIZED.] The commissioner may seize unlawfully purchased alcoholic beverages, with or without process.

Alcoholic beverages seized under this section are subject to forfeiture as provided in subdivision 3.

Subd. 3. [DISPOSITION OF SEIZED PROPERTY.] (a) Within two days after the seizure of unlawfully purchased alcoholic beverages, the commissioner shall deliver an inventory of the alcoholic beverages seized to the person from whom they were seized, if known. Within ten days after the date of service of the inventory, the person from whom the alcoholic beverages were seized, or any person claiming an interest in them, may file with the commissioner a demand for judicial determination of whether the alcoholic beverages were lawfully subject to seizure and forfeiture. Within 30 days after the date of filing of the demand, the seizing authority must bring an action in the district court of the county where the seizure was made, to determine the issue of forfeiture. The court shall hear the action without a jury and determine the issues of fact and laws involved. When a judgment of forfeiture is entered, the seizing authority may, unless the judgment is stayed pending an appeal, either (1) destroy the forfeited alcoholic beverages, or (2) except in the case of malt liquor, sell the forfeited alcoholic beverages to a licensee or municipal liquor store authorized to sell those alcoholic beverages.

(b) If demand for judicial determination is made and no action is commenced as provided in this section, or if the commissioner determines that the person from whom the alcoholic beverages were seized was acting in good faith with no intent to participate in an unlawful transaction, the commissioner must (1) release the alcoholic beverages and deliver them to the person entitled to them, or (2) if the commissioner determines the alcoholic beverages no longer have a resale value, pay compensation in lieu of returning the alcoholic beverages. If no demand is made, the alcoholic beverages seized are forfeited to the state and the commissioner shall dispose of them as provided in paragraph (a).

Sec. 25. [ST. LOUIS COUNTY LICENSE.]

Notwithstanding any law to the contrary, the St. Louis county board may issue a license for the on-sale of intoxicating malt liquor to an establishment located in township 61, range 18, section 29, parcel no. 2150010050251. The county board shall set the fee for the license. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized by this section.

Sec. 26. [DULUTH LICENSE.]

Notwithstanding any law to the contrary, the city of Duluth may issue an on-sale intoxicating liquor license to a restaurant located at 109 North Second Avenue West in the city of Duluth. The license authorized by this section is in addition to any other licenses

authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized by this section.

Sec. 27. [TRANSITION.]

Notwithstanding Minnesota Statutes, section 340A.414, subdivision 4, all consumption and display permits issued by the commissioner of public safety that expire June 30, 1991, are extended and are valid until March 31, 1992.

Sec. 28. [REPEALER.]

Minnesota Statutes 1990, section 340A.404, subdivision 6a, is repealed.

Sec. 29. [EFFECTIVE DATE.]

Sections 14 and 27 are effective June 1, 1991. Section 25 is effective on approval by the St. Louis county board and compliance with Minnesota Statutes, section 645.021. Section 26 is effective on approval by the Duluth city council and compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to alcoholic beverages; prohibiting a retailer from having an interest in a manufacturer, brewer, or wholesaler; prohibiting a retailer from renting space to a manufacturer, brewer, or wholesaler; requiring that sales and deliveries from a wholesaler's warehouse be for consumption in Minnesota only; providing that brand registration is for a three-year period; specifying that club on-sale licenses are subject to approval of the commissioner of public safety; consolidating provisions of law relating to seasonal on-sale licenses; providing extended duration of seasonal licenses in certain counties; removing certain restrictions on location of off-sale and combination licenses issued by counties; clarifying law on issuance of off-sale licenses by counties; allowing gambling on licensed premises when governed by tribal ordinance or a tribal-state compact; clarifying language on certain prohibitions on issuance of multiple licenses and repealing obsolete provisions relating thereto; prohibiting off-site storage of intoxicating liquor; specifying applicability of license limits to certain fourth-class cities; changing the expiration date for consumption and display permits; raising the minimum age for keeping intoxicating liquor in bottle clubs; authorizing commissioner of public safety to impose civil penalties for conducting or permitting unlawful gambling on licensed premises, or for failure to remove impure products; specifying applicability to municipal liquor stores of prohibitions against permitting consumption of alcoholic beverages by underage persons;

clarifying language on sales of intoxicating liquor on Christmas day; providing for Sunday liquor elections in counties; prohibiting sale of certain beverages of more than 50 percent alcohol content; authorizing commissioner of public safety to inspect alcoholic beverages for purity of contents and to order the removal of impure products; specifying that a split liquor referendum is not required for issuance of club licenses; authorizing the seizure and disposition of unlawfully purchased alcoholic beverages; repealing restrictions on wine sales at Minneapolis-St. Paul International Airport; authorizing issuance of an on-sale intoxicating malt liquor license in St. Louis county; authorizing the issuance of an on-sale intoxicating liquor license to a location in Duluth; amending Minnesota Statutes 1990, sections 340A.301, subdivision 7; 340A.311; 340A.402; 340A.404, subdivisions 1 and 6; 340A.405, subdivisions 2 and 6; 340A.408, subdivision 2; 340A.410, subdivision 5; 340A.412, subdivisions 2, 3, and by adding a subdivision; 340A.413, subdivision 1; 340A.414, subdivisions 4 and 8; 340A.415; 340A.503, subdivision 1; 340A.504, subdivisions 2 and 3; 340A.506; 340A.508, by adding a subdivision; 340A.601, subdivision 5; and 340A.604; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 1990, section 340A.404, subdivision 6a.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 743, A bill for an act relating to the Red River watershed management board; changing the description of the area subject to special authority of watershed districts; requiring the board to adopt criteria for funding applications; clarifying the uses of levy proceeds; expanding the board's authority to cooperate with other entities; amending Laws 1976, chapter 162, sections 1 and 2, as amended, and 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 748, A bill for an act relating to public safety; regulating amusement rides; requiring insurance and inspections; providing

penalties; proposing coding for new law as Minnesota Statutes, chapter 184B.

Reported the same back with the following amendments:

Page 3, delete section 8

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 795, A bill for an act relating to counties; removing certain restrictions on county morgues; amending Minnesota Statutes 1990, sections 390.06 and 390.07.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 808, A bill for an act relating to child care; permitting variances from certain staffing requirements for parent cooperative programs; amending Minnesota Statutes 1990, sections 245A.02, by adding a subdivision; and 245A.14, subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 809, A bill for an act relating to counties; fixing various fees for documents; amending Minnesota Statutes 1990, sections 357.18, subdivision 1; 508.82; and 508A.82.

Reported the same back with the following amendments:

Page 1, line 12, restore the stricken “except” and before “\$1” insert “for years 1992 and 1993,”

Page 2, line 7, after the comma, insert “or a condominium plat in accordance with section 515A.2-110,”

Page 2, line 10, after the comma, insert “or a copy of a condominium plat filed in accordance with section 515A.2-110,”

Page 2, line 11, after “plan” insert “or condominium plat”

Page 2, line 11, strike from “and” through line 13 to “plan”

Page 2, line 20, strike “and” and after the comma, insert “and (19),”

Page 2, line 23, strike “\$20” and insert “\$30”

Page 4, line 7, strike “and”

Page 4, line 8, after the comma, insert “and (19),”

Page 4, line 11, strike “\$20” and insert “\$30”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 815, A bill for an act relating to insurance; the Minnesota comprehensive health insurance plan; regulating meetings and experimental delivery and managed care delivery methods; authorizing preferred provider networks; classifying PPO agreement data; regulating access; amending Minnesota Statutes 1990, sections 62E.10, subdivisions 4 and 9; 62E.12; 62E.13, by adding a subdivision; and 62E.14, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 13.71, is amended by adding a subdivision to read:

Subd. 7. [CLASSIFICATION OF PPO AGREEMENT DATA.] Data described in section 62E.13, subdivision 11, is nonpublic data.

Sec. 2. Minnesota Statutes 1990, section 62E.08, is amended by adding a subdivision to read:

Subd. 3. [DETERMINATION OF RATES.] Premium rates under this section must be determined annually. These rates are effective July 1 of each year and must be based on a survey of approved rates of insurers in effect, or to be in effect, on April 1 of the same calendar year.

Sec. 3. Minnesota Statutes 1990, section 62E.10, subdivision 4, is amended to read:

Subd. 4. [OPEN MEETINGS.] All meetings of the association, its board, and any committees of the association shall comply with the provisions of section 471.705, except that during any portion of a meeting during which an enrollee's appeal of an action of the writing carrier is being heard, that portion of the meeting must be closed at the enrollee's request.

Sec. 4. Minnesota Statutes 1990, section 62E.10, subdivision 9, is amended to read:

Subd. 9. [EXPERIMENTAL DELIVERY METHOD.] The association may petition the commissioner of commerce for a waiver to allow the experimental use of alternative means of health care delivery. The commissioner may approve the use of the alternative means the commissioner considers appropriate. The commissioner may waive any of the requirements of this chapter and chapters 60A, 62A, and 62D in granting the waiver. The commissioner may also grant to the association any additional powers as are necessary to facilitate the specific waiver, including the power to implement a provider payment schedule.

This subdivision is effective until August 1, ~~1991~~ 1992.

Sec. 5. [62E.101] [MANAGED CARE DELIVERY METHOD.]

The association may form a preferred provider network or contract with an existing provider network to deliver the services and benefits provided for in the plans of health coverage offered. If the association does not contract with an existing provider network, the association may adopt a provider payment schedule and negotiate provider payment rates subject to the approval of the commissioner.

Sec. 6. Minnesota Statutes 1990, section 62E.12, is amended to read:

62E.12 [MINIMUM BENEFITS OF COMPREHENSIVE HEALTH INSURANCE PLAN.]

The association through its comprehensive health insurance plan shall offer policies which provide the benefits of a number one qualified plan, a number two qualified plan and a qualified basic and extended basic medicare supplement plan plans. The requirement that a policy issued by the association must be a qualified plan is satisfied if the association contracts with a preferred provider network and the level of benefits for services provided within the network satisfy the requirements of a qualified plan. If the association uses a preferred provider network, payments to nonparticipating providers must meet the minimum requirements of section 72A.20, subdivision 15. They shall offer health maintenance organization contracts in those areas of the state where a health maintenance organization has agreed to make the coverage available and has been selected as a writing carrier. Notwithstanding the provisions of section 62E.06 the state plan shall exclude coverage of services of a private duty nurse other than on an inpatient basis and any charges for treatment in a hospital located outside of the state of Minnesota in which the covered person is receiving treatment for a mental or nervous disorder, unless similar treatment for the mental or nervous disorder is medically necessary, unavailable in Minnesota and provided upon referral by a licensed Minnesota medical practitioner.

Sec. 7. Minnesota Statutes 1990, section 62E.13, is amended by adding a subdivision to read:

Subd. 11. [CLASSIFICATION OF PPO AGREEMENT DATA.] If the writing carrier utilizes its own provider agreements for the association's preferred provider network in lieu of agreements exclusively between the association and the providers, then the terms and conditions of those agreements shall be nonpublic data pursuant to chapter 13.

Sec. 8. Minnesota Statutes 1990, section 62E.14, is amended by adding a subdivision to read:

Subd. 4c. [WAIVER OF PREEXISTING CONDITIONS FOR PERSONS WHOSE COVERAGE IS TERMINATED OR WHO EXCEED THE MAXIMUM LIFETIME BENEFIT.] A Minnesota resident may enroll in the comprehensive health plan with a waiver of the preexisting condition limitation described in subdivision 3 if that person applies for coverage within 90 days of termination of prior coverage and if the termination is for reasons other than fraud or nonpayment of premiums.

For purposes of this subdivision, termination of prior coverage includes exceeding the maximum lifetime benefit of existing coverage.

Coverage in the comprehensive health plan is effective on the date of termination of prior coverage. The availability of conversion rights does not affect a person's rights under this subdivision.

This section does not apply to prior coverage provided under policies designed primarily to provide coverage payable on a per diem, fixed indemnity, or nonexpense incurred basis, or policies providing only accident coverage.

Sec. 9. [EFFECTIVE DATE.]

Sections 3 to 8 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to insurance; the Minnesota comprehensive health insurance plan; regulating premium determinations, meetings, and experimental delivery and managed care delivery methods; authorizing preferred provider networks; classifying PPO agreement data; regulating access; amending Minnesota Statutes 1990, sections 13.71, by adding a subdivision; 62E.08, by adding a subdivision; 62E.10, subdivisions 4 and 9; 62E.12; 62E.13, by adding a subdivision; and 62E.14, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62E."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 845, A bill for an act relating to the city of Bloomington; providing for the use of a lodging tax; amending Laws 1990, chapter 604, article 6, section 9, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 877, A bill for an act relating to game and fish; authorizing the commissioner to establish special seasons for persons with a physical disability to take game with firearms and by

archery; proposing coding for new law in Minnesota Statutes, chapter 97B.

Reported the same back with the following amendments:

Page 1, line 10, delete "Subdivision 1. [SPECIAL SEASONS.]"

Page 1, line 11, after "establish" insert "criteria," and after "seasons" insert a comma

Page 1, line 14, delete "subdivision" and insert "section"

Page 1, line 15, before the period insert "and must be participating in a program for physically disabled hunters sponsored by a non-profit organization" and after the period insert "A license is not required for a person to assist a physically disabled person hunting during a special season under this section."

Page 1, delete lines 16 to 19

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 887, A bill for an act relating to game and fish; setting conditions under which a hunter may take two deer; amending Minnesota Statutes 1990, section 97B.301, subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 892, A bill for an act relating to human services; establishing a grant program for living-at-home/block nurse programs to enable senior citizens to remain at home; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Page 1, line 12, after “in” insert “establishing and” and after “that” insert “have used the principles listed in subdivision 2, paragraph (b), in order to”

Page 1, line 14, delete “to” and insert “and”

Page 3, line 1, after “with” insert “registered nurse directed”

Page 3, line 2, delete the first comma and insert “and” and delete “and homemaking”

Page 3, line 5, before “counseling” insert “homemaking services,”

Page 3, line 7, after “encourage” insert “respite care, caregiver support, and”

Page 3, line 22, delete “neighborhoods” and insert “communities”

Page 3, line 24, delete “neighborhoods” and insert “communities”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 894, A bill for an act relating to local government; permitting officers to contract for certain services; amending Minnesota Statutes 1990, section 471.88, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 9, delete “services” and insert “materials or services, or both, by sealed bid process”

Page 1, after line 10, insert:

“Sec. 2. Minnesota Statutes 1990, section 471.88, is amended by adding a subdivision to read:

Subd. 13. A public officer may rent space in a public facility at a rate commensurate with that paid by other members of the public, if the officer is not employed by the facility.”

Amend the title as follows:

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

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 895, A bill for an act relating to commerce; providing that credit agreements need not be signed by the creditor in certain situations; amending Minnesota Statutes 1990, section 513.33, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Financial Institutions and Insurance.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 896, A bill for an act relating to game and fish; authorizing resident husband and wife deer licenses; setting the fee; amending Minnesota Statutes 1990, section 97A.475, subdivision 2; and 97B.301, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, delete line 5, and insert "taking of one deer. One antlerless permit application shall be provided with each husband-wife firearms license sold."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 935, A bill for an act relating to game and fish;

qualifications for obtaining a license to take wild animals by firearms; proposing coding for new law in Minnesota Statutes, chapter 97B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [97B.020] [FIREARMS SAFETY CERTIFICATE REQUIRED.]

Except as provided in this section, a person born after December 31, 1979, may not obtain a license to take wild animals by firearms. A person may obtain a hunting license if the person has a firearms safety certificate or equivalent certificate, previous hunting license, or other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement. A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or national guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 963, A bill for an act relating to game and fish; granting free deer licenses to residents age 70 or over; amending Minnesota Statutes 1990, section 97A.441, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 97A.485, subdivision 6, is amended to read:

Subd. 6. [LICENSES TO BE SOLD AND ISSUING FEES.] (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

(1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

(2) Minnesota sporting, the issuing fee is \$1; and

(3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;

(4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and

(5) for stamps other than a trout and salmon stamp, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) The fee for an angling license paid by a resident 65 years of age or over must be refunded to the licensee upon request to the commissioner, if the request is made within 30 days of the sale. The commissioner shall design a system on the license for this purpose. An auditor or subagent may not provide postage stamps or pre-addressed envelopes for obtaining the refund in this paragraph or paragraph (g). An auditor or subagent must provide information on the purposes for which license receipts are spent and the effects of applying for a refund refunds in this paragraph and paragraph (g).

(g) The fee for a deer license paid by a resident 70 years of age or over must be refunded to the licensee upon request to the commissioner, if the request is made within 30 days of the sale. The commissioner must design a system on the license for this purpose."

Delete the title and insert:

"A bill for an act relating to game and fish; granting free deer licenses to residents age 70 or over; amending Minnesota Statutes 1990, section 97A.485, subdivision 6."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 977, A bill for an act relating to the environment; prescribing who must prevent, prepare for, and respond to worst case discharges of oil and hazardous substances; describing response plans; authorizing the commissioners of the pollution control agency and departments of agriculture and public safety to order compliance; providing for good samaritan assistance; authorizing cooperation between public and private responders; requiring the establishment of a single answering point system; providing penalties; amending Minnesota Statutes 1990, section 116.072, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 115E.

Reported the same back with the following amendments:

Page 4, line 6, after "an" insert "average monthly"

Page 4, line 8, delete "in any calendar month"

Page 4, line 14, after "in" insert "aboveground"

Page 6, line 33, delete "September 1, 1992" and insert "March 1, 1993"

Page 7, after line 34, insert:

"Subd. 5. [CITIZENS ADVISORY GROUPS.] The commissioner of the pollution control agency, the department of agriculture, or the department of public safety may establish, or a local official may request a commissioner to establish, a citizens advisory group following a discharge of oil or a hazardous substance. The purpose of the citizens advisory group is to facilitate exchange of information and concerns related to the discharge and response between the owner or operator of the vessel or facility, the governmental responders, and the affected members of the public."

Page 8, line 30, after "bond" insert "or provide a letter of credit"

Page 10, line 2, after "appoint" insert "one of"

Page 10, line 3, delete "commissioner" and insert "commissioners"

Page 11, after line 30, insert:

"Sec. 12. [FUNDS; TRAINING.]

The commissioner of the department of public safety, in cooperation with the commissioners of the pollution control agency, the department of natural resources, the department of agriculture, and the department of transportation, shall seek federal funding under the Oil Pollution Act of 1990 for activities undertaken under this act. A portion of any funds received under this section must be used by the agencies to train state agency and political subdivision personnel in proper recognition of and response to discharges and releases.

The commissioner of the department of public safety may accept a gift from a person, including a person that owns or operates a facility or vessel governed by this act, for the purpose of ensuring adequate training of state agency and political subdivision personnel in proper recognition of and response to discharges and releases."

Page 11, line 31, delete "12" and insert "13"

Page 11, line 34, delete the second "or" and insert a comma and after "before" insert ", or after"

Amend the title as follows:

Page 1, line 11, after the first semicolon insert "authorizing citizens advisory groups;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 982, A bill for an act relating to hunting; amending Minnesota Statutes 1990, section 97A.441, subdivision 6.

Reported the same back with the following amendments:

Page 1, line 13, before the period insert "as established by medical evidence verified in writing by a licensed physician"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 995, A bill for an act relating to game and fish; authorizing certain disabled permit holders to take deer of either sex; amending Minnesota Statutes 1990, section 97B.055, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1001, A bill for an act relating to game and fish; authorizing radio communication between a handler and dog; amending Minnesota Statutes 1990, section 97B.085, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1017, A bill for an act relating to agriculture; regulating certain sales and services offered by grocery stores; limiting applicability of certain licensing and regulatory provisions; amending Minnesota Statutes 1990, sections 28A.05; 157.01, subdivision 1; and 412.221, subdivision 30.

Reported the same back with the following amendments:

Page 2, after line 15, insert:

“Sec. 2. [28A.075] [DELEGATION TO LOCAL BOARD OF HEALTH.]

The commissioner may enter into an agreement with a local board of health to delegate food service licensing and inspection responsibilities in grocery or convenience stores to the local board of health.

Sec. 3. Minnesota Statutes 1990, section 145A.03, is amended by adding a subdivision to read:

Subd. 6. [DUPLICATE LICENSING.] A local board of health must work with the commissioner of agriculture to eliminate duplicate licensing and inspection of grocery and convenience stores by no later than March 1, 1992.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the first semicolon insert “145A.03, by adding a subdivision;”

Page 1, line 7, after “30” insert “; proposing coding for new law in Minnesota Statutes, chapter 28A”

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1035, A bill for an act relating to retirement; teachers retirement association; making various changes in laws governing the administration of the association; amending Minnesota Statutes 1990, sections 136.82, subdivision 1; 176.021, subdivision 7; 354.05, subdivisions 5, 13, 22, 35, 35a, and by adding a subdivision; 354.071, subdivision 2; 354.092; 354.093; 354.094, subdivision 1; 354.095; 354.10, subdivisions 1, 2, and 4; 354.33, subdivision 6; 354.35; 354.41, subdivision 7; 354.46, subdivision 2; 354.48, subdivisions 2, 4, 6, 7, and 8; 354.49, subdivision 3; 354.50, subdivision 1; 354.52, subdivision 2, and by adding a subdivision; 356.30, by adding a subdivision; and 356.87; repealing Minnesota Statutes 1990, sections 354.094, subdivisions 1a and 1b; and 354.48, subdivision 5.

Reported the same back with the following amendments:

Page 10, line 28, after the period, insert “Notwithstanding the provisions of any agreements to the contrary, employee and employer contributions may not be made to receive allowable service credit under this section if the member does not retain the right to full reinstatement at the end of the leave.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1039, A bill for an act relating to public employees; regulating insurance benefits; amending Minnesota Statutes 1990, sections 43A.13, by adding a subdivision; and 43A.316, subdivision 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 43A.04, is amended by adding a subdivision to read:

Subd. 10. [EQUITABLE COMPENSATION COMPLIANCE.] The commissioner may adopt rules under the administrative procedure act to assure compliance with sections 471.991 to 471.999.

Sec. 2. Minnesota Statutes 1990, section 43A.13, is amended by adding a subdivision to read:

Subd. 9. [DISABLED FORMER EMPLOYEES.] A former classified employee who is receiving disability benefits under a state retirement plan remains eligible for reemployment.

Sec. 3. Minnesota Statutes 1990, section 43A.316, subdivision 8, is amended to read:

Subd. 8. [CONTINUATION OF COVERAGE.] (a) A former employee who is 55 years old or older and is receiving a public pension disability benefit or an annuity or is 55 years old or older and has met the age and service requirements necessary to receive an annuity under chapter 353, 353C, 354, 354A, 356, 422A, 423, 423A, or 424 is eligible to participate in the plan, except that. A former employee who is over age 65 years old or older and is not eligible for enrolled in Medicare coverage is not eligible to participate in the plan. This participation is at the person's expense unless a collective

bargaining agreement or personnel policy provides otherwise. Premiums for these participants must be established by the commissioner. The commissioner shall establish sets of health insurance premiums for the following various classes including, but not limited to:

(1) all participants former employees eligible under this paragraph who are under age 65; and

(2) all participants former employees eligible under this paragraph who are over age 65 years old or older and are receiving enrolled in Medicare coverage; and

(3) all former employees eligible under this paragraph whose group participates in the plan.

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

(b) The spouse of a deceased, active, or former employee may purchase the benefits provided at premiums established by the commissioner if the spouse was a dependent under the active or former employee's coverage under this section at the time of the death. Coverage under this clause must be coordinated with relevant insurance benefits provided through the federally sponsored Medicare program.

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

(d) A person who desires to participate under paragraphs (a) to (e) shall notify the commissioner of intent to participate according to rules established by the commissioner. The eligible employer shall notify the commissioner and coverage begins as soon as the commissioner permits.

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

Persons participating under these paragraphs shall make appro-

priate premium payments in the time and manner established by the commissioner.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public employees; regulating insurance benefits; amending Minnesota Statutes 1990, sections 43A.04, by adding a subdivision; 43A.13, by adding a subdivision; and 43A.316, subdivision 8."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1121, A bill for an act relating to natural resources; revising certain provisions relating to the taking, possession, and transportation of wild animals; amending Minnesota Statutes 1990, sections 97A.445, subdivision 2; 97A.535, subdivision 1; 97B.055, subdivision 3; 97B.106; and 97B.935, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 21, before the semicolon insert ", or a resident of a board and lodging facility"

Page 1, line 23, before the period insert "between the ages of 16 and 19"

Page 1, delete section 2

Page 2, line 20, delete "that suffers from some" and insert "who has"

Page 2, line 21, delete "hinders" and insert "limits"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete everything before "97B.055"

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

S. F. No. 34, A bill for an act relating to the state agricultural society; including the Red River Valley Winter Shows as a state agricultural society member; amending Minnesota Statutes 1990, section 37.03, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 9, 173, 179, 299, 343, 389, 427, 479, 488, 611, 623, 667, 671, 683, 743, 748, 795, 808, 809, 815, 877, 887, 894, 935, 977, 982, 995, 1001, 1017, 1035, 1039 and 1121 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 5 and 34 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Nelson, K., introduced:

H. F. No. 1247, A bill for an act relating to education; establishing a task force on programs for education and employment transitions; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Dawkins, by request, introduced:

H. F. No. 1248, A bill for an act relating to transportation; authorizing the commissioner of transportation to construct light rail transit; abolishing the authority of metropolitan regional rail authorities to levy a property tax for light rail transit; imposing a one-half of one percent sales tax in the metropolitan counties; requiring plans; establishing a demonstration light rail transit facility in the central corridor; amending Minnesota Statutes 1990, sections 297A.02, by adding a subdivision; 297A.44, subdivision 1; 398A.04, by adding a subdivision; 473.399, by adding a subdivision; 473.3993, subdivisions 2, 3, and by adding a subdivision; 473.3994; 473.3996; and 473.4051; proposing coding for new law in Minnesota Statutes, chapters 174 and 473; repealing Minnesota Statutes 1990, section 473.3994, subdivision 6; and Laws 1989, chapter 339, section 21.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Hausman and Dawkins introduced:

H. F. No. 1249, A bill for an act relating to the city of St. Paul; providing certain economic development authority.

The bill was read for the first time and referred to the Committee on Economic Development.

Murphy introduced:

H. F. No. 1250, A bill for an act relating to highways; designating county state-aid highway 61 from Duluth to Two Harbors as the North Shore Scenic Drive; amending Minnesota Statutes 1990, section 161.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Rest and Carlson introduced:

H. F. No. 1251, A bill for an act relating to education; creating a special levy for independent school district No. 281, Robbinsdale; amending Minnesota Statutes 1990, section 275.125, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Erhardt, Rest, Scheid and Pauly introduced:

H. F. No. 1252, A bill for an act relating to taxation; property; not requiring payment of additional taxes when open space qualification is lost due to acquisition of property by the state of Minnesota or a political subdivision; amending Minnesota Statutes 1990, section 273.112, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Krueger introduced:

H. F. No. 1253, A bill for an act relating to human services; allowing grants to residential programs in which staff and residents are integrated and share equally in household activities; proposing coding for new law in Minnesota Statutes, chapter 252.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Gruenes introduced:

H. F. No. 1254, A bill for an act relating to retirement; amending provisions governing receipt of combined service annuities; amending Minnesota Statutes 1990, section 356.30, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Welle introduced:

H. F. No. 1255, A bill for an act relating to state parks; authorizing land acquisition within certain state parks; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kinkel introduced:

H. F. No. 1256, A bill for an act relating to agriculture; authorizing compensation for apiary damage caused by bear; appropriating money; amending Minnesota Statutes 1990, section 3.736, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Agriculture.

Dawkins, Mariani and Hausman introduced:

H. F. No. 1257, A bill for an act relating to transportation; authorizing the commissioner of transportation to construct light rail transit; abolishing the authority of metropolitan regional rail authorities to levy a property tax for light rail transit; imposing a one-half of one percent sales tax in the metropolitan counties; requiring plans; establishing a demonstration light rail transit facility in the central corridor; amending Minnesota Statutes 1990, sections 297A.02, subdivisions 1 and 3; 297A.14, subdivision 1; 297A.44, subdivision 1; 297A.45, by adding a subdivision; 398A.04, by adding a subdivision; 473.399, by adding a subdivision; 473.3993, subdivisions 2, 3, and by adding a subdivision; 473.3994; 473.3996; and 473.4051; proposing coding for new law in Minnesota Statutes, chapters 174 and 473; repealing Laws 1989, chapter 339, section 21.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Segal introduced:

H. F. No. 1258, A bill for an act relating to taxation; modifying the effective date for repeal of levy limits; amending Laws 1989, First Special Session chapter 1, article 5, section 52, as amended.

The bill was read for the first time and referred to the Committee on Taxes.

Segal introduced:

H. F. No. 1259, A bill for an act relating to human services; authorizing grants for research and development of new approaches to services for persons who are both mentally ill and chemically dependent; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Segal introduced:

H. F. No. 1260, A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article XI; establishing a permanent housing trust fund.

The bill was read for the first time and referred to the Committee on Housing.

Segal introduced:

H. F. No. 1261, A bill for an act relating to taxation; providing for a maximum fiscal disparities areawide tax capacity; amending Minnesota Statutes 1990, sections 473F.07, subdivision 1; and 473F.08, subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on Taxes.

Segal introduced:

H. F. No. 1262, A bill for an act relating to economic development; establishing a business development and preservation program delivered by certain nonprofit organizations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Committee on Economic Development.

Onnen introduced:

H. F. No. 1263, A bill for an act relating to human services; medical assistance and general assistance medical care; clarifying payment rates for hospitals; clarifying coverage of services and eligibility requirements; clarifying the role of independent actuaries; amending Minnesota Statutes 1990, sections 256.045, subdivision 10; 256.936, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256.9685, subdivision 1; 256.9686, subdivisions 1 and 6; 256.969, subdivisions 1, 2, 2c, 3a, 6a, and by adding a subdivision; 256.9695, subdivisions 1 and 5; 256B.031, subdivision 4; 256B.055, subdivisions 10 and 12; 256B.057, subdivisions 1, 2, 3, 4, and by adding a subdivision; 256B.0575; 256B.0625, subdivisions 4, 9, 12, 13, 17, 24, 25, 28, 30, and by adding subdivisions; 256B.063; 256B.08, by adding a subdivision; 256B.19, by adding a subdivision; 256B.25, subdivision 3; and 256D.03, subdivisions 3 and 4.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Farrell, Bettermann, Erhardt and Thompson introduced:

H. F. No. 1264, A bill for an act relating to weights and measures; adopting weights and measures standards recommended by the

United States Department of Commerce, National Institute of Standards and Technology; defining the responsibilities, duties, and powers of the division of weights and measures; providing that the division have a director; amending Minnesota Statutes 1990, sections 239.01; 239.02; 239.05; 239.09; proposing coding for new law in Minnesota Statutes, chapter 239; repealing Minnesota Statutes 1990, sections 239.07; 239.08; and 239.37.

The bill was read for the first time and referred to the Committee on Commerce.

Gruenes introduced:

H. F. No. 1265, A bill for an act relating to human services; long-term care; allowing for cost-effective alternatives for metro transportation support grants; establishing limits for certain long-term care costs; providing for the establishment of certain rates for long-term care and for community residential treatment centers; amending Minnesota Statutes 1990, sections 252.46, subdivisions 6 and 14; 252.478, subdivisions 1 and 3; 256B.19, subdivision 1, and by adding a subdivision; 256B.431, subdivision 3i, and by adding subdivisions; 256B.50, subdivision 1d; and 256B.501, subdivision 8, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Gruenes, Greenfield and Macklin introduced:

H. F. No. 1266, A bill for an act relating to corrections; requiring the court to impose local correctional fees on offenders committed to local correctional agencies; authorizing local correctional agencies to establish a fee schedule for local correctional services to defray costs of correctional services; proposing coding for new law in Minnesota Statutes, chapters 244 and 609.

The bill was read for the first time and referred to the Committee on Judiciary.

Reding; O'Connor; Cooper; Johnson, R., and Mariani introduced:

H. F. No. 1267, A bill for an act relating to retirement; teachers; increasing employee and employer contributions and increasing the annuity computation formula for coordinated members; amending Minnesota Statutes 1990, sections 354.42, subdivisions 2 and 3; and 354.44, subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Seaberg introduced:

H. F. No. 1268, A bill for an act relating to crime; limiting the use of certain conditions of probation or pretrial release for persons convicted or accused of certain crimes; amending Minnesota Statutes 1990, section 609.135, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 629.

The bill was read for the first time and referred to the Committee on Judiciary.

Clark, Segal and Wejcman introduced:

H. F. No. 1269, A bill for an act relating to local government; increasing the amount the city of Minneapolis may loan to expand small businesses; amending Laws 1988, chapter 594, section 6.

The bill was read for the first time and referred to the Committee on Economic Development.

Trimble and McGuire introduced:

H. F. No. 1270, A bill for an act relating to occupations; providing for municipal regulation of refrigeration workers; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the first time and referred to the Committee on Commerce.

Henry, Hufnagle and Blatz introduced:

H. F. No. 1271, A bill for an act relating to education; authorizing school districts to levy for replacement and restoration of certain facilities; amending Minnesota Statutes 1990, section 275.125, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Macklin and Onnen introduced:

H. F. No. 1272, A bill for an act relating to human services; establishing penalty provisions relating to those found to have

wrongfully obtained assistance; limiting the availability of general assistance to those disqualified from the aid to families with dependent children program; expanding fraud prevention investigation programs; providing for a federally mandated penalty for intentionally falsifying a public assistance application; clarifying appeal filing times for medical assistance providers; amending Minnesota Statutes 1990, sections 256.98, by adding a subdivision; 256.983; 256B.064, subdivision 2; and 256D.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carruthers and Vellenga introduced:

H. F. No. 1273, A bill for an act relating to children; modifying child protection system data practices study requirements; amending Laws 1990, chapter 542, section 36.

The bill was read for the first time and referred to the Committee on Judiciary.

Jennings introduced:

H. F. No. 1274, A bill for an act relating to education; authorizing a fund transfer by the Chisago Lakes school district.

The bill was read for the first time and referred to the Committee on Education.

Osthoff introduced:

H. F. No. 1275, A bill for an act relating to gambling; placing restrictions on the manufacture and sale of gambling devices; requiring licensing of manufacturers and distributors of gambling devices; defining video games of chance as gambling devices; prohibiting operation of gambling devices; amending Minnesota Statutes 1990, section 299L.01, subdivision 1; 609.75, subdivision 4, and by adding a subdivision; 609.755; and 609.76, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299L.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Reding introduced:

H. F. No. 1276, A bill for an act relating to retirement; state university and community college individual retirement account plan; directing additional employer contributions into the plan; authorizing a deduction for administrative expenses; amending Minnesota Statutes 1990, sections 354.42, subdivision 5; 354B.04, subdivision 2; and 354B.05, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Wagenius, Pugh, Schreiber, Carruthers and Blatz introduced:

H. F. No. 1277, A bill for an act relating to eminent domain; providing for exercise of eminent domain power over properties owned by railroads.

The bill was read for the first time and referred to the Committee on Judiciary.

Pelowski, Vanasek, Long, Reding and Nelson, S., introduced:

H. F. No. 1278, A bill for an act relating to state government; abolishing the state planning agency; transferring certain of its powers and duties; amending Minnesota Statutes 1990, sections 3.885, subdivisions 3 and 6; 15A.081, subdivision 1; 17.49, subdivision 1; 62D.122; 62J.02, subdivisions 2 and 3; 103B.311, subdivision 7; 103B.315, subdivision 5; 103F.761, subdivision 1; 103H.101, subdivision 4; 103H.175, subdivisions 1 and 2; 115A.072, subdivision 1; 116C.03, subdivisions 2, 4, and 5; 116C.712, subdivisions 3 and 5; 124C.03, subdivisions 2, 3, 8, 9, 10, 12, 14, 15, and 16; 126A.02, subdivisions 1 and 2; 126A.03; 144.70, subdivision 2; 144A.071, subdivision 5; 145.926, subdivisions 1, 4, 5, 7, and 8; 145A.02, subdivision 16; 145A.09, subdivision 6; 214.141; 256H.25, subdivision 1; 268.361, subdivision 3; 275.14; 275.51, subdivision 6; 275.54, subdivision 3; 299A.30, subdivision 2; 299A.31, subdivision 1; 299A.40, subdivision 4; 368.01, subdivision 1a; 373.40, subdivision 1; 402.045; 462.384, subdivision 7; 462.396, subdivision 2; 466A.05, subdivision 1; 469.203, subdivision 4; 469.207, subdivisions 1 and 2; 473.156, subdivision 1; 477A.011, subdivisions 3 and 3a; 477A.014, subdivision 4; 504.34, subdivisions 5 and 6; proposing coding for new law in Minnesota Statutes, chapters 4 and 16B; repealing Minnesota Statutes 1990, sections 40A.02, subdivision 2; 40A.08; 116K.01 to 116K.14; 144.861; and 144.874.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wejeman, Jefferson, Kahn, Greenfield and Wagenius introduced:

H. F. No. 1279, A bill for an act relating to the city of Minneapolis; providing that certain special service districts may provide parking facilities; amending Laws 1988, chapter 719, article 16, section 1, subdivision 3.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Pugh, Wagenius, Schreiber, Long and Weaver introduced:

H. F. No. 1280, A bill for an act relating to the environment; responsible person for removal and remediation of hazardous waste; providing that the state, an agency of the state, or a political subdivision that acquires property through eminent domain or through negotiated purchase following the filing of eminent domain petition, or any person acquiring from the condemning authority, is not liable as a responsible person solely because of the acquisition; providing that no person involuntarily acquiring property shall be liable as a responsible person; amending Minnesota Statutes 1990, section 115B.03, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jennings introduced:

H. F. No. 1281, A bill for an act relating to education; authorizing pilot outcome-based schools authorized by school boards.

The bill was read for the first time and referred to the Committee on Education.

Jennings, Hartle, Ozment, Sparby and Lieder introduced:

H. F. No. 1282, A bill for an act relating to local government; providing procedures for storm sewer improvements; amending Minnesota Statutes 1990, section 444.18, by adding a subdivision; repealing Minnesota Statutes 1990, section 444.18, subdivision 2.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Macklin, Rest and Limmer introduced:

H. F. No. 1283, A bill for an act relating to public safety; autho-

rizing the department of public safety to develop a pilot program to require an ignition interlock device as a condition of a limited license for a driver whose license has been canceled and denied; requiring the department of public safety to certify interlock devices; providing penalties for misuse or tampering, and for failure to use the device; proposing coding for new law in Minnesota Statutes, chapter 171.

The bill was read for the first time and referred to the Committee on Judiciary.

Sparby, Lieder and Tunheim introduced:

H. F. No. 1284, A bill for an act relating to taxation; restoring a payment of certain homestead and agricultural credit aid to the Red Lake watershed district; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Dorn, Pelowski, Limmer, Trimble and Carlson introduced:

H. F. No. 1285, A bill for an act relating to the building code; clarifying the basis of building code review fees; amending Minnesota Statutes 1990, section 16B.61, subdivision 1a.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Farrell, Davids, Newinski, Wejcman and Mariani introduced:

H. F. No. 1286, A bill for an act relating to the secretary of state; changing certain fees, deadlines, and procedures; providing for supplemental filing and information services; providing for removal of documents from the public record; clarifying certain language; amending Minnesota Statutes 1990, sections 5.03; 5.16, subdivision 5; 302A.821, subdivisions 3, 4, and 5; 303.07, subdivision 2; 303.08; 303.13, subdivision 1; 303.17, subdivision 1; 308A.131, subdivision 1; 308A.801, subdivision 6; 317A.821, subdivision 2; 317A.823; 317A.827, subdivision 1; and 331A.02, subdivision 1; Laws 1989, chapter 236, section 12; proposing coding for new law in Minnesota Statutes, chapter 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dauner, Goodno and Nelson, S., introduced:

H. F. No. 1287, A bill for an act relating to taxation; restoring a payment of certain homestead and agricultural credit aid to the Buffalo-Red River watershed district; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Valento, Bertram, Bettermann, Omann and Koppendrayner introduced:

H. F. No. 1288, A bill for an act relating to water and wastewater treatment; expanding the authority of municipalities to contract for private design and construction of water and wastewater treatment facilities; amending Minnesota Statutes 1990, section 471.371, subdivisions 2, 4, and 5; repealing Minnesota Statutes 1990, section 471.371, subdivisions 1 and 6.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Weaver, Bauerly, Leppik, McEachern and Ozment introduced:

H. F. No. 1289, A bill for an act relating to education; clarifying the relationship of school districts and the public to ECSU's; amending Minnesota Statutes 1990, section 123.58, subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

Frederick introduced:

H. F. No. 1290, A bill for an act relating to human services; changing the effective date for separate billing by certified registered nurse anesthetists; appropriating money; amending Minnesota Statutes 1990, section 256.969, subdivision 6a.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Garcia; Nelson, K.; Leppik and Johnson, A., introduced:

H. F. No. 1291, A bill for an act relating to education; assuring that each blind student receives an individualized Braille literacy assessment and appropriate educational services resulting from the assessment; establishing standards of proficiency and instruction for

Braille literacy; requiring the licensure of teachers of blind students in accord with Braille literacy standards; proposing coding for new law in Minnesota Statutes, chapter 120.

The bill was read for the first time and referred to the Committee on Education.

Valento, Welker, Pauly, Knickerbocker and Bishop introduced:

H. F. No. 1292, A bill for an act relating to the financing of government in this state; providing property tax reform; reclassifying real and personal property and establishing exemption rates; establishing transitional class rates for taxes payable in 1992 and 1993; prescribing the contents of property tax statements; changing property tax due dates and settlement and distribution dates; providing an income sensitive homestead credit; providing a targeted property tax credit; changing tax increment financing pooling requirements; defining terms; imposing penalties; amending Minnesota Statutes 1990, sections 273.13, by adding subdivisions; 273.1316, subdivision 6; 274.19, subdivision 3; 275.065, subdivisions 3 and 6; 275.07, subdivisions 1 and 4; 275.08, by adding a subdivision; 276.04, subdivisions 2 and 3; 276.10; 276.11, subdivision 1; 277.01, subdivision 1; 278.01; 278.03; 278.05, subdivision 5; 279.01, by adding subdivisions; 289A.18, subdivision 5; 289A.56, subdivision 6; 290A.01; 290A.04, subdivision 2, and by adding a subdivision; 290A.07, subdivisions 2a and 3; 469.1763, subdivision 2; 469.177, subdivision 7, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1990, sections 273.124; 273.13; 290A.04, subdivisions 2b, 2h, and 2i; 276.09; 276.11, subdivisions 2 and 3; 276.111; and 279.01, subdivisions 1, 2, and 3.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, V.; Omann; Koppendrayser; Welker and Anderson, R. H., introduced:

H. F. No. 1293, A bill for an act relating to game and fish; allowing a free deer license under certain circumstances.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Omann introduced:

H. F. No. 1294, A bill for an act relating to agriculture; changing

the commercial cannery assessment; amending Minnesota Statutes 1990, section 31.39.

The bill was read for the first time and referred to the Committee on Agriculture.

Dawkins introduced:

H. F. No. 1295, A bill for an act relating to legal services; providing for the creation of a state board of specialized legal assistants; requesting the supreme court to adopt rules governing the delivery of legal services by specialized legal assistants; amending Minnesota Statutes 1990, section 481.02, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 481A.

The bill was read for the first time and referred to the Committee on Judiciary.

Smith and Dawkins introduced:

H. F. No. 1296, A bill for an act relating to insurance; requiring insurers to pay an annual assessment based on total subrogation and indemnification claims paid each year; proposing coding for new law in Minnesota Statutes, chapter 60A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Vellenga, Segal, Pugh, Seaberg and Wejcman introduced:

H. F. No. 1297, A bill for an act relating to civil actions; recognizing a cause of action for tortious interference with access rights to a child; proposing coding for new law as Minnesota Statutes, chapter 604A.

The bill was read for the first time and referred to the Committee on Judiciary.

Olson, K.; Bauerly; Tunheim; Bettermann and Cooper introduced:

H. F. No. 1298, A bill for an act relating to education; limiting the referendum levy; equalizing a portion of the referendum levy; changing the training and experience formula; equalizing training and experience revenue; authorizing equity preservation aid; appropriating money; amending Minnesota Statutes 1990, sections 124A.03, by adding subdivisions; and 124A.22, subdivision 4, and by

adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 124A.

The bill was read for the first time and referred to the Committee on Education.

Tunheim; Olson, E.; Johnson, R., and Ogren introduced:

H. F. No. 1299, A bill for an act relating to agriculture; abolishing refund of checkoff fee paid by paddy wild rice producers; amending Minnesota Statutes 1990, section 17.63.

The bill was read for the first time and referred to the Committee on Agriculture.

Rest introduced:

H. F. No. 1300, A bill for an act relating to public safety; appropriating money to commissioner of public safety for infrared search device.

The bill was read for the first time and referred to the Committee on Appropriations.

Kahn; Munger; Johnson, V.; Battaglia and Lasley introduced:

H. F. No. 1301, A bill for an act relating to the environment; providing for the Minnesota releaf program; creating an advisory task force; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 88.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau introduced:

H. F. No. 1302, A bill for an act relating to workers' compensation; providing an exclusion from coverage for certain disabled employees; amending Minnesota Statutes 1990, section 176.041, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Simoneau introduced:

H. F. No. 1303, A bill for an act relating to taxation; exempting

certain printed materials from the sales tax; amending Minnesota Statutes 1990, section 297A.25, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Lieder, Long, Kalis, Uphus and Hanson introduced:

H. F. No. 1304, A bill for an act relating to highways; establishing a category of natural preservation routes in the county state-aid highway system; proposing coding for new law in Minnesota Statutes, chapter 162.

The bill was read for the first time and referred to the Committee on Transportation.

Olson, E.; Wenzel; Uphus; Dille and Girard introduced:

H. F. No. 1305, A bill for an act relating to agriculture; changing the livestock market agency and dealer licensing act; amending Minnesota Statutes 1990, sections 17A.01; 17A.03, subdivisions 1 and 7; 17A.04, subdivision 1; 17A.14; proposing coding for new law in Minnesota Statutes, chapter 17A; repealing Minnesota Statutes 1990, section 17A.15.

The bill was read for the first time and referred to the Committee on Agriculture.

Gutknecht, Bishop and Frerichs introduced:

H. F. No. 1306, A bill for an act relating to human services; establishing a demonstration project involving alternative reimbursement, appeals, and inspection systems for intermediate care facilities for persons with mental retardation or related conditions.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Wagenius, Skoglund, Kahn and Olsen, S., introduced:

H. F. No. 1307, A bill for an act relating to taxation; modifying the metropolitan revenue distribution program; creating a crime and social services disparities fund; amending Minnesota Statutes 1990, sections 299C.18; 473F.07, subdivision 4, and by adding subdivisions; and 473F.08, subdivisions 5 and 7a; proposing coding for new law in Minnesota Statutes, chapter 473F.

The bill was read for the first time and referred to the Committee on Taxes.

Dawkins, Vellenga, Runbeck, Farrell and Valento introduced:

H. F. No. 1308, A bill for an act relating to public safety; providing for Ramsey county police department; appropriating money.

The bill was read for the first time and referred to the Committee on Judiciary.

Simoneau introduced:

H. F. No. 1309, A bill for an act relating to taxation; exempting certain capital equipment used in the printing industry from the sales and use tax; amending Minnesota Statutes 1990, section 297A.25, subdivision 10, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Nelson, K., introduced:

H. F. No. 1310, A bill for an act relating to crimes; creating the gross misdemeanor offense of assaulting a public employee who is engaged in mandated duties; amending Minnesota Statutes 1990, section 609.2231, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Hasskamp introduced:

H. F. No. 1311, A bill for an act relating to retirement; increasing retirement and survivor benefits for certain retired members of the Brainerd police relief association and surviving spouses and children of deceased members.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Gruenes, Welle, Simoneau, Leppik and Newinski introduced:

H. F. No. 1312, A bill for an act relating to health care; promoting the availability of health insurance for small employers; establishing mechanisms for containing health care costs; requiring long-

term goals for improving the health of Minnesotans; requiring studies; establishing an office of rural health; establishing requirements to improve access to health services in rural areas; establishing a pilot project for uninsured low-income persons; amending Minnesota Statutes 1990, sections 136A.1355, subdivisions 2 and 3; 144.147, subdivision 4; 144.698, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 136A and 144; proposing coding for new law as Minnesota Statutes, chapter 62K; repealing Minnesota Statutes 1990, section 144.70.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Olson, K.; Nelson, S.; Winter; Hugoson and Steensma introduced:

H. F. No. 1313, A bill for an act relating to traffic regulations; authorizing the operation of recreational vehicle combinations with certain restrictions; amending Minnesota Statutes 1990, sections 169.01, by adding a subdivision; and 169.81, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Segal introduced:

H. F. No. 1314, A bill for an act relating to lottery; regulating advertising; prohibiting incentive payments to marketing employees of the lottery division; amending Minnesota Statutes 1990, sections 349A.09, subdivision 2; and 349A.10, subdivision 3; repealing Minnesota Statutes 1990, section 349A.02, subdivision 5.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Segal, Wejcman and Jefferson introduced:

H. F. No. 1315, A bill for an act relating to human services; authorizing loans to mental health residential programs for physical accessibility improvements; creating an exception to the maximum negotiated rates for residential programs receiving accessibility loans; amending Minnesota Statutes 1990, sections 256I.05, subdivision 2; and 462A.05, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Segal, Wejcman, Ogren and Jefferson introduced:

H. F. No. 1316, A bill for an act relating to human rights; prohibiting housing discrimination against disabled persons because of their familial status; amending Minnesota Statutes 1990, section 363.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Osthoff and Jacobs introduced:

H. F. No. 1317, A bill for an act relating to alcoholic beverages; limiting the number of temporary on-sale licenses that may be issued to a club or organization; amending Minnesota Statutes 1990, sections 340A.403, subdivision 2; and 340A.404, subdivision 10.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Jefferson and Jacobs introduced:

H. F. No. 1318, A bill for an act relating to intoxicating liquor; providing for sale of intoxicating liquor at a sports arena in Minneapolis; amending Minnesota Statutes 1990, section 340A.404, subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Newinski, Vellenga, Blatz, Solberg and Brown introduced:

H. F. No. 1319, A bill for an act relating to crimes; authorizing the juvenile court to find a child in need of protection or services if the child resides in a home where controlled substances are present; making it a crime for a parent to endanger a child's person or health by using, selling, or manufacturing controlled substances in the child's presence; prescribing penalties; amending Minnesota Statutes 1990, sections 260.015, subdivision 2a; and 609.378, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Osthoff and Scheid introduced:

H. F. No. 1320, A bill for an act relating to gaming; providing for

a committee to negotiate tribal-state compacts regulating certain gaming on Indian lands, and to make recommendations to the governor; repealing expired provisions of law relating to negotiating tribal-state compacts; amending Minnesota Statutes 1990, section 3.9221, subdivision 2; repealing Minnesota Statutes 1990, section 3.9221, subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Clark introduced:

H. F. No. 1321, A bill for an act relating to human services; providing for allocation of detoxification transportation funds; amending Minnesota Statutes 1990, section 254A.17, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Clark and Segal introduced:

H. F. No. 1322, A bill for an act relating to economic development; creating a small business incubator program; appropriating money for a pilot project; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Committee on Economic Development.

Tunheim introduced:

H. F. No. 1323, A bill for an act relating to state lands; transferring state land by private sale to the town board of the town of Lake in Roseau county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Gruenes, Stanius and Runbeck introduced:

H. F. No. 1324, A bill for an act relating to corrections; authorizing the commissioner of corrections to establish, license, and administer community corrections units for repeat DWI offenders within regional treatment centers; requiring counties to pay the per diem costs of confining offenders in these units; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 241.

The bill was read for the first time and referred to the Committee on Judiciary.

Weaver and Lynch introduced:

H. F. No. 1325, A bill for an act relating to law libraries; providing procedures for the administration of law libraries; amending Minnesota Statutes 1990, sections 134A.01; 134A.02; 134A.03; 134A.04; 134A.06; 134A.08; 134A.10; and 134A.13; repealing Minnesota Statutes 1990, section 134A.14.

The bill was read for the first time and referred to the Committee on Judiciary.

HOUSE ADVISORIES

The following House Advisory was introduced:

Segal introduced:

H. A. No. 6, A proposal to study declining enrollment in medical schools.

The advisory was referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 82, A bill for an act relating to public contracts; modifying the criteria for businesses and firms required to file affirmative action plans; amending Minnesota Statutes 1990, sections 363.073, subdivision 1; and 473.144.

H. F. No. 373, A bill for an act relating to commerce; removing a real estate licensing prohibition; amending Minnesota Statutes 1990, section 82.20, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 196, A resolution memorializing the Congress of the United States to enact the POW/MIA truth bill, that relates to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea, and Vietnam.

The Senate has appointed as such committee:

Mr. Bertram; Ms. Johnson, J. B., and Mr. Laidig.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 583, 652, 846, 162, 231, 611, 154, 561, 636 and 638.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 187, 252, 437 and 567.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 583, A bill for an act relating to health; clarifying requirements for vaccination of children for certain illnesses; amending Minnesota Statutes 1990, sections 123.70, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 10, and by adding a subdivision; and 151.37, by adding a subdivision.

The bill was read for the first time.

Orenstein moved that S. F. No. 583 and H. F. No. 529, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 652, A bill for an act relating to housing; providing for the payment of fees for certain publicly owned facilities; amending Minnesota Statutes 1990, section 327.23, subdivision 3.

The bill was read for the first time and referred to the Committee on Housing.

S. F. No. 846, A resolution memorializing Congress and the President to expedite passage of a law establishing class 1 dairy support prices at the market levels prevailing on August 1, 1990.

The bill was read for the first time and referred to the Committee on Agriculture.

S. F. No. 162, A bill for an act relating to the city of Nashwauk; authorizing an increase in benefits payable to surviving spouses by the police relief association; amending Laws 1943, chapter 196, section 4, as amended.

The bill was read for the first time.

Solberg moved that S. F. No. 162 and H. F. No. 161, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 231, A bill for an act relating to insurance; accident and health; defining full-time students for purposes of dependent coverage; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 611, A bill for an act relating to veterans; clarifying rulemaking authority of the veterans homes board; changing language concerning payment of arrearages by veterans home residents; correcting certain references; amending Minnesota Statutes 1990, sections 198.003; 198.005; 198.03, subdivision 3; and 198.35.

The bill was read for the first time.

Frederick moved that S. F. No. 611 and H. F. No. 616, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 154, A bill for an act relating to manufactured home parks; providing for notice and right to purchase for conversion or the closing of a park under certain circumstances; amending Minnesota Statutes 1990, section 327C.095, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 327C.

The bill was read for the first time.

Johnson, A., moved that S. F. No. 154 and H. F. No. 172, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 561, A bill for an act relating to natural resources; authorizing certain minors to harvest wild rice without a license; amending Minnesota Statutes 1990, section 84.091, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 636, A bill for an act relating to local government; enlarging authority to participate in certain federal loan programs; amending Minnesota Statutes 1990, section 465.73.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

S. F. No. 638, A bill for an act relating to elections; providing directions for the preparation of ballot instructions; amending Minnesota Statutes 1990, section 204B.36, subdivision 2.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

S. F. No. 187, A bill for an act relating to mental health; authorizing competent persons to make advance declarations regarding mental health treatment; requiring certain notices to be given to the designated agency; amending Minnesota Statutes 1990, sections 253B.03; 253B.18, subdivisions 4b and 5; and 253B.19, subdivision 2.

The bill was read for the first time.

Greenfield moved that S. F. No. 187 and H. F. No. 233, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 252, A bill for an act relating to housing; authorizing a multicounty housing and redevelopment authority to appoint additional commissioners; amending Minnesota Statutes 1990, section 469.006, subdivision 2.

The bill was read for the first time and referred to the Committee on Housing.

S. F. No. 437, A bill for an act relating to agriculture; changing the shade tree disease and wood use programs; amending Minnesota Statutes 1990, sections 18.023, subdivisions 10a and 11; and 18.024, subdivision 1.

The bill was read for the first time and referred to the Committee on Agriculture.

S. F. No. 567, A bill for an act relating to retirement; authorizing appointed public officers to purchase public employees retirement association service credit for previous service as an elected official; amending Laws 1990, chapter 570, article 8, section 14, subdivision 1.

The bill was read for the first time.

Anderson, I., moved that S. F. No. 567 and H. F. No. 522, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

S. F. No. 75, A bill for an act relating to metropolitan government; extending the date for the international airport plan; amending Minnesota Statutes 1990, section 473.616, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Smith
Battaglia	Goodno	Krinkie	Omman	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Sviggum
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejcrnan
Dauids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Schreiber	
Farrell	Kalis	O'Connor	Seaberg	

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 468, A bill for an act relating to employment; changing the date for submission of recommendations by the compensation council; amending Minnesota Statutes 1990, section 15A.082, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Blatz	Dempsey	Gruenes	Jacobs
Anderson, I.	Bodahl	Dille	Gutknecht	Janezich
Anderson, R.	Boo	Dorn	Hanson	Jaros
Anderson, R. H.	Brown	Erhardt	Hartle	Jefferson
Battaglia	Carlson	Farrell	Hasskamp	Jennings
Bauerly	Carruthers	Frederick	Haukoos	Johnson, A.
Beard	Clark	Frerichs	Hausman	Johnson, R.
Begich	Cooper	Garcia	Heir	Johnson, V.
Bertram	Dauner	Girard	Henry	Kalis
Bettermann	Dauids	Goodno	Hufnagle	Kelso
Bishop	Dawkins	Greenfield	Hugoson	Kinkel

Knickerbocker	McPherson	Orfield	Schafer	Tunheim
Koppendrayner	Milbert	Osthoff	Scheid	Uphus
Krinkie	Morrison	Ostrom	Schreiber	Valento
Krueger	Munger	Ozment	Seaberg	Vellenga
Lasley	Murphy	Pauly	Segal	Wagenius
Leppik	Nelson, K.	Pellow	Simoneau	Waltman
Lieder	Nelson, S.	Pelowski	Skoglund	Weaver
Limmer	Newinski	Peterson	Smith	Welker
Long	O'Connor	Pugh	Solberg	Welle
Lourey	Ogren	Reding	Sparby	Wenzel
Lynch	Olsen, S.	Rest	Stanius	Winter
Macklin	Olsen, E.	Rice	Steensma	Spk. Vanasek
Mariani	Olson, K.	Rodosovich	Sviggum	
Marsh	Omann	Rukavina	Thompson	
McEachern	Onnen	Rumbeck	Tompkins	
McGuire	Orenstein	Sarna	Trimble	

The bill was passed and its title agreed to.

There being no objection, the order of business advanced to "Motions and Resolutions" for the purpose of considering a House Concurrent Resolution relating to Joint Rules of the House of Representatives and Senate.

MOTIONS AND RESOLUTIONS

Long, Vanasek, Dempsey and Olsen, S., introduced:

House Concurrent Resolution No. 5, A house concurrent resolution adopting Permanent Joint Rules of the House of Representatives and Senate.

SUSPENSION OF RULES

Long moved that the rules be so far suspended that House Concurrent Resolution No. 5 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE CONCURRENT RESOLUTION NO. 5

A house concurrent resolution adopting Permanent Joint Rules of the House of Representatives and Senate.

Be It Resolved, by the House of Representatives of the State of Minnesota, the Senate concurring:

The Permanent Joint Rules of the House of Representatives and Senate for the 77th Legislature shall read as follows:

JOINT RULES OF THE
HOUSE OF REPRESENTATIVES AND SENATE

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Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. He may speak on all points of order in preference to other members and shall decide questions of order, subject to an appeal to the Convention by any member. He shall rise to put a question but may state it while seated.

PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from his decisions. He shall vote last on all questions.

STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, he shall rise and respectfully address the President,

and not speak further until recognized. He shall confine himself to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed.

CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the roll of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered on the Journal of each house and communicated to the Governor by the Secretary of the Convention.

NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

PARLLAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

ARTICLE II: BILLS

FORM

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

“Minnesota Statutes, section”

Bills shall refer to the session laws as follows:

“Laws, chapter, section”

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the latest edition of Minnesota Statutes unless it has been amended, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the chairman of the committee shall see that the bill conforms to this rule. When a bill is printed in the Journal, the new matter shall be in italics or underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled “REVISOR’S BILL” immediately

below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee chairmen to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

APPROPRIATING MONEY

Rule 2.02. The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

In odd-numbered years, at least ~~twenty~~ eighteen calendar days prior to the last day the Legislature can meet in regular session [Thursday, May 2, 1991], the Committee on Finance of the Senate and the Committee on Appropriations of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, ~~five~~ separate appropriation bills for the two succeeding fiscal years as follows:

(a) A bill appropriating money for the general administrative and judicial expenses of the State government ~~for the succeeding two fiscal years~~, including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering all appropriations relating to public welfare, health and corrections for the support and maintenance of all State penal and charitable institutions, and other institutions of the State except educational ~~for the two succeeding fiscal years~~;

(c) A bill appropriating money for the support and maintenance of all State educational institutions for the two succeeding fiscal years;

(d) A bill appropriating money for aid to school districts;

(e) A bill appropriating money for the protection and improvement of the State's environment and natural resources;

(f) A bill appropriating money for the department of transportation and other agencies;

(g) A bill covering all appropriations providing for the payment of claims against the State of Minnesota which may have been allowed by the Finance Committee of the Senate or the Appropriations Committee of the House;

(e) A bill covering all appropriations made for agriculture, transportation, and semi-state activities.

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

DEADLINES

Rule 2.03. (a) In odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after ~~April 14, 1989~~ April 12, 1991, and committee reports on bills originating in the other house favorably acted upon by a committee after ~~April 26, 1989~~ April 24, 1991, shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after the earlier date and by the later date set by this paragraph acts on a bill that is a companion to a bill that has met the earlier deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

Conference committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by the last Thursday on which the Legislature can meet in regular session [May 16, 1991]. ~~After the last Friday on which the Legislature can meet in regular session [May 17, 1991], neither house shall act on bills other than those contained in:~~

(1) Reports of Conference Committees;

(2) Messages from the other house;

(3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or

(4) Messages from the Governor.

(b) In even-numbered years the Legislature shall establish by concurrent resolution deadlines based on the date intended to be the date of adjournment sine die.

AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

RECEDING FROM POSITION

Rule 2.05. Prior to a Conference Committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

CONFERENCE COMMITTEES

Rule 2.06. In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a Conference Committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

All Conference Committees shall be open to the public.

As much as practical, meetings of Conference Committees shall be announced as far in advance as possible and actions taken shall be agreed upon in an open meeting. At an agreed upon hour the Conference Committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon and shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement.

If an agreement is reported, the house of origin shall act first upon the report. A Conference Committee report must be limited to provisions that are germane to the bill and amendments that were referred to the Conference Committee. A provision is not germane if it relates to a substantially different subject or is intended to accomplish a substantially different purpose from that of the bill and amendment that were referred to the Conference Committee. If the report is adopted and repassed as amended by the Conference Committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

Except after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 16, 1991], and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, paragraph (b), to meet in regular session in even-numbered years, a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report. The member presenting the Conference Committee report to the body shall disclose, either in writing or orally, the substantial changes from the bill or the amendment as they were last before the body.

ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrolled copy of the bill or memorial and present it to the Governor for his approval.

A bill or memorial may be prepared for presentation to the Governor on good quality paper approximately 8½" x 14" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it shall be identical to the bill passed by the Legislature. An enrolled bill which is amendatory of

any existing law or constitutional provision shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills.

ARTICLE III: GENERAL PROVISIONS

SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

ODD YEAR SESSION ADJOURNMENT

Rule 3.02. Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a Conference Committee shall be returned to the house of origin, laid on the table, and the Conference Committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with his objections following such adjournment shall be laid on the table.

INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03. Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8½" x 11" in size, spiral bound, stapled, or punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and exhibits. If the report contains legislative recommendations, a copy of any proposed legislation, particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

ARTICLE IV: ELECTION OF REGENTS

JOINT COMMITTEE

Rule 4.01. By May 7 of each odd-numbered year, or at a date agreed to by concurrent resolution a joint committee shall meet to recommend nominees for regent of the University of Minnesota to be presented to a Joint Convention of the legislature. The members of the joint committee are the members of the senate and house committees on education and the members of the education division of the senate committee on finance and the education division of the house committee on appropriations. A majority of the members from each house is a quorum of the joint committee.

The joint committee shall determine the number of persons, and the person or persons to be recommended for each open seat.

Each person recommended by the regent candidate advisory council is considered to be nominated. Other persons may be nominated by a member of the committee at the meeting. Nominations may be made by committee members only. Nominations must be made for a specified congressional or student seat, or for any at-large seat.

The roll shall be called viva voce on the recommendation of regents. A majority vote of the members of the joint committee is required for a candidate to be recommended.

JOINT CONVENTION

Rule 4.02. At the Joint Convention of the senate and house of representatives called to elect regents, the joint committee shall report the name of the person or persons recommended for each seat. These persons are considered to be nominated. Any member of the legislature may submit additional nominations. If there is more than one at-large seat to be filled, all candidates for an at-large seat run for any of the at-large seats.

The roll shall be called viva voce on the election of regents. The roll must be called first on congressional district seats until they are filled, then on the student seat, and then on the at-large seats. The candidate for each seat receiving a majority of the votes cast must be declared elected. If no candidate receives a majority of the votes cast for a seat, on each succeeding ballot the candidate with the fewest votes must be dropped from consideration and the votes cast again until a majority vote is achieved. Any candidate with fewer than 20 votes on any ballot shall also be dropped on succeeding ballots.

Long moved that House Concurrent Resolution No. 5 be now

adopted. The motion prevailed and House Concurrent Resolution No. 5 and the Permanent Joint Rules of the House of Representatives and Senate were adopted.

Long moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

GENERAL ORDERS

Long moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Uphus moved that the name of Davids be added as an author on H. F. No. 903. The motion prevailed.

Trimble moved that the name of Krinkie be added as an author on H. F. No. 909. The motion prevailed.

Kelso moved that the name of Seaberg be added as an author on H. F. No. 1021. The motion prevailed.

Dawkins moved that the name of Smith be added as an author on H. F. No. 1112. The motion prevailed.

Peterson moved that the name of Jacobs be added as an author on H. F. No. 1127. The motion prevailed.

Abrams moved that the name of Olsen, S., be added as an author on H. F. No. 1218. The motion prevailed.

Osthoff moved that H. F. No. 307, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Johnson, A., moved that H. F. No. 9, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Johnson, R., moved that H. F. No. 747 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Orfield moved that H. F. No. 1007 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Health and Human Services. The motion prevailed.

Bauerly moved that H. F. No. 984 be recalled from the Committee on Education and be re-referred to the Committee on Agriculture. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, April 4, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, April 4, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

TWENTY-NINTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 4, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Jamie Thompson, King of Kings Lutheran Church, Woodbury, Minnesota.

The roll was called and the following members were present:

Abrams	Frederick	Kinkel	Olson, E.	Smith
Anderson, I.	Frerichs	Knickerbocker	Olson, K.	Solberg
Anderson, R.	Garcia	Koppendrayer	Omann	Sparby
Anderson, R. H.	Girard	Krinkie	Onnen	Stanius
Battaglia	Goodno	Krueger	Orenstein	Steensma
Bauerly	Greenfield	Lasley	Orfield	Sviggum
Beard	Gruenes	Leppik	Osthoff	Swenson
Begich	Gutknecht	Lieder	Ostrom	Thompson
Bertram	Hartle	Limmer	Ozment	Tompkins
Bettermann	Hasskamp	Long	Pauly	Trimble
Bishop	Haukoos	Lourey	Pellow	Tunheim
Blatz	Hausman	Lynch	Pelowski	Uphus
Bodahl	Heir	Macklin	Peterson	Valento
Boo	Henry	Mariani	Pugh	Vellenga
Brown	Hufnagle	Marsh	Reding	Wagenius
Carlson	Hugoson	McEachern	Rice	Waltman
Carruthers	Jacobs	McGuire	Rodosovich	Weaver
Clark	Janezich	McPherson	Rukavina	Wejman
Cooper	Jaros	Milbert	Runbeck	Welker
Dauner	Jefferson	Morrison	Sarna	Welle
Davids	Jennings	Munger	Schafer	Wenzel
Dawkins	Johnson, A.	Murphy	Scheid	Winter
Dempsey	Johnson, R.	Nelson, S.	Schreiber	Spk. Vanasek
Dille	Johnson, V.	Newinski	Seaberg	
Dorn	Kahn	O'Connor	Segal	
Erhardt	Kalis	Ogren	Simoneau	
Farrell	Kelso	Olson, S.	Skoglund	

A quorum was present.

Hanson; Nelson, K., and Rest were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Skoglund moved that further reading of the Journal be dis-

pensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 154 and H. F. No. 172, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Johnson, A., moved that the rules be so far suspended that S. F. No. 154 be substituted for H. F. No. 172 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 162 and H. F. No. 161, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Solberg moved that S. F. No. 162 be substituted for H. F. No. 161 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 187 and H. F. No. 233, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Greenfield moved that the rules be so far suspended that S. F. No. 187 be substituted for H. F. No. 233 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 567 and H. F. No. 522, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Anderson, I., moved that S. F. No. 567 be substituted for H. F. No. 522 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 583 and H. F. No. 529, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Orenstein moved that the rules be so far suspended that S. F. No. 583 be substituted for H. F. No. 529 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 611 and H. F. No. 616, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Frederick moved that the rules be so far suspended that S. F. No. 611 be substituted for H. F. No. 616 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 27, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Representative Vanasek:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 275, relating to commerce; prohibiting the unlawful assignment of certain motor vehicle contracts.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1991</i>	<i>Date Filed 1991</i>
	275	12	3:30 p.m. March 27	March 28
393		13	3:29 p.m. March 27	March 28
7		14	3:27 p.m. March 27	March 28

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 32, A bill for an act relating to insurance; Medicare supplement; requiring certain foreign travel coverages to be added to the basic plan; amending Minnesota Statutes 1990, section 62A.316.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 62A.31, subdivision 1, is amended to read:

Subdivision 1. [POLICY REQUIREMENTS.] No individual or group policy, certificate, subscriber contract or other evidence of accident and health insurance the effect or purpose of which is to

supplement Medicare coverage issued or delivered in this state or offered to a resident of this state shall be sold or issued to an individual age 65 or older covered by Medicare unless the following requirements are met:

(a) The policy must provide a minimum of the coverage set out in subdivision 2;

(b) The policy must cover preexisting conditions during the first six months of coverage if the insured was not diagnosed or treated for the particular condition during the 90 days immediately preceding the effective date of coverage;

(c) The policy must contain a provision that the plan will not be canceled or nonrenewed on the grounds of the deterioration of health of the insured;

(d) Before the policy is sold or issued, an offer of both categories of Medicare supplement insurance has been made to the individual, together with an explanation of both coverages; and

(e) An outline of coverage as provided in section 62A.39 must be delivered at the time of application and prior to payment of any premium;

(f) (1) The policy must provide that benefits and premiums under the policy shall be suspended at the request of the policyholder for the period, not to exceed 24 months, in which the policyholder has applied for and is determined to be entitled to medical assistance under title XIX of the Social Security Act, but only if the policyholder notifies the issuer of the policy within 90 days after the date the individual becomes entitled to this assistance;

(2) If suspension occurs and if the policyholder or certificate holder loses entitlement to this medical assistance, the policy shall be automatically reinstated, effective as of the date of termination of this entitlement, if the policyholder provides notice of loss of the entitlement within 90 days after the date of the loss;

(3) The policy must provide that upon reinstatement (i) there is no additional waiting period with respect to treatment of preexisting conditions, (ii) coverage is provided which is substantially equivalent to coverage in effect before the date of the suspension, and (iii) premiums are classified on terms that are at least as favorable to the policyholder or certificate holder as the premium classification terms that would have applied to the policyholder or certificate holder had coverage not been suspended;

(g) The written statement required by an application for Medicare supplement insurance pursuant to section 62A.43, subdivision 1,

shall be made on a form, approved by the commissioner, that states that counseling services may be available in the state to provide advice concerning the purchase of Medicare supplement policies and enrollment under the Medicaid program;

(h) No issuer of Medicare supplement policies in this state may deny or condition the issuance or effectiveness of any Medicare supplement insurance policy form available for sale in this state, nor may it discriminate in the pricing of such a policy, because of the health status, claims experience, receipt of health care, or medical condition of an applicant where an application for such insurance is submitted during the six-month period beginning with the first month in which an individual first enrolled for benefits under Medicare Part B;

(i) If a Medicare supplement policy replaces another Medicare supplement policy, the issuer of the replacing policy shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, and probationary periods in the new Medicare supplement policy for similar benefits to the extent the time was spent under the original policy;

(j) The policy has been filed with and approved by the department as meeting all the requirements of sections 62A.31 to 62A.44; and

(k) the policy guarantees renewability.

Only the following standards for renewability may be used in Medicare supplement insurance policy forms.

No issuer of Medicare supplement insurance policies may cancel or nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

If a group Medicare supplement insurance policy is terminated by the group policyholder and is not replaced as provided in this clause, the issuer shall offer certificate holders an individual Medicare supplement policy which, at the option of the certificate holder, provides for continuation of the benefits contained in the group policy; or provides for such benefits and benefit packages as otherwise meet the requirements of this clause.

If an individual is a certificate holder in a group Medicare supplement insurance policy and the individual terminates membership in the group, the issuer of the policy shall offer the certificate holder the conversion opportunities described in this clause; or offer the certificate holder continuation of coverage under the group policy.

Sec. 2. Minnesota Statutes 1990, section 62A.316, is amended to read:

62A.316 [BASIC MEDICARE SUPPLEMENT PLAN; COVERAGE.]

(a) The basic Medicare supplement plan must have a level of coverage that will provide:

(1) coverage for all of the Medicare part A inpatient hospital coinsurance amounts, and 100 percent of all Medicare part A eligible expenses for hospitalization not covered by Medicare for the calendar year, after satisfying the Medicare part A deductible;

(2) coverage for the daily copayment amount of Medicare part A eligible expenses for the calendar year incurred for skilled nursing facility care;

(3) coverage for the 20 percent copayment amount of Medicare eligible expenses excluding outpatient prescription drugs under Medicare part B regardless of hospital confinement for Medicare part B after the Medicare deductible amount;

(4) 80 percent of the usual and customary hospital and medical expenses and supplies incurred during travel outside the United States as a result of a medical emergency;

(5) coverage for the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells as defined under federal regulations under Medicare parts A and B, unless replaced in accordance with federal regulations; and

~~(5)~~ (6) 100 percent of the cost of immunizations.

(b) Only the following optional benefit riders may be added to this plan:

(1) coverage for all of the Medicare part A inpatient hospital deductible amount;

(2) a minimum of 80 percent of usual and customary eligible medical expenses and supplies not covered by Medicare part B. This does not include outpatient prescription drugs;

(3) coverage for all of the Medicare part B annual deductible; and

(4) coverage for at least 50 percent, or the equivalent of 50 percent, of usual and customary prescription drug expenses.

Nothing in this section prohibits the plan from requiring that services be received from providers designated as preferred providers or participating providers in order to receive coverage under optional benefit riders.

Sec. 3. Minnesota Statutes 1990, section 62A.36, subdivision 1a, is amended to read:

Subd. 1a. [SUPPLEMENT TO ANNUAL STATEMENTS.] Each insurer that has Medicare supplement policies in force in this state shall, as a supplement to the annual statement required by section 60A.13, submit, in a form prescribed by the commissioner, data showing its incurred claims experience, its earned premiums, and the aggregate amount of premiums collected and losses incurred for each Medicare policy form in force. If the data submitted does not confirm that the insurer has satisfied the loss ratio requirements of this section, the commissioner shall notify the insurer in writing of the deficiency. The insurer shall have 30 days from the date of the commissioner's notice to file amended rates that comply with this section. If the insurer fails to file amended rates within the prescribed time, the commissioner shall order that the insurer's filed rates for the nonconforming policy be reduced to an amount that would have resulted in a loss ratio that complied with this section had it been in effect for the reporting period of the supplement. The insurer's failure to file amended rates within the specified time or the issuance of the commissioner's order amending the rates does not preclude the insurer from filing an amendment of its rates at a later time. The commissioner shall annually make the submitted data as to premiums and loss ratios for the preceding three years available to the public at a cost not to exceed the cost of copying. The commissioner shall also provide the public with copies of the policies to which the loss ratios and premiums apply. The data must be compiled in a form useful for consumers who wish to compare premium charges and loss ratios.

Sec. 4. Minnesota Statutes 1990, section 62A.43, subdivision 1, is amended to read:

Subdivision 1. [DUPLICATE COVERAGE PROHIBITED.] No agent shall sell a Medicare supplement plan, as defined in section 62A.31, to a person who currently has one plan in effect; however, an agent may sell a replacement plan in accordance with section 62A.40, provided that the second plan is not made effective any sooner than necessary to provide continuous benefits for preexisting conditions. Every application for Medicare supplement insurance shall require a written statement signed by the applicant listing of all health and accident insurance maintained by the applicant as of the date the application is taken and stating whether the applicant is entitled to any medical assistance. The written statement must be accompanied by a written acknowledgment, signed by the seller of the policy, of the request for and receipt of the statement.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective November 5, 1991. If the federal government extends the date for compliance with any provision of this act that is required by the federal Omnibus Budget Reconciliation Act of 1990, the commissioner may by order extend the date by which that provision of this act must be complied with. An order of the commissioner under this section must not extend the compliance date for longer than six months from November 5, 1991.

Delete the title and insert:

“A bill for an act relating to insurance; Medicare supplement; specifying policy requirements; allowing certain foreign travel coverages to be added as a rider to the basic plan; amending Minnesota Statutes 1990, sections 62A.31, subdivision 1; 62A.316; 62A.36, subdivision 1a; and 62A.43, subdivision 1.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 222, A bill for an act relating to international trade; establishing regional international trade service centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 1, line 16, delete “an existing nonprofit international” and insert “the Minnesota World Trade Center Corporation.”

Page 1, delete line 17 and insert “The commissioner of trade and economic development shall ensure that no service provided under this section duplicates a service provided under other law.”

Page 1, line 24, after “maintain” insert “access to”

Page 2, line 3, delete everything after “Minnesota” and insert “Corporation”

Page 2, delete lines 4 and 5

Page 2, line 7, delete "the World Trade Center Corporation;"

Page 2, line 22, delete "the World Trade Center Corporation,"

Page 2, delete lines 26 to 30

Page 3, delete lines 6 to 9

Page 3, line 26, after the semicolon insert "and"

Page 3, lines 27 and 28, delete "; and" and insert a period

Page 3, delete lines 29 and 30

Renumber the clauses in sequence

Page 3, after line 36, insert:

"Subd. 5. [CONTRACTS FOR SERVICES.] The department of trade and economic development shall solicit proposals from vendors who are qualified to provide services required by this section and contract with a qualified vendor after thorough examination of the proposals."

Page 4, line 2, delete "\$1,200,000" and insert "\$....."

Page 4, line 3, delete "commissioner of economic" and insert "Minnesota World Trade Center Corporation board of directors"

Page 4, delete line 4

Page 4, line 5, delete "Association" and after the period insert "No funds shall be released for the purposes of section 1 until the commissioner of trade and economic development has reviewed the services and determined that they do not duplicate other state services."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 289, A bill for an act relating to insurance; accident and health; establishing minimum loss ratios for certain noncomprehen-

sive policies; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [62A.135] [NONCOMPREHENSIVE POLICIES; MINIMUM LOSS RATIOS.]

(a) This section applies to individual or group policies designed primarily to provide coverage for hospital or medical expenses on a per diem, fixed indemnity, or nonexpense incurred basis issued or renewed to provide coverage after August 1, 1991, to a Minnesota resident.

(b) Notwithstanding section 62A.02, subdivision 3, relating to loss ratios, policies must return to Minnesota policyholders in the form of aggregate benefits under the policy, for each year, on the basis of incurred claims experience and earned premiums in Minnesota and in accordance with accepted actuarial principles and practices:

(1) at least 75 percent of the aggregate amount of premiums collected in the case of group policies; and

(2) at least 65 percent of the aggregate amount of premiums collected in the case of individual policies.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 382, A bill for an act relating to liquor; requiring posting of certain signs in licensed premises; amending Minnesota Statutes 1990, section 340A.410, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 340A.410, is amended by adding a subdivision to read:

Subd. 4b. [NOTICE POSTING.] (a) A premises licensed for the retail sale of alcoholic beverages and a municipal liquor store may post and maintain in a conspicuous place within the licensed premises:

(1) One or more signs which read:

“THE MAXIMUM CRIMINAL PENALTY FOR DRIVING WHEN UNDER THE INFLUENCE OF ALCOHOL IS \$700 OR 90 DAYS IN JAIL OR BOTH. MINN. STAT., SEC. 169.121. THE MAXIMUM CRIMINAL PENALTY FOR CRIMINAL VEHICULAR HOMICIDE IS \$20,000 OR TEN YEARS IMPRISONMENT OR BOTH. MINN. STAT., SEC. 609.21.”

(2) One or more signs which read:

“THIS ESTABLISHMENT IS PROHIBITED BY LAW FROM SERVING ALCOHOLIC BEVERAGES TO A PERSON WHO IS OBVIOUSLY INTOXICATED. MINN. STAT., SEC. 340A.502.”

(b) A conspicuous place is a location clearly visible to at least 25 percent of the seats within the licensed premises.

(c) The commissioner may design and manufacture the signs authorized by this subdivision. The signs must be at least 12 inches wide by eight inches high, with letters at least one inch high in clear contrast with the background. The commissioner may sell the signs at cost to persons authorized to post them under paragraph (a).”

Amend the title as follows:

Page 1, line 2, delete “requiring” and insert “authorizing”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 458, A bill for an act relating to child care; establishing the Minnesota early childhood care and education council; specifying duties and membership; specifying new duties for regional resource and referral agencies; appropriating money; amending Minnesota Statutes 1990, sections 256H.10, subdivision 2; 256H.15, subdivision 1; 256H.20; 256H.21, subdivisions 6 and 10; 256H.22,

subdivisions 1, 2, 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapter 256H; repealing Minnesota Statutes 1990, sections 256H.22, subdivisions 3, 10 and 11; and 256H.25.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 256H.03, is amended by adding a subdivision to read:

Subd. 4. The commissioner shall establish a separate fund to be used for child care services for transition year families, as defined in section 256H.01, who have completed their transition year and who remain eligible for services under section 256H.10, but for whom no funds are available in the basic sliding fee program. Counties shall use the separate fund to provide funding for child care services for these families, while maintaining them on the waiting list for funding under this section, and shall transfer them to basic sliding fee funding when space is available. Counties will not be obligated to expend dollars for this purpose beyond the funds available.

Sec. 2. Minnesota Statutes 1990, section 256H.09, is amended by adding a subdivision to read:

Subd. 5. Funds appropriated for the AFDC child care program under section 256H.05 and for the basic sliding fee program under section 256H.03 do not cancel to the general fund but shall be carried forward by the department of human services for child care subsidies to eligible families.

Sec. 3. Minnesota Statutes 1990, section 256H.15, subdivision 1, is amended to read:

Subdivision 1. [SUBSIDY RESTRICTIONS.] (a) Until June 30, 1991, the maximum child care rate is determined under this paragraph. The county board may limit the subsidy allowed by setting a maximum on the provider child care rate that the county shall subsidize. The maximum rate set by any county shall not be lower than 110 percent or higher than 125 percent of the median rate in that county for like care arrangements for all types of care, including special needs and handicapped care, as determined by the commissioner. If the county sets a maximum rate, it must pay the provider's rate for each child receiving a subsidy, up to the maximum rate set by the county. If a county does not set a maximum provider rate, it shall pay the provider's rate for every child in care. The maximum state payment is 125 percent of the median provider rate. If the county has not set a maximum provider rate and the provider rate is greater than 125 percent of the median provider rate in the county, the county shall pay the amount in excess of 125 percent of

the median provider rate from county funding sources. The county shall pay the provider's full charges for every child in care up to the maximum established. The commissioner shall determine the maximum rate for each type of care, including special needs and handicapped care.

(b) Effective July 1, 1991, the maximum rate paid for child care assistance under the child care fund is the maximum rate eligible for federal reimbursement except as that a provider receiving reimbursement under paragraph (a) as of January 1, 1991, shall be paid at a rate no less than the rate of reimbursement received under that paragraph. A rate which includes a provider bonus paid under subdivision 2 or a special needs rate paid under subdivision 3 may be in excess of the maximum rate allowed under this subdivision 2. The department of human services shall monitor the effect of this paragraph on provider rates. The county shall pay the provider's full charges for every child in care up to the maximum established. The commissioner shall determine the maximum rate for each type of care, including special needs and handicapped care.

(c) When the provider charge is greater than the maximum provider rate allowed, the parent is responsible for payment of the difference in the rates in addition to any family copayment fee.

Sec. 4. [256H.195] [MINNESOTA EARLY CHILDHOOD CARE AND EDUCATION COUNCIL.]

Subdivision 1. [ESTABLISHMENT; MEMBERS.] The Minnesota early childhood care and education council shall consist of 21 members appointed by the governor. Members must represent the following groups and organizations: parents, family child care providers, child care center providers, private foundations, corporate executives, small business owners, and public school districts. The council membership also includes the commissioners of human services, jobs and training, education, and health; a representative of each of the following groups: the higher education coordinating board, the Minnesota headstart association, and a Minnesota county organization; three members from child care resource and referral programs, one of whom shall be from a county-operated resource and referral, one of whom shall be from a rural location, and one of whom shall be from the metropolitan area; and a community group representative. The governor shall consult with the councils established under sections 3.922, 3.9223, 3.9225, and 3.9226, representing the communities of color, to ensure that membership of the council is representative of all racial minority groups. In addition to the 21 members appointed by the governor, two members of the senate shall be appointed by the president of the senate and two members of the house of representatives shall be appointed by the speaker of the house to serve as ex officio members of the council. Membership terms, compensation, and removal of members are

governed by section 15.059, except that the council shall not expire as required by that section.

Subd. 2. [EXECUTIVE DIRECTOR; STAFF.] The council shall select an executive director of the council by a vote of a majority of all council members. The executive director is in the unclassified service and shall provide administrative support for the council and provide administrative leadership to implement council mandates, policies, and objectives. The executive director shall employ and direct other staff.

Subd. 3. [DUTIES AND POWERS.] The council has the following duties and powers:

(1) develop a biennial plan for early childhood care and education in the state;

(2) take a leadership role in developing its recommendations and the recommendations of other state agencies on the state budget for early childhood care and education;

(3) apply for and receive state and federal money and public and private grant money;

(4) administer the service development grants under section 256H.22 and the resource and referral grants under section 256H.20;

(5) participate in and facilitate the development of interagency agreements;

(6) coordinate state agency policies so that they do not conflict on early childhood care and education issues;

(7) advocate for an effective early childhood care and education system with state agencies and programs, including those for school-age children and head start;

(8) study the need for child care funding for special populations whose needs are not being met by current programs;

(9) be responsible for advocating policies and funding for early childhood care and education; and

(10) assure that the early childhood care and education system reflects community diversity.

Sec. 5. [256H.196] [REGIONAL CHILD CARE RESOURCE AND REFERRAL PROGRAMS.]

Subdivision 1. [ESTABLISHMENT.] Existing child care resource and referral programs shall become the regional child care resource and referral programs provided they are in compliance with other provisions of this chapter.

Subd. 2. [DUTIES.] The regional resource and referral program shall have the duties specified in section 256H.20. In addition, the regional program shall be responsible for establishing new or collaborating with existing community-based committees such as interagency early intervention committees or neighborhood groups to advocate for child care needs in the community as well as serve as important local resources for children and their families.

Sec. 6. Minnesota Statutes 1990, section 256H.20, is amended to read:

256H.20 [GRANTS FOR SCHOOL-AGE CHILD CARE PROGRAMS AND CHILD CARE RESOURCE AND REFERRAL PROGRAMS.]

Subdivision 1. [AUTHORITY.] The commissioner of human services early childhood care and education council may make grants to regional programs for public or private nonprofit agencies for the planning, establishment, expansion, improvement, or operation of child care resource and referral programs and child care services according to the provisions of this section and may make grants to county boards to carry out the purposes of section 245.84.

Subd. 2. [FEDERAL DEPENDENT CARE GRANTS PROGRAM.] The commissioner council shall submit an application annually to the United States Secretary of Health and Human Services for the purpose of obtaining the state's allotment of funds authorized under chapter 8 of Title VI of the Omnibus Budget Reconciliation Act, United States Code, title 42, sections 9871 to 9877. Federal funds received under this allotment for the planning, development, establishment, expansion, or improvement of local resource and referral systems and school age child care services which are awarded as grants under subdivision 1 must be used in conformance with the federal requirements.

Subd. 3. [PROGRAM SERVICES GRANTS TO RESOURCE AND REFERRAL PROGRAMS.] The commissioner council may make grants to public or private nonprofit entities to fund child care resource and referral programs. Child care resource and referral programs must serve a defined geographic area.

Subd. 3a. [GRANT REQUIREMENTS AND PRIORITY.] Priority for awarding resource and referral grants shall be given in the following order:

(1) start up resource and referral programs in areas of the state where they do not exist; and

(2) improve resource and referral programs.

Resource and referral programs shall meet the following requirements:

(a) Each program shall identify all existing child care services through information provided by all relevant public and private agencies in the areas of service, and shall develop a resource file of the services which shall be maintained and updated at least quarterly. These services must include family day care homes; public and private day care programs; full-time and part-time programs; infant, preschool, and extended care programs; and programs for school age children.

The resource file must include: the type of program, hours of program service, ages of children served, fees, location of the program, eligibility requirements for enrollment, special needs services, and transportation available to the program. The file may also include program information and special program features.

(b) Each resource and referral program shall establish a referral process which responds to parental need for information and which fully recognizes confidentiality rights of parents. The referral process must afford parents maximum access to all referral information. This access must include telephone referral available for no less than 20 hours per week.

Each child care resource and referral agency shall publicize its services through popular media sources, agencies, employers, and other appropriate methods.

(c) Each resource and referral program shall maintain ongoing documentation of requests for service. All child care resource and referral agencies must maintain documentation of the number of calls and contacts to the child care information and referral agency or component. A resource and referral program shall collect and maintain the following information:

(1) ages of children served;

(2) time category of child care request for each child;

(3) special time category, such as nights, weekends, and swing shift; and

(4) reason that the child care is needed.

(d) Each resource and referral program shall make available the following information as an educational aid to parents:

(1) information on aspects of evaluating the quality and suitability of child care services, including licensing regulation, financial assistance available, child abuse reporting procedures, appropriate child development information;

(2) information on available parent, early childhood, and family education programs in the community.

(e) On or after one year of operation a resource and referral program shall provide technical assistance to employers and existing and potential providers of all types of child care services. This assistance shall include:

(1) information on all aspects of initiating new child care services including licensing, zoning, program and budget development, and assistance in finding information from other sources;

(2) information and resources which help existing child care providers to maximize their ability to serve the children and parents of their community;

(3) dissemination of information on current public issues affecting the local and state delivery of child care services;

(4) facilitation of communication between existing child care providers and child-related services in the community served;

(5) recruitment of licensed providers; and

(6) options, and the benefits available to employers utilizing the various options, to expand child care services to employees.

Services prescribed by this section must be designed to maximize parental choice in the selection of child care and to facilitate the maintenance and development of child care services and resources.

(f) Child care resource and referral information must be provided to all persons requesting services and to all types of child care providers and employers.

(g) Public or private entities may apply to the ~~commissioner~~ council for funding. The maximum amount of money which may be awarded to any entity for the provision of service under this subdivision is \$60,000 per year. A local match of up to 25 percent is required.

Subd. 4. [APPLICATION; RULES.] Applicants for grants under subdivision 1 shall apply on a form provided by the ~~commissioner council~~. Applications for grants using funds received by the state pursuant to subdivision 2 shall include assurances that federal requirements have been met. The ~~commissioner council~~ may adopt ~~emergency rules and shall adopt permanent rules~~ as necessary to implement this section.

Sec. 7. Minnesota Statutes 1990, section 256H.21, subdivision 6, is amended to read:

Subd. 6. [~~COMMISSIONER COUNCIL.~~] "~~Commissioner~~" "~~Council~~" means the ~~commissioner of human services~~ Minnesota early childhood care and education council established under section 256H.195.

Sec. 8. Minnesota Statutes 1990, section 256H.21, subdivision 10, is amended to read:

Subd. 10. [RESOURCE AND REFERRAL PROGRAM.] "Resource and referral program" means a program that provides information to parents, including referrals and coordination of community child care resources for parents and public or private providers of care. It also means the agency with the duties specified in sections 256H.196 and 256H.20. Services may include parent education, technical assistance for providers, staff development programs, and referrals to social services.

Sec. 9. Minnesota Statutes 1990, section 256H.22, subdivision 1, is amended to read:

Subdivision 1. [GRANTS ESTABLISHED.] The ~~commissioner~~ Minnesota early childhood care and education council shall award grants to resource and referral programs to develop child early childhood care and education services, including facility improvement expenses, interim financing, resource and referral programs, and staff training expenses. Child care services grants may include mini-grants up to \$1,000. The ~~commissioner council~~ shall develop a grant application form, inform county social service agencies about the availability of child early childhood care and education services grants, and set a date by which applications must be received by the ~~commissioner~~ council.

The ~~commissioner council~~ may renew grants to existing resource and referral agencies programs that have met state standards and have been designated as the child care resource and referral service for a particular geographical area. The recipients of renewal grants are exempt from the proposal review process.

Sec. 10. Minnesota Statutes 1990, section 256H.22, subdivision 2, is amended to read:

Subd. 2. [DISTRIBUTION OF FUNDS.] (a) The ~~commissioner~~ council shall allocate grant money appropriated for child care service development among the development regions designated by the governor under section 462.385, as follows:

(1) 50 percent of the child care service development grant appropriation shall be allocated to the metropolitan economic development region; and

(2) 50 percent of the child care service development grant appropriation shall be allocated to economic development regions other than the metropolitan economic development region.

(b) The following formulas shall be used to allocate grant appropriations among the economic development regions:

(1) 50 percent of the funds shall be allocated in proportion to the ratio of children under 12 years of age in each economic development region to the total number of children under 12 years of age in all economic development regions; and

(2) 50 percent of the funds shall be allocated in proportion to the ratio of children under 12 years of age in each economic development region to the number of licensed child care spaces currently available in each economic development region.

(c) Out of the amount allocated for each economic development region, the ~~commissioner~~ council shall award grants ~~based on the recommendation of the grant review advisory task force~~. In addition, the ~~commissioner~~ council shall award no more than 75 percent of the money either to child care facilities for the purpose of facility improvement or interim financing or to child care workers for staff training expenses.

(d) Any funds unobligated may be used by the ~~commissioner~~ council to award grants to proposals that ~~received funding recommendations by the advisory task force~~ the council approved but that were not awarded due to insufficient funds.

Sec. 11. Minnesota Statutes 1990, section 256H.22, subdivision 3, is amended to read:

Subd. 3. [CHILD CARE REGIONAL ADVISORY COMMITTEES.] Child care regional advisory committees shall review and make recommendations to the ~~commissioner~~ council on applications for service development grants under this section. The ~~commissioner~~ council shall appoint the child care regional advisory committees ~~in~~

each governor's economic development region. People appointed under this subdivision must represent the following constituent groups: family child care providers, group center providers, parent users, health services, social services, public schools, and other citizens with demonstrated interest in child care issues. Members of the advisory ~~task force~~ committee with a direct financial interest in a pending grant proposal may not provide a recommendation or participate in the ranking of that grant proposal. Committee members may be reimbursed for their actual travel, child care, and child care provider substitute expenses for up to six committee meetings per year. ~~The child care regional advisory committees shall complete their reviews and forward their recommendations to the commissioner by the date specified by the commissioner.~~

Sec. 12. Minnesota Statutes 1990, section 256H.22, subdivision 4, is amended to read:

Subd. 4. [PURPOSES FOR WHICH A CHILD CARE SERVICES GRANT MAY BE AWARDED.] The ~~commissioner~~ council may award grants for any of the following purposes:

(1) for creating new licensed day care facilities and expanding existing facilities, including, but not limited to, supplies, equipment, facility renovation, and remodeling;

(2) for improving licensed day care facility programs, including, but not limited to, staff specialists, staff training, supplies, equipment, and facility renovation and remodeling. In awarding grants for training, priority must be given to child care workers caring for infants, toddlers, sick children, children in low-income families, and children with special needs;

(3) for supportive child development services including, but not limited to, in-service training, curriculum development, consulting specialist, resource centers, and program and resource materials;

(4) for carrying out programs including, but not limited to, staff, supplies, equipment, facility renovation, and training;

(5) for interim financing; and

(6) for carrying out the resource and referral program services identified in section 256H.20, subdivision 3.

Sec. 13. Minnesota Statutes 1990, section 256H.22, subdivision 5, is amended to read:

Subd. 5. [FUNDING PRIORITIES; FACILITY IMPROVEMENT AND INTERIM FINANCING.] In evaluating applications for fund-

ing and making recommendations to, the commissioner, the grant review advisory task force council shall rank and give priority to:

(1) new programs or projects, or the expansion or improvement of existing programs or projects in areas where a demonstrated need for child care facilities has been shown, with special emphasis on programs or projects in areas where there is a shortage of licensed child care;

(2) new programs and projects, or the expansions or enrichment of existing programs or projects that serve sick children, infants or toddlers, children with special needs, and children from low-income families;

(3) unlicensed providers who wish to become licensed; and

(4) improvement of existing programs.

Sec. 14. Minnesota Statutes 1990, section 256H.22, subdivision 6, is amended to read:

Subd. 6. [FUNDING PRIORITIES; TRAINING GRANTS.] In evaluating applications for training grants and making recommendations to, the commissioner, the grant review advisory task force council shall give priority to:

(1) applicants who will work in facilities caring for sick children, infants, toddlers, children with special needs, and children from low-income families;

(2) applicants who will work in geographic areas where there is a shortage of child care;

(3) unlicensed providers who wish to become licensed;

(4) child care programs seeking accreditation and child care providers seeking certification; and

(5) entities that will use grant money for scholarships for child care workers attending educational or training programs sponsored by the entity.

Sec. 15. [256H.225] [SPECIAL INCENTIVE GRANTS.]

The Minnesota early childhood care and education council shall award grants to child care centers and family child care providers to encourage these facilities to obtain accreditation and certification and to achieve improved pay for child care workers. Regional resource and referral programs shall solicit matching funds from other sources to increase the incentive grants to providers.

Sec. 16. [TRANSFERS.]

In the transfer of powers and duties from the commissioner of human services to the Minnesota early childhood care and education council authorized by sections 3 to 14, the provisions of Minnesota Statutes, section 15.039, subdivisions 1 to 6, shall apply.

Sec. 17. [APPROPRIATIONS.]

Subdivision 1. [BASIC SLIDING FEE.] \$5,000,000 in additional funds are appropriated from the general fund, to the commissioner of human services, to be added to amounts already in the base budget, for the basic sliding fee program authorized by Minnesota Statutes, section 256H.03. These funds are to be available for the biennium ending June 30, 1993.

Subd. 2. [RESOURCE AND REFERRAL PROGRAMS.] \$1,000,000 is appropriated, from federal funds received for child care, to the Minnesota early childhood care and education council to be used for grants to resource and referral programs under Minnesota Statutes, section 256H.20, for programs that increase access to child care services. These funds are available for the biennium ending June 30, 1993.

Subd. 3. [MINNESOTA EARLY CHILDHOOD CARE AND EDUCATION COUNCIL.] \$125,000 is appropriated from the general fund to the Minnesota early childhood care and education council for the biennium ending June 30, 1993, for general operation of the council and to enable the council to provide coordination, training, outreach, and technical assistance to child care providers.

Subd. 4. [INCENTIVE GRANTS.] \$1,200,000 is appropriated from the general fund to the Minnesota early childhood care and education council, for the fiscal year ending June 30, 1993, to fund the incentive grant program authorized by Minnesota Statutes, section 256H.225.

Subd. 5. [PROVIDER TRAINING SCHOLARSHIPS.] \$475,000 is appropriated from the general fund to the Minnesota early childhood care and education council for the biennium ending June 30, 1993, to provide training scholarships for family child care providers and child care center staff. This amount shall be reduced to the extent that federal funds received during the biennium are used for this purpose.

Subd. 6. [CHILD CARE LICENSING.] \$200,000 is appropriated from the general fund to the commissioner of human services to distribute to the counties in proportion to the number of licensed family and group family child care providers in the county to cover the costs of improving licensing services for family child care.

Subd. 7. [FEDERAL CHILD CARE FUNDS.] Federal funds received for child care purposes during the biennium ending June 30, 1993, shall be appropriated as follows. \$500,000 is appropriated to the higher education coordinating board for the child care grant program established under Minnesota Statutes, section 136A.125. \$1,000,000 is appropriated for grants to resource and referral programs under Minnesota Statutes, section 256H.20 for programs that increase access to child care services. \$250,000 is appropriated to the Minnesota early childhood care and education council for the biennium ending June 30, 1993, for general operation of the council to enable the council to provide coordination, training outreach, and technical assistance to child care providers. \$1,900,000 is appropriated for the biennium ending June 30, 1993, to fund the incentive grant program authorized by Minnesota Statutes, section 256H.225. All federal funds received for child care purposes not specifically designated under this subdivision shall be used for child care subsidies.

Sec. 18. [REPEALER.]

Minnesota Statutes 1990, sections 256H.22, subdivisions 10 and 11; and 256H.25, are repealed.

Sec. 19. [EFFECTIVE DATE.]

Sections 1 to 16 are effective July 1, 1991."

Delete the title and insert:

"A bill for an act relating to child care; establishing the Minnesota early childhood care and education council; specifying duties and membership; specifying new duties for regional resource and referral agencies; appropriating money; amending Minnesota Statutes 1990, sections 256H.03, by adding a subdivision; 256H.09, by adding a subdivision; 256H.15, subdivision 1; 256H.20; 256H.21, subdivisions 6 and 10; 256H.22, subdivisions 1, 2, 3, 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapter 256H; repealing Minnesota Statutes 1990, sections 256H.22, subdivisions 10 and 11; and 256H.25."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 464, A bill for an act relating to economic development; establishing a board of invention; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 2, line 32, after the period insert "The commissioner of trade and economic development shall ensure that no service provided under this section duplicates a service provided under other law."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 542, A bill for an act relating to state government; requiring a study of state government functions related to natural resources and environmental protection.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [STUDY.]

(a) The environmental quality board shall inventory and prepare a study of the state's environmental and natural resources agencies and programs and shall recommend an organizational structure to achieve the following goals:

- (1) more efficient delivery of services;
- (2) avoidance of duplication of functions;
- (3) more effective use of human and fiscal resources; and
- (4) better environmental management.

(b) The study should include, but not be limited to, consideration of an organization structure that:

(1) makes clear to the public and to regulated persons or entities which state agency is responsible for performance of a specified function;

(2) minimizes the number of different state agencies that a person or entity must deal with to satisfy state regulatory requirements;

(3) creates clear lines of accountability to the governor and the legislature;

(4) minimizes friction and undesirable competition among state agencies for authority and resources;

(5) permits overall goals of environmental management programs to be implemented effectively;

(6) simplifies administrative procedures and requirements; and

(7) encourages good working relationships with units of local government, regulated entities, environmental groups, and the general public.

Sec. 2. [REPORT.]

The final report and recommendation is due February 1, 1992. The board must make progress reports to the chairs of the house and senate governmental operations and environment and natural resources committees each month from September 1991 to January 1992.

Sec. 3. [APPROPRIATION.]

\$50,000 is appropriated from the general fund to the state planning agency for the purposes of sections 1 and 2. The state planning agency may hire an employee or contract with a consultant for purposes of sections 1 and 2. Any consultant contract and any increase in complement of the state planning agency for purposes of sections 1 and 2 must terminate by March 1, 1992.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state government; requiring a study of state government functions related to natural resources and environmental protection; appropriating money."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 564, A bill for an act relating to utilities; excepting certain licensed public facilities from regulation as telephone companies or independent telephone companies; amending Minnesota Statutes 1990, section 237.01, subdivisions 2 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [237.067] [ESTABLISHMENTS EXEMPT FROM REGULATION.]

Subdivision 1. [DEFINITION.] For purposes of this section, "establishment" means an individual hotel, motel, restaurant, lodging house, boarding house, resort, or place of refreshment licensed under chapter 157.

Subd. 2. [EXEMPTION; CONDITIONS.] An establishment that provides telephone service to patrons on the premises of the establishment is not subject to regulation under this chapter, except that the establishment:

(1) shall comply with the requirement of section 237.06 that rates charged must be fair and reasonable;

(2) shall provide notice of charges and service providers to patrons as required in section 2; and

(3) is subject to the complaint and investigation procedures of section 237.081.

Sec. 2. [325F.99] [TELEPHONE CALLS; FEES; LONG DISTANCE CARRIERS; NOTICE.]

Subdivision 1. [FEES FOR CALLS.] A hotel, motel, restaurant, lodging house, boarding house, resort, or place of refreshment, licensed under chapter 157, that charges a separate fee for the use of a telephone, other than immediate payment by coin, credit card, or other payment device on a per call basis for the caller to complete the call, shall provide notice on or near each telephone stating the separate fee charged for making a local, credit card, or other call.

Subd. 2. [LONG DISTANCE CARRIER.] Establishments governed by subdivision 1 shall provide notice on or near each telephone stating the name of the carrier with which the establishment has subscribed to provide long distance service to that telephone."

Delete the title and insert:

"A bill for an act relating to telephones; exempting certain providers of telephone service from regulation by the public utilities commission; requiring hotels, motels, and other establishments to provide notice of separate charges for use of telephones and notice of which long distance carriers provide service to telephones in the establishments; proposing coding for new law in Minnesota Statutes, chapters 237 and 325F."

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 614, A bill for an act relating to state finance; permitting investments in all federally insured savings accounts; amending Minnesota Statutes 1990, section 11A.24, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 23, strike everything after "by"

Page 1, line 24, strike everything before the semicolon and insert "federal agencies"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 658, A bill for an act relating to economic development; establishing a small business innovation research marketing and technical assistance program; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 660, A bill for an act relating to public safety; requiring commissioner of public safety to implement a state hazardous materials incident response plan; creating the hazardous materials incident response account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

Reported the same back with the following amendments:

Page 1, delete lines 21 to 26, and insert "means:

(1) hazardous substances as defined in section 115B.02, subdivision 8;

(2) pollutants or contaminants as defined in section 115B.02, subdivision 13;

(3) petroleum as defined in section 115C.02, subdivision 10; and

(4) radioactive material as defined in section 116C.71, subdivision 5."

Page 2, delete lines 1 to 6

Page 3, line 6, delete "and"

Page 3, line 8, before the period insert "; and

(5) criteria by which to determine when a local unit of government or nonpublic person authorized as a team is acting as a hazardous materials response team subject to the protections and reimbursement provisions of sections 1 to 7 and when it is acting as a regular

emergency response entity and not subject to the provisions of those sections”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 719, A bill for an act relating to human services; clarifying and establishing requirements for implementing the Minnesota family investment plan; amending Minnesota Statutes 1990, sections 256.031; 256.032; 256.033; 256.034; 256.035; and 256.036, subdivisions 1, 2, 4, and 5; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1990, sections 256.032, subdivisions 5 and 9; 256.035, subdivisions 6 and 7; 256.036, subdivision 10; Laws 1989, chapter 282, article 5, section 130.

Reported the same back with the following amendments:

Page 2, line 21, after “action” insert “consistent with Public Law Numbers 101-202 and 101-239,”

Page 2, line 22, after the period, insert “Before taking such corrective action, the commissioner shall consult with the chairs of the senate health and human services committee, the house health and human services committee, the health and human services division of the senate finance committee and the human resources division of the house appropriations committee, or, if the legislature is not in session, consult with the legislative advisory commission.”

Page 5, line 8, delete “excluded from” and insert “included in”

Page 5, line 9, delete “elects to be excluded” and insert “does not elect to be included”

Page 5, line 12, delete “excluded from” and insert “included in” and delete “chooses” and insert “does not choose”

Page 5, line 13, delete “excluded” and insert “included”

Page 5, line 17, delete “excluded from” and insert “included in”

Page 5, line 18, delete “excluded” and insert “included”

Page 5, line 19, delete "from" and insert "in"

Page 5, line 20, delete "chooses to be excluded" and insert "does not choose to be included"

Page 10, line 16, after "who" insert "do not" and delete "excluded from" and insert "included in"

Page 19, line 32, after "family" insert "and"

Page 21, line 4, delete "may include" and insert "are limited to"

Page 21, line 9, after the period, insert "Social"

Page 21, line 27, delete "participant's" and insert "parental caregiver's"

Page 21, line 34, after "the" insert "parental"

Page 24, line 32, strike "cooperate" and insert "comply"

Page 25, line 8, delete "OF ADMINISTRATIVE"

Page 25, line 9, delete "COSTS" and before "Up" insert "(a)"

Page 25, line 10, delete "county"

Page 25, line 11, delete "county" and insert "site"

Page 25, after line 16, insert:

"(b) Minnesota family investment plan assistance is included as covered programs and services under section 256.025, subdivision 2."

Page 25, after line 20, insert:

"Sec. 12. [INSTRUCTION TO THE REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall renumber Minnesota Statutes, section 256.035, subdivision 4, as Minnesota Statutes, section 256.033, subdivision 1a.

Sec. 13. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of human services, for the biennium ending June 30, 1993, for the Minnesota family investment plan, to begin implementation of the field trials."

Amend the title as follows:

Page 1, line 4, before "amending" insert "appropriating money;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 735, A bill for an act relating to health; maternal and child health; clarifying eligibility for maternal and child health services; requiring birth or death certificate medical supplements to report prenatal exposure to controlled substances; amending Minnesota Statutes 1990, sections 145.883, subdivision 5; and 626.5562, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 739, A bill for an act relating to corporations; deleting consideration of the effect of insurance company takeovers on shareholders and creditors; limiting application of fair price provisions to domestic corporations; deleting nexus requirements for application of control share acquisition and business combination statutes; exempting employee stock ownership plans from takeover statutes; modifying limitations on corporate share purchases above market value; amending Minnesota Statutes 1990, sections 60D.02, subdivisions 1, 2, and 4; 60D.06; 60D.08, subdivisions 1 and 2; 60D.11; 60D.12, subdivision 2; 302A.011, subdivisions 38, 39, 49, and by adding subdivisions; and 302A.553, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1990, sections 60D.02, subdivision 5; and 80B.06, subdivision 7.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 782, A bill for an act relating to motor vehicles; requiring applications for registration of and certificates of title to vehicles to be delivered by specific time after date of vehicle's transfer; authorizing registrar to refuse to issue certificate of title to nonresident under certain conditions; amending Minnesota Statutes 1990, sections 168.10, subdivision 3; 168.101, subdivision 2; 168A.08; and 168A.30, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 794, A bill for an act relating to traffic regulations; authorizing one-day handicapped certificates for use by vehicles transporting nursing home residents; amending Minnesota Statutes 1990, section 169.345, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 859, A bill for an act relating to utilities; allowing automatic rate adjustments by public utilities for governmental expenses; amending Minnesota Statutes 1990, section 216B.16, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 216B.16, is amended by adding a subdivision to read:

Subd. 12. [AUTOMATIC ADJUSTMENTS; GOVERNMENTAL COSTS.] Notwithstanding any other provision of this chapter, a

public utility may file or the commission may require a public utility to file annually, and the commission may approve, rate schedules containing provisions for the automatic adjustment of charges for public utility service in direct relation to changes in expenses for real and personal property taxes, fees, and permits, the amounts of which the public utility cannot control."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 869, A bill for an act relating to public administration; establishing the mentoring and youth community service commission; stating its purposes and responsibilities; appropriating money; amending Minnesota Statutes 1990, sections 121.88, subdivision 9; 124.2713, subdivision 5; and 126.70, subdivision 2a; proposing coding for new law as Minnesota Statutes, chapter 16C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [16C.01] [CITATION.]

Sections 2 and 3 shall be cited as the "interagency mentoring and youth community service act."

Sec. 2. [16C.02] [PURPOSE; DEFINITIONS.]

Subdivision 1. [PURPOSE.] (a) The purpose of this section and section 3 is to establish a comprehensive program for mentoring and youth community service, to coordinate national, state, and local policies on mentoring and youth community service, and to respond to national initiatives to make mentoring and youth community service accessible to all young people.

(b) The mentoring and youth community service program shall supplement existing programs and services, shall not displace any employee engaged in work similar to the work performed by program participants and shall not reduce the workload of any employee involved in mentoring or youth community service.

Subd. 2. [DEFINITIONS.] (a) "Mentoring" means a program that

enables interested and appropriately trained adults to encourage and guide young people in their personal growth and development.

(b) "Youth community service" means activities engaged in by young people, including land conservation activities and social service activities, conducted by schools, colleges, government agencies, community-based organizations, or individuals that result in a public benefit.

Sec. 3. [16C.03] [MENTORING AND YOUTH COMMUNITY SERVICE COMMISSION.]

Subdivision 1. [ESTABLISHMENT.] The mentoring and youth community service commission is established.

Subd. 2. [DUTIES.] The commission shall:

(1) develop a statewide plan that establishes a policy framework and implementation strategies for mentoring and youth community service;

(2) coordinate the state's response to federal legislation on mentoring and youth community service;

(3) coordinate public and private efforts in mentoring and youth community service; and

(4) promote and support mentoring and youth community service as a part of the state's education reform efforts.

Subd. 3. [MEMBERSHIP.] The commission shall have 22 voting members appointed by the governor. Commission members shall include:

(1) one or more representatives of community service program providers whose clientele receive public stipends for services;

(2) representatives of community-based organizations that provide mentoring and youth community service as part of their service delivery system;

(3) the commissioner of the department of education or the commissioner's designee;

(4) the commissioner of the department of administration or the commissioner's designee;

(5) the commissioner of the department of natural resources or the commissioner's designee;

(6) the commissioner of the department of human services or the commissioner's designee;

(7) the commissioner of the department of jobs and training or the commissioner's designee;

(8) the commissioner of the state planning agency or the commissioner's designee; and

(9) the executive director of the higher education coordinating board or the director's designee.

The commissioners listed in this subdivision and the director of the higher education coordinating board are nonvoting members of the commission.

Subd. 4. [TERMS.] The terms of commission members shall be governed by section 15.0575, subdivision 2.

Subd. 5. [STAFF.] The commission shall use existing staff in the office on volunteer services in the department of administration. The commission shall not employ its own staff.

Sec. 4. Minnesota Statutes 1990, section 121.88, subdivision 9, is amended to read:

Subd. 9. [YOUTH SERVICE PROGRAMS.] A school board may offer, as part of a community education program with a youth development program, a youth service program for pupils to promote active citizenship and to address community needs through youth service. The school board may award up to one credit, or the equivalent, toward graduation for a pupil who completes the youth service requirements of the district. The community education advisory council shall design the program in cooperation with the district planning, evaluating and reporting committee and local organizations that train volunteers or need volunteers' services. Programs must include:

(1) preliminary training for pupil volunteers conducted, when possible, by organizations experienced in such training;

(2) supervision of the pupil volunteers to ensure appropriate placement and adequate learning opportunity;

(3) sufficient opportunity, in a positive setting for human development, for pupil volunteers to develop general skills in preparation for employment, to enhance self esteem and self worth, and to give genuine service to their community; and

(4) integration of academic learning with the service experience; and

(5) integration of youth community service with curriculum.

Youth service projects include, but are not limited to, the following:

- (1) human services for the elderly, including home care and related services;
- (2) tutoring and mentoring;
- (3) training for and providing emergency services;
- (4) services at extended day programs; and
- (5) environmental services.

The commissioner shall maintain a list of acceptable projects with a description of each project. A project that is not on the list must be approved by the commissioner.

A youth service project must have a community sponsor that may be a governmental unit or nonprofit organization. To assure that pupils provide additional services, each sponsor must assure that pupil services do not displace employees or reduce the workload of any employee.

The commissioner must assist districts in planning youth service programs, implementing programs, and developing recommendations for obtaining community sponsors.

Sec. 5. Minnesota Statutes 1990, section 124.2713, subdivision 5, is amended to read:

Subd. 5. [YOUTH SERVICE REVENUE.] Youth service program revenue is available to a district that has implemented a youth development plan and a youth service program. Youth service revenue equals ~~25~~ 50 cents times the greater of 1,335 or the population of the district.

Sec. 6. Minnesota Statutes 1990, section 126.70, subdivision 2a, is amended to read:

Subd. 2a. [PERMITTED USES.] A school board may approve a plan for any of the following purposes:

(1) for in-service education to increase the effectiveness of teachers in responding to children and young people at risk of not succeeding at school;

(2) to participate in the educational effectiveness program according to section 121.609;

(3) to provide in-service education for elementary and secondary teachers to improve the use of technology in education;

(4) to provide subject area in-service education emphasizing the academic content of curricular areas determined by the district to be a priority area;

(5) to use experienced teachers, as mentors, to assist in the continued development of new teachers;

(6) to increase the involvement of parents, business, and the community in education, including training teachers to plan and implement parental involvement programs that will more fully involve parents in their children's learning development;

(7) for experimental delivery systems;

(8) for in-service education to increase the effectiveness of principals and administrators;

(9) for in-service education or curriculum development for programs for gifted and talented pupils;

(10) for in-service education or curriculum development for cooperative efforts to increase curriculum offerings;

(11) for improving curriculum, according to the needs identified under the planning, evaluation, and reporting process set forth in section 126.666;

(12) for in-service education and curriculum development designed to promote sex equity in all aspects of education, with emphasis on curricular areas such as mathematics, science, and technology programs;

(13) for in-service education or curriculum modification for handicapped pupils and low-achieving pupils;

(14) for short-term contracts as described in section 126.72; or

(15) to employ teachers for an extended year to perform duties directly related to improving curriculum or teaching skills; or

(16) for in-service education to effectively prepare staff to work with mentoring volunteers and to integrate youth community service into the curriculum.

Sec. 7. [APPROPRIATIONS.]

Subdivision 1. [DESIGNATED AGENCIES.] The sums indicated in this section are appropriated to the designated agencies for the fiscal years indicated.

Subd. 2. [YOUTH COMMUNITY SERVICE COMMISSION.] To the department of administration for the mentoring and youth community service commission to plan, monitor, and evaluate youth community service programs:

\$100,000 1992.

\$25,000 of this appropriation is for planning for a national service program and \$50,000 is for facilitating the development of mentoring and youth community service programs.

Subd. 3. [HECB.] To the higher education coordinating board for its post-secondary community service and student volunteer programs:

\$150,000 1992.

\$125,000 of this appropriation is for grants to systems and institutions to integrate youth community service and student volunteerism into the curriculum by modifying existing courses and creating new courses and \$25,000 is for administering, coordinating, training, assisting, and evaluating innovative programs to foster student volunteerism.

Subd. 4. [DEPARTMENT OF ADMINISTRATION.] To department of administration for its mentoring network, coordinated by its office on volunteer services:

\$67,000 1992.

\$33,500 of this appropriation is for expanding and evaluating for mentoring programs and \$33,500 is for grants for innovative local mentoring networks and programs.

Subd. 5. [DEPARTMENT OF EDUCATION.] To the department of education for evaluation of school-based youth community service programs:

\$25,000 1992.

Subd. 6. [CARRY FORWARD.] The unexpended appropriations in this section do not cancel but are available in 1993.

Subd. 7. [COMPLEMENT.] The staff complement for the office on volunteer services in the department of administration is increased by one.

Sec. 8. [REPORT.]

The commission shall report to the governor and the legislature by January 1, 1994, on the recommended future status of the commission.

Sec. 9. [SUNSET.]

The commission expires June 30, 1994."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 875, A bill for an act relating to insurance; rental vehicles; increasing property damage liability coverage; amending Minnesota Statutes 1990, section 65B.49, subdivision 5a.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 878, A bill for an act relating to utilities; authorizing regulation of municipalities, cooperative associations, and other persons or organizations that provide utility service to residential customers for residential heating purposes; providing for regulation under the cold weather disconnection and energy conservation laws; amending Minnesota Statutes 1990, sections 216B.02, subdivision 4; and 216B.241, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [216B.097] [COLD WEATHER RULE, COOPERATIVE AND MUNICIPAL UTILITIES.]

Subdivision 1. [APPLICATION; NOTICE TO RESIDENTIAL CUSTOMERS.] (a) A municipal utility or a cooperative electric association must not disconnect the utility service of a residential customer if the disconnection affects the primary heat source for the residential unit when the following conditions are met:

(1) the disconnection would occur during the period between October 15 and April 15;

(2) the customer has declared inability to pay on forms provided by the utility;

(3) the household income of the customer is less than 185 percent of the federal poverty level, as documented by the customer to the utility; and

(4) the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule.

(b) A municipal utility or a cooperative electric association must, between August 15 and October 15 of each year, notify all residential customers of the provisions of this section.

Subd. 2. [NOTICE TO RESIDENTIAL CUSTOMER FACING DISCONNECTION.] Before disconnecting service to a residential customer during the period between October 15 and April 15, a municipal utility or cooperative electric association must provide the following information to a customer:

(1) a notice of proposed disconnection;

(2) a statement explaining the customer's rights and responsibilities;

(3) a list of local energy assistance providers;

(4) forms on which to declare inability to pay; and

(5) a statement explaining available time payment plans and other opportunities to secure continued utility service.

Subd. 3. [RESTRICTIONS IF DISCONNECTION NECESSARY.] (a) If a residential customer must be involuntarily disconnected

between October 15 and April 15 for failure to comply with the provisions of subdivision 1, the disconnection must not occur on a Friday or on the day before a holiday. Further, the disconnection must not occur until at least 20 days after the notice required in subdivision 2 has been mailed to the customer or 15 days after the notice has been personally delivered to the customer.

(b) If a customer does not respond to a disconnection notice, the customer must not be disconnected until the utility investigates whether the residential unit is actually occupied. If the unit is found to be occupied, the utility must immediately inform the occupant of the provisions of this section. If the unit is unoccupied, the utility must give seven days written notice of the proposed disconnection to the local energy assistance provider before making a disconnection.

(c) If, prior to disconnection, a customer appeals a notice of involuntary disconnection, as provided by the utility's established appeal procedure, the utility must not disconnect until the appeal is resolved."

Delete the title and insert:

"A bill for an act relating to certain utility customers; providing a cold weather shutoff rule for municipal utilities and cooperative electric associations; proposing coding for new law in Minnesota Statutes, chapter 216B."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Regulated Industries.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 890, A bill for an act relating to solid waste; setting supplementary recycling goals for counties; requiring mandatory participation in recycling programs in cities with 5,000 or more population; prohibiting the use of lead, cadmium, mercury, and chromium in packaging material, dye, paint, and fungicides; setting a date certain for cities to require licenses and volume or weight-based fees for solid waste collection; placing a five-year moratorium on new solid waste incinerators; amending Minnesota Statutes 1990, sections 115A.551, by adding a subdivision; 115A.93, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Page 1, line 22, delete "40" and insert "30"

Page 1, line 25, delete "50" and insert "40"

Page 1, line 26, delete "60" and insert "50"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 908, A bill for an act relating to energy; encouraging energy conservation improvements; requiring that one-half of the money spent on residential energy conservation programs directly address the needs of renters and low-income families; amending Minnesota Statutes 1990, section 216B.241, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 15, delete "one" and insert "1.5" and delete "the" and insert "an electric"

Page 2, line 16, after "revenues" insert "or one-half of one percent of a natural gas utility's gross revenues"

Page 2, line 31, after the period insert "For a utility that has a disproportionately large commercial and/or industrial customer load, and a relatively small residential load, the department may prescribe a program emphasizing energy conservation measures of greatest benefit to the utility and its customers, without regard to minimum expenditures for renters and low-income families."

Page 3, after line 25, insert:

"Sec. 2. [REPORTS.]

Not later than February 1, 1992, the commissioner of public service shall report to the legislature on proposals to include in conservation improvement programs municipally owned and operated utilities, cooperative electric associations, and retailers of liquified petroleum gas and fuel oil for residential heating."

Amend the title as follows:

Page 1, line 6, after the semicolon insert "requiring certain reports;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Regulated Industries.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 909, A bill for an act relating to energy; creating an advisory task force on low-income energy assistance to establish an energy assistance foundation; providing for a start-up fund from unclaimed deposits; authorizing the department of human services to adopt rules; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [256.4621] [ADVISORY TASK FORCE ON LOW-INCOME ENERGY ASSISTANCE.]

Subdivision 1. [CREATION.] An advisory task force on low-income energy assistance is created to establish and oversee an energy assistance foundation.

Subd. 2. [POWERS.] (a) The powers and duties of the task force include studying the establishment of an energy assistance foundation that may:

(1) be a nonprofit foundation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1990;

(2) provide emergency energy assistance covering all heating sources, including at least natural gas, electricity, fuel oil, propane, and wood to households that are eligible for assistance under the Low-Income Home Energy Assistance Act of 1981, United States Code, title 42, sections 8621 to 8629, as amended;

(3) solicit funds for a low-income energy assistance program from various sources including the Leveraging Incentive Program estab-

lished under the Low-Income Home Energy Assistance Act of 1981, United States Code, title 42, sections 8621 to 8629, as amended;

(4) monitor and evaluate contributions and expenditures; and

(5) submit an annual report to the appropriate committees of the legislature that sets forth funds received and distributions made.

(b) Except as otherwise provided in this section, the task force and the foundation are not subject to chapter 14.

Subd. 3. [MEMBERSHIP; ADMINISTRATION.] The task force consists of three representatives of energy assistance providers, two representatives from utilities or other fuel suppliers, one representative from the state office of economic opportunity, one representative of the department of public service, two consumers served by low-income energy assistance programs, and two legislators. The task force members shall be appointed by the governor. The task force shall hold meetings at the times and places it may designate. It shall select a chair, a vice-chair, and other officers from its membership. Except as described in this section, the task force is governed by section 15.059, subdivision 6. The task force shall report not later than January 1, 1992, its findings and recommendations to the chairs of the senate and house of representatives committees on energy.

Subd. 4. [RULES.] The commissioner of human services shall adopt rules establishing criteria for eligibility for recipients of assistance under this section. The criteria shall include consideration of household size and income and the energy costs of the household residence for the preceding year.

Sec. 2. [APPROPRIATION.]

\$50,000 for the first year and \$25,000 for the second year are appropriated from the general fund to the advisory task force on low-income energy assistance for the purposes of section 1 and to the commissioner of human services for the purpose of section 1, subdivision 4, to be available for the biennium ending June 30, 1993."

Delete the title and insert:

"A bill for an act relating to energy; creating an advisory task force on low-income energy assistance to establish an energy assistance foundation; authorizing the department of human services to adopt rules; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 924, A bill for an act relating to utilities; authorizing the public utilities commission to allow recovery of utility operating expenses associated with certain economic or community development activities; amending Minnesota Statutes 1990, sections 216B.02, by adding a subdivision; and 216B.16, subdivision 8, and by adding a subdivision.

Reported the same back with the following amendments:

Pages 1 to 3, delete sections 1 to 3

Page 3, line 9, delete "Sec. 4." and insert "Section 1."

Page 3, line 11, delete "(a)"

Page 3, delete lines 14 to 20

Page 3, line 22, delete "Sections 1 to 4 are" and insert "Section 1 is"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to utilities; authorizing the public utilities commission to allow recovery of expenses associated with economic and community development; amending Minnesota Statutes 1990, section 216B.16, by adding a subdivision."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 934, A bill for an act relating to motor vehicles;

prohibiting registration of vehicle for which salvage certificate of title is issued; amending Minnesota Statutes 1990, section 168A.152, subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 956, A bill for an act relating to state government; providing an early retirement incentive for public employees; amending Minnesota Statutes 1990, sections 275.125, by adding a subdivision; and 275.50, subdivision 5.

Reported the same back with the following amendments:

Page 2, line 10, delete everything after "after" and insert "July 1, 1991,"

Page 2, line 11, delete "August" and insert "October"

Page 2, delete lines 25 and 26 and insert:

"(5) in the case of a school district employee, retires on or after May 20, 1991, and before July 21, 1991; and in the case of an employee of another employer in this subdivision, retires on or after August 1, 1991, and before October 1, 1991."

Page 2, line 29, delete "An" and insert "A state"

Page 2, line 34, after the period insert "An employer under subdivision 2 may impose a similar restriction."

Page 3, line 3, after "for" insert "single and dependent"

Page 3, line 5, after "coverage" insert "and employer and employee payments"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 957, A bill for an act relating to state government; permitting the commissioner of administration to make certain leases; amending Minnesota Statutes 1990, section 16B.24, subdivision 6.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 978, A bill for an act relating to the environment; requiring the governor to submit a biennial policy report to the legislature on energy and the environment; proposing coding for new law in Minnesota Statutes, chapter 116D.

Reported the same back with the following amendments:

Page 1, line 10, after "the" insert "energy and"

Page 1, line 24, after the second comma insert "Lake Superior" and delete "sea" and insert "inland lakes and rivers"

Page 2, line 30, after "at" insert "regional, national, and"

Page 3, line 5, after "advancing" insert "regional, national, and"

Page 4, delete line 2 and insert:

"(6) specific two-year, five-year and, as appropriate, longer term goals for the implementation of the energy and environmental strategy of the state; and"

Page 4, line 3, delete "(6)" and insert "(7)"

Page 4, after line 7, insert:

"Sec. 2. [116D.11] [REPORT PREPARATION.]

Subdivision 1. [AGENCY RESPONSIBILITY.] Each department or agency of the state, as designated by the governor, shall assist in the preparation of the strategy report. Each designated department or agency shall prepare a preliminary strategy report relating to

those programs or policies over which the department or agency has jurisdiction. Each preliminary strategy report shall:

(1) describe the existing policies and programs of the department or agency as they relate to the issues listed in section 116D.10, clause (1);

(2) describe and evaluate the long-term objectives of the department or agency as they relate to the issues listed in section 116D.10, clause (1);

(3) identify and make proposals about the development of department or agency financial management budgets as they relate to the issues listed in section 116D.10, clause (1);

(4) describe the strategy and procedure of the department or agency to recruit, select, and train personnel to carry out department or agency goals and functions as they relate to the issues listed in section 116D.10, clause (1);

(5) identify and make proposals to eliminate duplicative and unnecessary programs or systems, including encouraging departments and agencies to share systems or programs that have sufficient capacity to perform the functions needed as they relate to the issues listed in section 116D.10, clause (1); and

(6) establish two-year quantitative goals for policy implementation.

Subd. 2. [PRIMARY RESPONSIBILITY.] The environmental quality board shall have the primary responsibility for preparing the energy and environmental strategy report of the state, as required by section 116D.10. The board shall assemble all preliminary reports prepared pursuant to subdivision 1 under a timetable established by the board and shall use the preliminary reports in the preparation of the draft energy and environmental strategy report of the state. Each department or agency designated by the governor to prepare a preliminary strategy report shall submit a copy of the preliminary strategy report to the governor and to the board at the same time.

Subd. 3. [REPORT TO GOVERNOR.] On or before October 1 of each odd-numbered year, the environmental quality board shall transmit to the governor a draft of the written report on the energy and environmental strategy of the state. The governor may change the report and may request additional information or data from any department or agency of the state responsible for issues listed in section 116D.10, clause (1). Any such requested additional information or data shall be prepared and submitted promptly to the governor.

Subd. 4. [ADVISORY COMMITTEE.] On April 1 of each odd-numbered year, the governor shall appoint an advisory committee to assist with the preparation of the energy and environmental strategy report. The advisory committee shall consist of nine members including the chairperson and shall represent a cross-section of governmental, public, and private interests. Committee members may be reappointed in succeeding years.

Sec. 3. [REPEALER.]

Minnesota Statutes 1990, section 116D.07, is repealed."

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 997, A bill for an act relating to port authorities; providing for extraterritorial exercise of port authority powers to assist economic development projects; authorizing affected governmental units to contribute funds in support of port authority financing; amending Minnesota Statutes 1990, section 469.062, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 999, A bill for an act relating to waters; exempting certain proceedings by the board of water and soil resources from the administrative procedure act; authorizing appeals to the court of appeals; amending Minnesota Statutes 1990, sections 103B.345, subdivisions 2 and 4; 103D.105, subdivision 1; and 103D.111.

Reported the same back with the recommendation that the bill

pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1042, A bill for an act relating to economic development; changing the organization of the department of trade and economic development; amending Minnesota Statutes 1990, section 116J.01, subdivision 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1088, A bill for an act relating to economic development; establishing the regional seed capital program; amending Minnesota Statutes 1990, sections 290.06, by adding a subdivision; and 469.101, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116O.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [116O.122] [SEED CAPITAL FUND.]

Subdivision 1. [ESTABLISHMENT.] The corporation shall, in consultation with private venture and seed capital companies and other public and private organizations as appropriate, implement a centrally-managed seed capital fund to invest in early stage companies and small companies in Minnesota through equity or equity-type investments. The seed capital fund may receive contributions from the corporation, as well as from local, state, or federal government, private foundations or other sources. Funds transferred from the greater Minnesota account established in section 116O.12 to the seed capital fund established in this section must be matched by an equal dollar amount from nonstate sources. The corporation must identify the nonstate sources and amount of match before the release of funds from the greater Minnesota account. Total investments by the seed capital fund in seven-county metropolitan area based companies must not exceed 20 percent of the total amount

invested. Investments which contribute to the 20 percent metropolitan area limitation are those which will primarily enhance the operations of a metropolitan based facility. Investments that benefit a greater Minnesota facility of a metropolitan based company are not subject to the limitation. Investments by the seed capital fund must be matched by other sources of capital at a ratio to be determined by the corporation. Private sources of capital must contribute no less than one-third of the total investment for each project. The seed capital fund shall identify sources of technical, management, and marketing assistance for companies funded by the seed capital program and make appropriate referrals. The seed capital fund shall establish a procedure for liquidating public and private investments. This procedure must include conditions and terms for repayment of seed capital fund investments when a company is sold.

Subd. 2. [REGIONAL SEED CAPITAL REPORT.] By February 15, the board shall submit to the legislature and governor an annual report on the activities of the seed capital program.

Subd. 3. [CREDIT LIMIT.] The sum of the credits for investment in the fund under section 2 may not exceed \$... million in each fiscal year. In order to administer and enforce this limit, the corporation shall provide to investors in the fund, on a first-come first-served basis, credit entitlement certificates up to the annual limit.

Sec. 2. Minnesota Statutes 1990, section 290.06, is amended by adding a subdivision to read:

Subd. 24. [SEED CAPITAL FUND CREDIT.] (a) A taxpayer is allowed a credit against the tax imposed by this chapter equal to .. percent of the amount of a qualified investment in the regional seed capital program established and operated by the Greater Minnesota Corporation under section 1, during the taxable year. The maximum amount of this credit is \$.....

(b) The credit for the taxable year may not exceed the liability for tax. If the amount of the credit exceeds the liability for tax for the taxable year, the balance of the credit is a carryover credit to each of the next three taxable years. The entire amount of the credit shall be a credit carryover to the earliest of the taxable years to which it may be carried and then to each successive year to which the credit may be carried. In no case may the sum of credits allowed in a taxable year exceed the liability for tax.

(c) For purposes of this subdivision, the following terms have the meanings given.

(1) "Liability for tax" means the tax imposed by this chapter, except the tax under sections 290.091, 290.0921, and 290.0922,

reduced by the sum of nonrefundable credits allowed under this chapter.

(2) "Qualified investment" means the amount of an investment in the regional seed capital fund that receives a credit entitlement certificate from the Greater Minnesota Corporation under section 1.

Sec. 3. Minnesota Statutes 1990, section 469.101, is amended by adding a subdivision to read:

Subd. 23. [SUPPLYING SMALL BUSINESS CAPITAL.] Notwithstanding any contrary law, the authority may participate with public or private corporations or other entities, whose purpose is to provide seed or venture capital to small businesses that have facilities located or to be located in the district. For that purpose the authority may use not more than ten percent of available annual net income or \$1,000,000 annually, whichever is less, to invest in equities or acquire equity-type investments. These investments can be made directly in eligible corporations or entities or acquired through participation in a public or private seed or venture capital fund. The participation by the authority may not exceed in any year 25 percent of the total amount of funds provided for venture or seed capital purposes by all of the participants. The corporation, entity, or fund shall report in writing each six months to the commissioners of the authority all investments and other action taken by it since the last report. Funds contributed to the corporation or entity must be invested pro rata with each contributor of capital taking proportional risks on each investment. As used in this subdivision, the term "small business" has the meaning given it in section 645.445, subdivision 2.

Sec. 4. [EFFECTIVE DATE.]

Section 2 is effective for taxable years beginning after December 31, 1990."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1132, A bill for an act relating to natural resources; providing for enforcement of sanctions for hunting while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1990, section 97B.065; proposing coding for new law in Minnesota Statutes, chapter 97B.

Reported the same back with the following amendments:

Page 3, line 21, delete "of" and insert "or"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1151, A bill for an act relating to the city of Saint Paul; exempting certain port authority activities from competitive bidding; amending Minnesota Statutes 1990, section 469.084, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Long from the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 1, A house concurrent resolution relating to congressional redistricting; establishing standards for redistricting plans.

Reported the same back with the recommendation that the concurrent resolution be adopted.

The report was adopted.

Long from the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 2, A house concurrent resolution relating to legislative redistricting; establishing standards for redistricting plans.

Reported the same back with the recommendation that the concurrent resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 32, 289, 564, 614, 735, 739, 782, 794, 859, 875, 924, 934, 957, 997, 1042 and 1151 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 154, 162, 187, 567, 583 and 611 were read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Clark, Wejcman and Jefferson introduced:

H. F. No. 1326, A bill for an act relating to economic development; providing a preference for certain areas for grants-in-aid for recreational betterment; amending Minnesota Statutes 1990, section 116J.406, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Economic Development.

Clark introduced:

H. F. No. 1327, A bill for an act relating to the taxation; imposing a tax on paint and providing for its collection and enforcement; creating a lead abatement fund; proposing coding for new law as Minnesota Statutes, chapter 297E.

The bill was read for the first time and referred to the Committee on Taxes.

Clark and Johnson, A., introduced:

H. F. No. 1328, A bill for an act relating to education; requiring a study of health needs of students; changing certain requirements with respect to nursing in schools; appropriating money, amending Minnesota Statutes 1990, sections 123.35, subdivision 17; and 148.191, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Simoneau, Ogren, Jacobs, Frerichs and Seaberg introduced:

H. F. No. 1329, A bill for an act relating to taxes; revising annual alternate fuel permit fees; exempting natural gas sales for use as a motor vehicle fuel from the sales tax and from franchise fees; amending Minnesota Statutes 1990, sections 296.026, subdivisions 2, 7, and by adding a subdivision; 297A.01, subdivision 3; and 410.09; repealing Minnesota Statutes 1990, section 296.028.

The bill was read for the first time and referred to the Committee on Taxes.

Bauerly, Hugoson, Steensma, Kalis and Wenzel introduced:

H. F. No. 1330, A bill for an act relating to agriculture; clarifying prohibited actions of a wholesale produce dealer; amending Minnesota Statutes 1990, section 27.19, subdivision 1.

The bill was read for the first time and referred to the Committee on Agriculture.

Pugh, Clark, Segal, Jennings and Gruenes introduced:

H. F. No. 1331, A bill for an act relating to jobs and training; displaced homemakers; increasing the funds available for current programs; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Nelson, S.; Cooper; Hasskamp and Krueger introduced:

H. F. No. 1332, A bill for an act relating to human services; authorizing the commissioner of human services to waive the requirement that emergency mental health services be provided by a provider other than the provider of fire and public safety emergency services; establishing conditions for a waiver; amending Minnesota Statutes 1990, sections 245.469, subdivision 2; and 245.4879, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bertram, Beard, Frederick and Gutknecht introduced:

H. F. No. 1333, A bill for an act relating to the military; creating an emergency assistance fund for families of military personnel who are called to active service; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 197.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Reding; Sviggum; Johnson, R., and Simoneau introduced:

H. F. No. 1334, A bill for an act relating to retirement; volunteer firefighters; qualifying service; computation and proration of service pensions; amending Minnesota Statutes 1990, sections 424A.001, subdivision 4; and 424A.02, subdivisions 1, 3, 6, and 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McGuire and Carruthers introduced:

H. F. No. 1335, A bill for an act relating to education; authorizing a fund transfer by the Saint Anthony school district.

The bill was read for the first time and referred to the Committee on Education.

McGuire, Vellenga, Carruthers, Rest and Bishop introduced:

H. F. No. 1336, A bill for an act relating to domestic abuse; creating a domestic abuse data system; requiring the collection of data relating to domestic assaults and orders for protection; appropriating money; amending Minnesota Statutes 1990, sections 299C.09; 299C.10; 299C.11; and 299C.12; proposing coding for new law in Minnesota Statutes, chapter 299C.

The bill was read for the first time and referred to the Committee on Judiciary.

Steensma; Olson, K.; Kelso; McEachern and Girard introduced:

H. F. No. 1337, A bill for an act relating to education; authorizing cities and counties to operate public libraries and school libraries in one location by entering into contracts; establishing requirements for shared use libraries; amending Minnesota Statutes 1990, sec-

tions 134.001, subdivisions 2 and 3; 134.09; 134.10; 134.11, subdivision 2; and 134.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Carruthers and Marsh introduced:

H. F. No. 1338, A bill for an act relating to controlled substances; providing for driver's license revocation for persons convicted of or adjudicated for felony-level controlled substance offenses; imposing mandatory minimum fines on persons convicted of controlled substance crimes; appropriating money; amending Minnesota Statutes 1990, section 609.101, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 152 and 171.

The bill was read for the first time and referred to the Committee on Judiciary.

Sviggum introduced:

H. F. No. 1339, A bill for an act relating to human services; clarifying division of costs for state and counties for certain benefits and services; providing for a county share in emergency general assistance, emergency assistance, and negotiated rate payments; amending reporting requirements for the federal food stamp program; clarifying requirements for child care services; amending Minnesota Statutes 1990, sections 256.01, subdivision 11, and by adding a subdivision; 256.025, subdivisions 1, 3, and 4; 256.82, subdivision 1; 256.871, subdivision 6; 256.935, subdivision 1; 256D.03, subdivisions 2 and 2a; 256D.05, subdivisions 1, 2, and 6; 256D.051, subdivisions 1, 1a, 3a, 6, and 8; 256D.052, subdivision 3; 256D.07; 256D.10; 256D.101, subdivisions 1 and 3; 256D.36, subdivision 1; 256H.02; 256H.03; 256H.05; 256H.22, subdivision 2, and by adding a subdivision; and 393.07, subdivisions 10 and 10a; proposing coding for new law in Minnesota Statutes, chapters 256 and 256H; repealing Minnesota Statutes 1990, sections 256D.051, subdivisions 1b, 3c, and 16; 256D.052, subdivision 4; 256D.09, subdivision 4; and 256D.101, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bertram, Bauerly, Hugoson and Wenzel introduced:

H. F. No. 1340, A bill for an act relating to agriculture; changing the egg law; imposing a penalty; amending Minnesota Statutes 1990, sections 29.21, by adding subdivisions; 29.22; 29.23; 29.235;

29.26; and 29.27; proposing coding for new law in Minnesota Statutes, chapter 29.

The bill was read for the first time and referred to the Committee on Agriculture.

Pugh, Milbert and Morrison introduced:

H. F. No. 1341, A bill for an act relating to Dakota county; permitting the combination of the offices of treasurer and auditor; permitting appointment of the county recorder; authorizing the reorganization of county offices; proposing coding for new law in Minnesota Statutes, chapter 383D.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Cooper; Simoneau; Reding; Johnson, R., and Knickerbocker introduced:

H. F. No. 1342, A bill for an act relating to public employment; removing certain limits on negotiation of health insurance for retired public employees; increasing investment options for public employee deferred compensation plans; amending Minnesota Statutes 1990, sections 179A.20, subdivision 2a; and 356.24; proposing coding for new law in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1990, section 179A.16, subdivision 9.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Brown introduced:

H. F. No. 1343, A bill for an act relating to traffic regulations; allowing permits for studded tires on rural mail delivery vehicles; amending Minnesota Statutes 1990, section 169.72, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Hausman, Mariani, Osthoff, Vellenga and Orenstein introduced:

H. F. No. 1344, A bill for an act relating to education; authorizing the issuance of bonds by independent school district No. 625, St. Paul; requiring notice and a public meeting before issuance; requiring tax levies.

The bill was read for the first time and referred to the Committee on Education.

Brown and Peterson introduced:

H. F. No. 1345, A bill for an act relating to local government; providing for the organization, administration, and operation of a hospital district in the county of Swift and the city of Benson.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Carruthers, Pugh, Vellenga, Seaberg and Blatz introduced:

H. F. No. 1346, A bill for an act relating to arbitration; providing for interest on arbitration awards; allowing an arbitrator or the court to modify an award based on an error of law; amending Minnesota Statutes 1990, sections 549.09; 572.15; 572.16; and 572.20, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Skoglund, Orfield, Rice, Wagenius and Long introduced:

H. F. No. 1347, A bill for an act relating to state lands; authorizing the commissioner of administration to lease certain land adjacent to Minnehaha state park to the Minneapolis park and recreation board.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Murphy, Battaglia and Kahn introduced:

H. F. No. 1348, A bill for an act relating to natural resources; establishing a Superior Vista bicycle and hiking trail in St. Louis county; appropriating funds for planning; amending Minnesota Statutes 1990, section 85.015, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Murphy; Lourey; Olson, K.; Battaglia and Kahn introduced:

H. F. No. 1349, A bill for an act relating to natural resources;

directing establishment of a visitor center at the Moose Lake state recreation area; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 85.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jaros introduced:

H. F. No. 1350, A bill for an act relating to retirement; major and statewide retirement plans; crediting service and salary when back pay is awarded in the event of a wrongful discharge; proposing coding for new law in Minnesota Statutes, chapter 356.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jaros introduced:

H. F. No. 1351, A bill for an act relating to legal actions; damages with respect to lost coverage in the event of a wrongful dismissal of a public employee; establishing a measure for damages; proposing coding for new law in Minnesota Statutes, chapters 356 and 548.

The bill was read for the first time and referred to the Committee on Judiciary.

Peterson, Cooper, Winter, Kalis and Nelson, S., introduced:

H. F. No. 1352, A bill for an act relating to state government; requiring that the principal offices of the department of agriculture be located in Waseca; proposing coding for new law in Minnesota Statutes, chapter 17.

The bill was read for the first time and referred to the Committee on Agriculture.

Segal, Abrams, Kahn, Vanasek and Dempsey introduced:

H. F. No. 1353, A bill for an act relating to economic development; establishing an international partnership program in the Minnesota trade office; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Committee on Economic Development.

Reding, Hugoson and Jaros introduced:

H. F. No. 1354, A bill for an act relating to crimes; permitting the advertising of games of chance legally operated under the laws of another jurisdiction; permitting the conduct and advertising of games of chance by certain business, charitable, religious, social, or commercial organizations; amending Minnesota Statutes 1990, section 609.761, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Runbeck, Heir and McPherson introduced:

H. F. No. 1355, A bill for an act relating to taxation; property tax refund; providing a refund for commercial-industrial property; proposing coding for new law in Minnesota Statutes, chapter 290A.

The bill was read for the first time and referred to the Committee on Taxes.

Schafer, Dille and Cooper introduced:

H. F. No. 1356, A bill for an act relating to education; authorizing the Hutchinson school district to levy for payments on a certain lease purchase agreement.

The bill was read for the first time and referred to the Committee on Education.

Leppik, Ogren and Cooper introduced:

H. F. No. 1357, A bill for an act relating to occupations and professions; establishing a system of licensure for acupuncture practitioners; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 148.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Olsen, S.; Segal and Knickerbocker introduced:

H. F. No. 1358, A bill for an act relating to retirement; directing the award of additional service credit to a certain police officer by the public employees retirement association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Thompson; Garcia; Lieder; Anderson, R., and Skoglund introduced:

H. F. No. 1359, A bill for an act relating to housing; requiring counseling for reverse mortgage loans; providing penalties; amending Minnesota Statutes 1990, section 47.58, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Housing.

Steensma, Kalis, Uphus, Dille and Lieder introduced:

H. F. No. 1360, A bill for an act relating to railroads; allowing commissioner of transportation additional powers to acquire and maintain rail lines that are abandoned or have been identified for abandonment; repealing requirement that commissioner first offer adjacent property owners of state rail bank property the opportunity to buy adjoining property; amending Minnesota Statutes 1990, sections 222.50, subdivision 7; and 222.63, subdivisions 2, 2a, 2c, and 4; repealing Minnesota Statutes 1990, section 222.63, subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation.

Dawkins introduced:

H. F. No. 1361, A bill for an act relating to energy; requiring public utilities commission to adopt rules requiring electric utilities to provide metering for residential energy demand and that billings reflect both total energy consumption and times of consumption; requiring reports to the legislature; amending Minnesota Statutes 1990, section 216B.09.

The bill was read for the first time and referred to the Committee on Energy.

Dawkins introduced:

H. F. No. 1362, A bill for an act relating to civil actions; providing special procedures when a cause of action is alleged to arise from any act involving the exercise of constitutional rights of free speech; proposing coding for new law in Minnesota Statutes, chapter 540.

The bill was read for the first time and referred to the Committee on Judiciary.

Smith and Bettermann introduced:

H. F. No. 1363, A bill for an act relating to taxation; income; expanding eligibility for the child care credit; amending Minnesota Statutes 1990, section 290.067, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Smith, Erhardt and Bettermann introduced:

H. F. No. 1364, A bill for an act relating to controlled substances; providing for driver's license revocation for persons convicted of or adjudicated for felony-level controlled substance offenses; proposing coding for new law in Minnesota Statutes, chapters 152 and 171.

The bill was read for the first time and referred to the Committee on Judiciary.

Smith introduced:

H. F. No. 1365, A bill for an act relating to taxation; expanding eligibility for the child care credit; amending Minnesota Statutes 1990, section 290.067, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Smith, Erhardt and Bettermann introduced:

H. F. No. 1366, A bill for an act relating to crimes; increasing the penalty for assaulting a correctional officer; amending Minnesota Statutes 1990, section 609.2231, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Smith, Erhardt and Bettermann introduced:

H. F. No. 1367, A bill for an act relating to taxation; motor vehicle excise; exempting vehicles used by police departments or sheriffs for law enforcement; amending Minnesota Statutes 1990, section 297B.03.

The bill was read for the first time and referred to the Committee on Taxes.

Smith, Newinski, Hufnagle, Erhardt and Limmer introduced:

H. F. No. 1368, A bill for an act relating to motor vehicles; authorizing special license plates for Persian Gulf war veterans; amending Minnesota Statutes 1990, section 168.123, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Valento introduced:

H. F. No. 1369, A bill for an act relating to Ramsey county; removing the levy limit on library levies.

The bill was read for the first time and referred to the Committee on Taxes.

Long, Kahn, Skoglund and Greenfield introduced:

H. F. No. 1370, A bill for an act relating to local improvements; providing authority for review of assessments for improvements; defining improvements; validating certain actions of the city of Minneapolis; amending Minnesota Statutes 1990, section 430.102, subdivisions 3 and 4.

The bill was read for the first time and referred to the Committee on Taxes.

Brown, Steensma, Dille and Winter introduced:

H. F. No. 1371, A bill for an act relating to agriculture; extending the right of first refusal on foreclosed farm land to ten years; amending Minnesota Statutes 1990, section 500.24, subdivision 6.

The bill was read for the first time and referred to the Committee on Agriculture.

Lieder; Anderson, I; Carruthers; Orenstein and Garcia introduced:

H. F. No. 1372, A bill for an act relating to the metropolitan council; directing a study of governmental units in the seven-county metropolitan area.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Orfield introduced:

H. F. No. 1373, A bill for an act relating to retirement; public employees retirement association; authorizing the purchase of prior service credit by a city of Minneapolis employee.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, I., introduced:

H. F. No. 1374, A bill for an act relating to taxation; adjusting the computation of the tax rate applied to certain transmission and distribution lines; amending Minnesota Statutes 1990, section 273.42, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Reding, Kelso and Bishop introduced:

H. F. No. 1375, A bill for an act relating to utilities; allowing electric utilities to extend electric lines to serve their own property and facilities; amending Minnesota Statutes 1990, section 216B.42, subdivision 2.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Garcia and Henry introduced:

H. F. No. 1376, A bill for an act relating to highways; authorizing state payment to construct remote frontage roads; amending Minnesota Statutes 1990, section 161.38, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Garcia and Henry introduced:

H. F. No. 1377, A bill for an act relating to the city of Richfield; authorizing the city to advance money to the commissioner of transportation to expedite construction of a frontage road within the

city; authorizing an agreement between the commissioner and the city; authorizing the city to issue bonds and requiring the commissioner to pay interest on the bonds up to a certain amount.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Sarna, Beard, Garcia, Boo and Pugh introduced:

H. F. No. 1378, A bill for an act relating to retirement; public employees retirement association board membership; amending Minnesota Statutes 1990, section 353.03, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Weaver, Ozment and Erhardt introduced:

H. F. No. 1379, A bill for an act proposing an amendment to the Minnesota Constitution, article VII, section 6; providing that a city council may limit the number of terms a person may serve on the council.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Lourey introduced:

H. F. No. 1380, A bill for an act relating to education; eliminating the requirement under cooperation and combination that districts be contiguous; amending Minnesota Statutes 1990, section 122.241, subdivision 3.

The bill was read for the first time and referred to the Committee on Education.

Frerichs, Davids, Vellenga, Solberg and Bishop introduced:

H. F. No. 1381, A bill for an act relating to appropriations; appropriating money for a day reporting center pilot program in certain counties; requiring a report to the legislature.

The bill was read for the first time and referred to the Committee on Judiciary.

Begich, Farrell, Beard, Rice and Sarna introduced:

H. F. No. 1382, A bill for an act relating to employment; increasing civil penalties for occupational safety and health violations; providing penalties; amending Minnesota Statutes 1990, section 182.666.

The bill was read for the first time and referred to the Committee on Judiciary.

Bertram introduced:

H. F. No. 1383, A bill for an act relating to public safety; providing for statewide minimum skills and training standards for 911 emergency dispatchers; creating the 911 dispatching skills advisory council in the department of public safety; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

The bill was read for the first time and referred to the Committee on Judiciary.

Bertram introduced:

H. F. No. 1384, A bill for an act relating to crimes; imposing a penalty for assaulting department of agriculture inspectors; amending Minnesota Statutes 1990, section 609.2231, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Dawkins; Anderson, R.; Morrison and Carlson introduced:

H. F. No. 1385, A bill for an act relating to state buildings; requiring the commissioner of finance to prepare a debt capacity forecast covering the next six fiscal years and all types of debt instruments; requiring capital facilities notes; requiring the commissioner of administration to review capital budget requests for state buildings; requiring a report; amending Minnesota Statutes 1990, section 16A.11, subdivisions 1 and 3, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 16A and 16B.

The bill was read for the first time and referred to the Committee on Appropriations.

Bauerly; Nelson, K.; Hartle and Vanasek introduced:

H. F. No. 1386, A bill for an act relating to education; providing for pilot programs for alcohol and drug prevention and for transition programming for special education students; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Runbeck, Rodosovich, Lynch, Greenfield and Anderson, R. H., introduced:

H. F. No. 1387, A bill for an act relating to public buildings; requiring that legislative hearing rooms and the house and senate chambers be fitted with devices to aid the hearing-impaired; appropriating money; amending Minnesota Statutes 1990, section 16B.61, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Solberg, Limmer and Jefferson introduced:

H. F. No. 1388, A bill for an act relating to crimes; juveniles; making an adult criminally liable for procuring or hiring a juvenile to commit an offense; providing that an offense resulting in an adjudication of delinquency is a criminal act for purposes of the racketeering law; amending Minnesota Statutes 1990, sections 609.05, subdivision 4, and by adding a subdivision; and 609.902, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Dille and Steensma introduced:

H. F. No. 1389, A bill for an act relating to animal health; abolishing mandatory anaplasmosis testing; repealing Minnesota Statutes 1990, section 35.251.

The bill was read for the first time and referred to the Committee on Agriculture.

Tunheim, Hanson, McGuire, Hausman and Wejcman introduced:

H. F. No. 1390, A bill for an act relating to the environment; establishing an environmental enforcement account; establishing a

field citation pilot project for unauthorized disposal of solid waste; authorizing background investigations of environmental permit applicants; expanding current authority to impose administrative penalties for air and water pollution and solid waste management violations; imposing criminal penalties for knowing violations of standards related to hazardous air pollutants and toxic pollutants in water; providing that certain property is subject to forfeiture in connection with convictions for water pollution and air pollution violations; imposing criminal penalties for unauthorized disposal of solid waste; authorizing prosecution of environmental crimes by the attorney general; providing for environmental restitution as part of a sentence; increasing criminal penalties for false statements on documents related to permits and record keeping; requiring reports; amending Minnesota Statutes 1990, sections 18D.331, subdivision 4; 115.071, by adding a subdivision; 115.072; 115C.05; 116.07, subdivision 4d; 116.072, subdivisions 1, 2, 6, 10, and 11; 609.531, subdivision 1; and 609.671; proposing coding for new law in Minnesota Statutes, chapters 115 and 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Girard; Olson, K.; Hugoson and Steensma introduced:

H. F. No. 1391, A bill for an act relating to agriculture; allowing exemption of certain garbage from requirements for feeding to livestock or poultry; amending Minnesota Statutes 1990, section 35.73, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 35.

The bill was read for the first time and referred to the Committee on Agriculture.

Osthoff and Abrams introduced:

H. F. No. 1392, A bill for an act relating to horse racing; authorizing the commission to adopt rules governing affirmative action plan goals and economic opportunity contract goals; amending Minnesota Statutes 1990, sections 240.06, subdivision 1; 240.07, subdivision 1; 240.19; and 240.23.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Mariani, Greenfield and Clark introduced:

H. F. No. 1393, A bill for an act relating to health and human services; expanding restrictions on the establishment of new health,

corrections, or human services residential programs within 1,320 feet of existing residential programs; amending Minnesota Statutes 1990, sections 157.031, by adding a subdivision; 241.021, by adding a subdivision; and 245A.11, subdivision 4.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Schreiber, Carruthers, Carlson, Rest and Leppik introduced:

H. F. No. 1394, A bill for an act relating to education; designating a portion of state head start appropriations for grants to establish new early childhood education programs; amending Minnesota Statutes 1990, section 268.914.

The bill was read for the first time and referred to the Committee on Education.

Reding introduced:

H. F. No. 1395, A bill for an act relating to horse racing; providing that at least one race per racing day be limited to horses which are Minnesota-bred or Minnesota-foaled; amending Minnesota Statutes 1990, section 240.29.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Lourey, Ogren, Welle and Jaros introduced:

H. F. No. 1396, A bill for an act relating to local government; allowing Pine county to transfer money from the county welfare fund to the general fund to support a hospital.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Segal introduced:

H. F. No. 1397, A bill for an act relating to education; calculating limited English proficiency program aid; allowing districts to levy for books and supplies for LEP programs; amending Minnesota Statutes 1990, section 124.273, subdivision 1b, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Farrell, Trimble, Pelowski, Rukavina and Anderson, R., introduced:

H. F. No. 1398, A bill for an act relating to education; making educational policies negotiable terms and conditions of employment for professional employees; amending Minnesota Statutes 1990, sections 179A.03, subdivision 19; and 179A.07, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Farrell and Rukavina introduced:

H. F. No. 1399, A bill for an act relating to utilities; requiring the department of public service to study the financial and regulatory structure of cooperative electric associations and municipal electric utilities to determine whether and to what extent state regulation ought to be imposed on those utilities.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Bauerly, McEachern, Hausman, Lasley and Nelson, K., introduced:

H. F. No. 1400, A bill for an act relating to libraries; modifying regional library basic support grants; appropriating money; amending Minnesota Statutes 1990, section 134.35.

The bill was read for the first time and referred to the Committee on Education.

Johnson, V.; Vanasek; Munger; Battaglia and Hufnagle introduced:

H. F. No. 1401, A bill for an act relating to state parks; creating an adopt-a-park program under commissioner of natural resources; proposing coding for new law in Minnesota Statutes, chapter 85.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dorn, Jaros, Bettermann, Kinkel and Mariani introduced:

H. F. No. 1402, A bill for an act relating to education; revising the student's role in the educational process; broadening the student's advisory role; specifying conditions; proposing coding for new law in

Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1990, section 136A.02, subdivision 7.

The bill was read for the first time and referred to the Committee on Education.

Runbeck, Stanius, Ozment, Swenson and Bettermann introduced:

H. F. No. 1403, A bill for an act relating to taxation; providing that certain income earned for service in the armed forces is exempt from taxation; amending Minnesota Statutes 1990, section 290.01, subdivision 19b.

The bill was read for the first time and referred to the Committee on Taxes.

Gruenes, Wenzel, Uphus, Omann and Johnson, V., introduced:

H. F. No. 1404, A bill for an act relating to agriculture; directing the rural finance authority to establish a dairy upgrade loan program; proposing coding for new law in Minnesota Statutes, chapter 41B.

The bill was read for the first time and referred to the Committee on Agriculture.

Jefferson, Simoneau, Wejcman, Reding and Knickerbocker introduced:

H. F. No. 1405, A bill for an act relating to charitable organizations; changing distribution requirements for charitable organizations; amending Minnesota Statutes 1990, section 309.501, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

O'Connor, Wejcman, Janezich and Anderson, R., introduced:

H. F. No. 1406, A bill for an act relating to commerce; requiring an abstract holder to provide a written notice under certain circumstances; amending Minnesota Statutes 1990, section 386.375, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce.

Hausman introduced:

H. F. No. 1407, A bill for an act relating to education; changing the terms and conditions of certain teacher license exemptions; amending Minnesota Statutes 1990, section 126.266, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Hausman introduced:

H. F. No. 1408, A bill for an act relating to education; expanding the exclusion of certain school programs from human service licensure requirements; amending Minnesota Statutes 1990, section 245A.03, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Runbeck, Heir and Scheid introduced:

H. F. No. 1409, A bill for an act relating to education; permitting school districts to have a head coach who does not have a license or a bachelor's degree; proposing coding for new law in Minnesota Statutes, chapter 125.

The bill was read for the first time and referred to the Committee on Education.

Krueger introduced:

H. F. No. 1410, A bill for an act relating to water; setting a minimum water use processing fee for water use permits issued for irrigation; amending Minnesota Statutes 1990, section 103G.271, subdivision 6.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Welker introduced:

H. F. No. 1411, A bill for an act relating to education; permitting a fund transfer in independent school district No. 631.

The bill was read for the first time and referred to the Committee on Education.

Jaros, Dawkins, Brown, Greenfield and Uphus introduced:

H. F. No. 1412, A bill for an act relating to taxation; updating references to the Internal Revenue Code; modifying the computation of taxable income; increasing individual income tax rates; imposing the sales tax on services; increasing the taxes on cigarettes, wine, and liquor; amending Minnesota Statutes 1990, sections 290.01, subdivisions 19 and 19a; 290.06, subdivisions 2c and 2d, and by adding a subdivision; 290.067, subdivision 1; 290.92, subdivision 1; 297.02, subdivision 1; 297.03, subdivision 5; 297.32, subdivisions 1 and 2; 297A.01, subdivision 3; 297A.14, by adding a subdivision; 297A.25, by adding a subdivision; 297A.44, subdivision 1; and 297C.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 297A.

The bill was read for the first time and referred to the Committee on Taxes.

Kelso; Clark; Hartle; Nelson, K., and Thompson introduced:

H. F. No. 1413, A bill for an act relating to education; extending early childhood family education programs to tribal contract schools; requiring school boards to respond to certain resolutions of American Indian parent committees; requiring school districts to adopt long-range plans for Indian education; expanding the Indian teacher preparation program; appropriating money; amending Minnesota Statutes 1990, sections 124.2711, by adding a subdivision; 124.86, by adding a subdivision; and 126.51, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 125 and 126.

The bill was read for the first time and referred to the Committee on Education.

Rukavina introduced:

H. F. No. 1414, A bill for an act relating to human services; adoption; making local agencies liable for costs relating to a condition of the child that the agency knew about but did not disclose to the adoptive parents; proposing coding for new law in Minnesota Statutes, chapter 259.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Scheid introduced:

H. F. No. 1415, A bill for an act relating to commerce; real estate

brokers; clarifying exceptions to licensing requirements; amending Minnesota Statutes 1990, section 82.18.

The bill was read for the first time and referred to the Committee on Commerce.

Scheid introduced:

H. F. No. 1416, A bill for an act relating to commerce; modifying the regulation of interest rate advertising; amending Minnesota Statutes 1990, section 45.025, subdivisions 1 and 2; repealing Minnesota Statutes 1990, section 45.025, subdivision 7.

The bill was read for the first time and referred to the Committee on Commerce.

Blatz; Johnson, R.; Ozment; Munger and Rukavina introduced:

H. F. No. 1417, A bill for an act relating to state lands; prohibiting sale of state lands administered by the department of natural resources to any employee of the department; proposing coding for new law in Minnesota Statutes, chapter 92.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Greenfield introduced:

H. F. No. 1418, A bill for an act relating to human services; Minnesota comprehensive health association; clarifying the calculation of contributing members' share of expenses; excluding medical assistance and general assistance medical care payments from the calculation; amending Minnesota Statutes 1990, section 62E.11, subdivision 5.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Greenfield introduced:

H. F. No. 1419, A bill for an act relating to human services; developmental disabilities; designating the use of funds; clarifying the definition of related conditions; clarifying requirements for case management; establishing requirements for services and programs; requiring admission review teams for admissions to intermediate care facilities for persons with mental retardation or related conditions; amending Minnesota Statutes 1990, sections 246.18, subdivi-

sion 4, and by adding a subdivision; 252.27, subdivision 1a; 252.275; 252.28, subdivisions 1, 3, and by adding a subdivision; 252.32; and 256B.092; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1990, section 252.275, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Rest introduced:

H. F. No. 1420, A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt and for the financial obligations of authorities; amending Minnesota Statutes 1990, sections 287.06; 400.101; 429.061, subdivision 3; 447.49; 469.155, subdivision 12; 473.811, subdivision 2; 475.58, subdivision 2; 475.60, subdivision 1; 475.66, subdivision 3; and 475.67, subdivisions 3 and 8; proposing coding for new law in Minnesota Statutes, chapter 469; repealing Minnesota Statutes 1990, section 475.60, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Solberg, Battaglia and Anderson, R., introduced:

H. F. No. 1421, A bill for an act relating to recreational vehicles; increasing snowmobile registration fee; directing commissioner of natural resources to conduct a study and make recommendations to the legislature; amending Minnesota Statutes 1990, section 84.82, subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rukavina, Winter, Vanasek, Brown and Anderson, R., introduced:

H. F. No. 1422, A bill for an act relating to workers' compensation; regulating benefits and insurance; establishing a permanent commission on workers' compensation; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 79.252, by adding a subdivision; 176.011, subdivisions 3, 11a, and 18; 176.101, subdivisions 1, 2, and 3f; 176.102, subdivisions 1, 2, 3, 3a, 4, 6, 9, and 11; 176.111, subdivision 18; 176.135, subdivisions 1, 6, and 7; 176.136, subdivisions 1, 2, and by adding subdivisions; 176.645, subdivisions 1 and 2; 176.83, subdivisions 5, 6, and by adding a subdivision; 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 175 and 176; repealing

Minnesota Statutes 1990, sections 175.007; and 176.136, subdivision 5.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

HOUSE ADVISORIES

The following House Advisories were introduced:

Osthoff; Scheid; Johnson, V.; Abrams and Pelowski introduced:

H. A. No. 7, A proposal for a study of riverboat gambling.

The advisory was referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Winter; Anderson, I., and Segal introduced:

H. A. No. 8, A proposal for a legislative working group on state, local, and regional economic development policies.

The advisory was referred to the Committee on Economic Development.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 646, A bill for an act relating to state government; purchases; amending the definition of "manufactured in the United States"; amending Minnesota Statutes 1990, section 16B.101, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 325, A resolution memorializing the President and Congress to increase funding for the low-income home energy assistance program and to maintain its operation in Minnesota.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Murphy moved that the House concur in the Senate amendments to H. F. No. 325 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 325, A resolution memorializing the President and Congress to increase funding for the low-income home energy assistance program and to maintain its operation in Minnesota.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kinkel	Olson, E.	Smith
Anderson, I.	Frerichs	Knickerbocker	Olson, K.	Solberg
Anderson, R.	Garcia	Koppendrayer	Omann	Sparby
Anderson, R. H.	Girard	Krinkie	Onnen	Stanius
Battaglia	Goodno	Krueger	Orenstein	Steensma
Bauerly	Greenfield	Lasley	Orfield	Sviggum
Beard	Gruenes	Leppik	Osthoff	Swenson
Begich	Gutknecht	Lieder	Ostrom	Thompson
Bertram	Hartle	Limmer	Ozment	Tompkins
Bettermann	Hasskamp	Long	Pauly	Trimble
Bishop	Haukoos	Lourey	Pellow	Tunheim
Blatz	Hausman	Lynch	Pelowski	Uphus
Bodahl	Heir	Macklin	Peterson	Valento
Boo	Henry	Mariani	Pugh	Vellenga
Brown	Hufnagle	Marsh	Reding	Wagenius
Carlson	Hugosen	McEachern	Rice	Waltman
Carruthers	Jacobs	McGuire	Rodosovich	Weaver
Clark	Janezich	McPherson	Rukavina	Wejzman
Cooper	Jaros	Milbert	Runbeck	Welker
Dauner	Jefferson	Morrison	Sarna	Welle
Davids	Jennings	Munger	Schafer	Wenzel
Dawkins	Johnson, A.	Murphy	Scheid	Winter
Dempsey	Johnson, R.	Nelson, S.	Schreiber	Spk. Vanasek
Dille	Johnson, V.	Newinski	Seaberg	
Dorn	Kahn	O'Connor	Segal	
Erhardt	Kalis	Ogren	Simoneau	
Farrell	Kelso	Olsen, S.	Skoglund	

The bill was repassed, as amended by the Senate, and its title agreed to.

CONSENT CALENDAR

H. F. No. 179, A bill for an act relating to animals; prohibiting greyhound races using live lures and training of greyhound dogs for racing using live lures; proposing coding for new law in Minnesota Statutes, chapter 343.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kinkel	Olson, E.	Smith
Anderson, I.	Frerichs	Knickerbocker	Olson, K.	Solberg
Anderson, R.	Garcia	Koppendrayner	Omann	Sparby
Anderson, R. H.	Girard	Krinkie	Onnen	Stanius
Battaglia	Goodno	Krueger	Orenstein	Steensma
Bauerly	Greenfield	Lasley	Orfield	Sviggum
Beard	Gruenes	Leppik	Osthoff	Swenson
Begich	Gutknecht	Lieder	Ostrom	Thompson
Bertram	Hartle	Limmer	Ozment	Tompkins
Bettermann	Hasskamp	Long	Pauly	Trimble
Bishop	Haukoos	Lourey	Pellow	Tunheim
Blatz	Hausman	Lynch	Pelowski	Uphus
Bodahl	Heir	Macklin	Peterson	Valento
Boo	Henry	Mariani	Pugh	Vellenga
Brown	Hufnagle	Marsh	Reding	Wagenius
Carlson	Hugoson	McEachern	Rice	Waltman
Carruthers	Jacobs	McGuire	Rodosovich	Weaver
Clark	Janezich	McPherson	Rukavina	Wejcman
Cooper	Jaros	Milbert	Runbeck	Welker
Dauner	Jefferson	Morrison	Sarna	Welle
Davids	Jennings	Munger	Schafer	Wenzel
Dawkins	Johnson, A.	Murphy	Scheid	Winter
Dempsey	Johnson, R.	Nelson, S.	Schreiber	Spk. Vanasek
Dille	Johnson, V.	Newinski	Seaberg	
Dorn	Kahn	O'Connor	Segal	
Erhardt	Kalis	Ogren	Simoneau	
Farrell	Kelso	Olsen, S.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 479, A bill for an act relating to towns; providing for the appointment of town officers under certain circumstances; amending Minnesota Statutes 1990, section 367.03, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kinkel	Olson, E.	Smith
Anderson, I.	Frerichs	Knickerbocker	Olson, K.	Solberg
Anderson, R.	Garcia	Koppendrayer	Omann	Sparby
Anderson, R. H.	Girard	Krinkie	Onnen	Stanius
Battaglia	Goodno	Krueger	Orenstein	Steensma
Bauerly	Greenfield	Lasley	Orfield	Sviggum
Beard	Gruenes	Leppik	Osthoff	Swenson
Begich	Gutknecht	Lieder	Ostrom	Thompson
Bertram	Hartle	Limmer	Ozment	Tompkins
Bettermann	Hasskamp	Long	Pauly	Trimble
Bishop	Haukoos	Lourey	Pellow	Tunheim
Blatz	Hausman	Lynch	Pelowski	Uphus
Bodahl	Heir	Macklin	Peterson	Valento
Boo	Henry	Mariani	Pugh	Vellenga
Brown	Hufnagle	Marsh	Reding	Wagenius
Carlson	Hugoson	McEachern	Rice	Waltman
Carruthers	Jacobs	McGuire	Rodosovich	Weaver
Clark	Janezich	McPherson	Rukavina	Wejman
Cooper	Jaros	Milbert	Rumbeck	Welker
Dauner	Jefferson	Morrison	Sarna	Welle
Davids	Jennings	Munger	Schafer	Wenzel
Dawkins	Johnson, A.	Murphy	Scheid	Winter
Dempsey	Johnson, R.	Nelson, S.	Schreiber	Spk. Vanasek
Dille	Johnson, V.	Newinski	Seaberg	
Dorn	Kahn	O'Connor	Segal	
Erhardt	Kalis	Ogren	Simoneau	
Farrell	Kelso	Olsen, S.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 623, A bill for an act relating to Martin county; permitting the consolidation of the offices of auditor and treasurer.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Cooper	Hartle	Kelso	McGuire
Anderson, I.	Dauner	Hasskamp	Kinkel	McPherson
Anderson, R.	Davids	Haukoos	Knickerbocker	Milbert
Anderson, R. H.	Dawkins	Heir	Koppendrayer	Morrison
Battaglia	Dempsey	Henry	Krinkie	Munger
Bauerly	Dille	Hufnagle	Krueger	Murphy
Begich	Dorn	Hugoson	Lasley	Nelson, S.
Bertram	Erhardt	Jacobs	Leppik	Newinski
Bettermann	Farrell	Janezich	Lieder	O'Connor
Bishop	Frederick	Jaros	Limmer	Ogren
Blatz	Frerichs	Jefferson	Long	Olsen, S.
Bodahl	Garcia	Jennings	Lourey	Olson, E.
Boo	Girard	Johnson, A.	Lynch	Olson, K.
Brown	Goodno	Johnson, R.	Macklin	Omann
Carlson	Greenfield	Johnson, V.	Mariani	Onnen
Carruthers	Gruenes	Kahn	Marsh	Orenstein
Clark	Gutknecht	Kalis	McEachern	Orfield

Osthoff	Rice	Segal	Swenson	Weaver
Ostrom	Rodosovich	Simoneau	Thompson	Wejzman
Ozment	Rukavina	Skoglund	Tompkins	Welker
Pauly	Runbeck	Smith	Tunheim	Welle
Pellow	Sarna	Solberg	Uphus	Wenzel
Pelowski	Schafer	Sparby	Valento	Winter
Peterson	Scheid	Stanius	Vallenga	Spk. Vanasek
Pugh	Schreiber	Steenasma	Wagenius	
Reding	Seaberg	Sviggum	Waltman	

The bill was passed and its title agreed to.

H. F. No. 671, A bill for an act relating to human services; child care providers; allowing an extension for installing interior vertical access in child care facilities in churches; amending Minnesota Statutes 1990, section 16B.61, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kinkel	Olson, E.	Smith
Anderson, I.	Frerichs	Knickerbocker	Olson, K.	Solberg
Anderson, R.	Garcia	Koppendrayner	Omann	Sparby
Anderson, R. H.	Girard	Krinkie	Onnen	Stanius
Battaglia	Goodno	Krueger	Orenstein	Steenasma
Bauerly	Greenfield	Lasley	Orfield	Sviggum
Beard	Gruenes	Leppik	Osthoff	Swenson
Begich	Gutknecht	Lieder	Ostrom	Thompson
Bertram	Hartle	Limmer	Ozment	Tompkins
Bettermann	Hasskamp	Long	Pauly	Trimble
Bishop	Haukoos	Lourey	Pellow	Tunheim
Blatz	Hausman	Lynch	Pelowski	Uphus
Bodahl	Heir	Macklin	Peterson	Valento
Boo	Henry	Mariani	Pugh	Vallenga
Brown	Hufnagle	Marsh	Reding	Wagenius
Carlson	Hugoson	McEachern	Rice	Waltman
Carruthers	Jacobs	McGuire	Rodosovich	Weaver
Clark	Janezich	McPherson	Rukavina	Wejzman
Cooper	Jaros	Milbert	Runbeck	Welker
Dauner	Jefferson	Morrison	Sarna	Welle
Davids	Jennings	Munger	Schafer	Wenzel
Dawkins	Johnson, A.	Murphy	Scheid	Winter
Dempsey	Johnson, R.	Nelson, S.	Schreiber	Spk. Vanasek
Dille	Johnson, V.	Newinski	Seaberg	
Dorn	Kahn	O'Connor	Segal	
Erhardt	Kalis	Ogren	Simoneau	
Farrell	Kelso	Olsen, S.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 743, A bill for an act relating to the Red River watershed management board; changing the description of the area subject to

special authority of watershed districts; requiring the board to adopt criteria for funding applications; clarifying the uses of levy proceeds; expanding the board's authority to cooperate with other entities; amending Laws 1976, chapter 162, sections 1 and 2, as amended, and 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kalis	Olsen, S.	Simoneau
Anderson, I.	Frederick	Kelso	Olson, E.	Skoglund
Anderson, R.	Frerichs	Kinkel	Olson, K.	Smith
Anderson, R. H.	Garcia	Knickerbocker	Omann	Solberg
Battaglia	Girard	Koppendrayer	Onnen	Stanius
Bauerly	Goodno	Krinkie	Orenstein	Steensma
Beard	Greenfield	Krueger	Orfield	Sviggun
Begich	Gruenes	Lasley	Osthoff	Swenson
Bertram	Gutknecht	Leppik	Ostrom	Thompson
Bettermann	Hartle	Lieder	Ozment	Tompkins
Bishop	Hasskamp	Limmer	Pauly	Trimble
Blatz	Haukoos	Long	Pellow	Tunheim
Bodahl	Hausman	Macklin	Pelowski	Uphus
Boo	Heir	Mariani	Peterson	Valento
Brown	Henry	Marsh	Pugh	Vellenga
Carlson	Hufnagle	McEachern	Reding	Wagenius
Carruthers	Hugoson	McGuire	Rice	Waltman
Clark	Jacobs	McPherson	Rodosovich	Weaver
Cooper	Janezich	Milbert	Rukavina	Wejcmán
Dauner	Jaros	Morrison	Runbeck	Welker
Davids	Jefferson	Munger	Sarna	Welle
Dawkins	Jennings	Murphy	Schafer	Wenzel
Dempsey	Johnson, A.	Nelson, S.	Scheid	Winter
Dille	Johnson, R.	Newinski	Schreiber	Spk. Vanasek
Dorn	Johnson, V.	O'Connor	Seaberg	
Erhardt	Kahn	Ogren	Segal	

The bill was passed and its title agreed to.

H. F. No. 795, A bill for an act relating to counties; removing certain restrictions on county morgues; amending Minnesota Statutes 1990, sections 390.06 and 390.07.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kalis	O'Connor	Seaberg
Anderson, I.	Frederick	Kelso	Ogren	Segal
Anderson, R.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R. H.	Garcia	Knickerbocker	Olson, E.	Skoglund
Battaglia	Girard	Koppendrayner	Olson, K.	Smith
Bauerly	Goodno	Krinkie	Omman	Solberg
Beard	Greenfield	Krueger	Onnen	Sparby
Begich	Gruenes	Lasley	Orenstein	Stanius
Bertram	Gutknecht	Leppik	Orfield	Steensma
Bettermann	Hartle	Lieder	Osthoff	Sviggum
Bishop	Hasskamp	Limmer	Ostrom	Swenson
Blatz	Haukoos	Long	Ozment	Thompson
Bodahl	Hausman	Lourey	Pauly	Tompkins
Boo	Heir	Lynch	Pellow	Trimble
Brown	Henry	Macklin	Pelowski	Tunheim
Carlson	Hufnagle	Mariani	Peterson	Uphus
Carruthers	Hugoson	Marsh	Pugh	Valento
Clark	Jacobs	McEachern	Reding	Vellenga
Cooper	Janezich	McGuire	Rice	Wagenius
Dauner	Jaros	McPherson	Rodosovich	Waltman
Dauids	Jefferson	Milbert	Rukavina	Weaver
Dawkins	Jennings	Morrison	Runbeck	Wejman
Dempsey	Johnson, A.	Munger	Sarna	Welker
Dille	Johnson, R.	Murphy	Schafer	Welle
Dorn	Johnson, V.	Nelson, S.	Scheid	Wenzel
Erhardt	Kahn	Newinski	Schreiber	Winter

Those who voted in the negative were:

Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 809, A bill for an act relating to counties; fixing various fees for documents; amending Minnesota Statutes 1990, sections 357.18, subdivision 1; 508.82; and 508A.82.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Brown	Frerichs	Hugoson	Koppendrayner
Anderson, I.	Carlson	Garcia	Jacobs	Krinkie
Anderson, R.	Carruthers	Girard	Janezich	Krueger
Anderson, R. H.	Clark	Goodno	Jaros	Lasley
Battaglia	Cooper	Greenfield	Jefferson	Leppik
Bauerly	Dauner	Gruenes	Jennings	Lieder
Beard	Dauids	Gutknecht	Johnson, A.	Limmer
Begich	Dawkins	Hartle	Johnson, R.	Long
Bertram	Dempsey	Hasskamp	Johnson, V.	Lourey
Bettermann	Dille	Haukoos	Kahn	Lynch
Bishop	Dorn	Hausman	Kalis	Macklin
Blatz	Erhardt	Heir	Kelso	Mariani
Bodahl	Farrell	Henry	Kinkel	Marsh
Boo	Frederick	Hufnagle	Knickerbocker	McEachern

McGuire	Olson, K.	Pugh	Simoneau	Uphus
McPherson	Omann	Reding	Skoglund	Valento
Milbert	Onnen	Rice	Smith	Vellenga
Morrison	Orenstein	Rodosovich	Solberg	Wagenius
Munger	Orfield	Rukavina	Stanius	Waltman
Murphy	Osthoff	Runbeck	Steensma	Weaver
Nelson, S.	Ostrom	Sarna	Sviggum	Wejcmán
Newinski	Ozment	Schafer	Swenson	Welker
O'Connor	Pauly	Scheid	Thompson	Welle
Ogren	Pellow	Schreiber	Tompkins	Wenzel
Olsen, S.	Pelowski	Seaberg	Trimble	Winter
Olson, E.	Peterson	Segal	Tunheim	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 894, A bill for an act relating to local government; permitting officers to contract for certain services; amending Minnesota Statutes 1990, section 471.88, by adding subdivisions.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kinkel	Olson, E.	Skoglund
Anderson, I.	Frerichs	Knickerbocker	Olson, K.	Smith
Anderson, R.	Garcia	Koppendraye	Omann	Solberg
Anderson, R. H.	Girard	Krinkie	Onnen	Stanius
Battaglia	Goodno	Krueger	Orenstein	Steensma
Bauerly	Gruenes	Lasley	Orfield	Sviggum
Beard	Gutknecht	Leppik	Osthoff	Swenson
Begich	Hartle	Lieder	Ostrom	Thompson
Bertram	Hasskamp	Limmer	Ozment	Tompkins
Bettermann	Haukoos	Long	Pauly	Trimble
Bishop	Hausman	Lourey	Pellow	Tunheim
Blatz	Heir	Lynch	Pelowski	Uphus
Bodahl	Henry	Macklin	Peterson	Valento
Boo	Hufnagle	Mariani	Pugh	Vellenga
Brown	Hugoson	Marsh	Reding	Wagenius
Carlson	Jacobs	McEachern	Rice	Waltman
Carruthers	Janezich	McGuire	Rodosovich	Weaver
Clark	Jaros	McPherson	Rukavina	Wejcmán
Cooper	Jefferson	Milbert	Runbeck	Welker
Dauner	Jennings	Morrison	Sarna	Welle
Davids	Johnson, A.	Munger	Schafer	Wenzel
Dawkins	Johnson, R.	Murphy	Scheid	Winter
Dempsey	Johnson, V.	Nelson, S.	Schreiber	Spk. Vanasek
Dille	Kahn	Newinski	Seaberg	
Dorn	Kalis	O'Connor	Segal	
Erhardt	Kelso	Olsen, S.	Simoneau	

The bill was passed and its title agreed to.

Dempsey, Schreiber and Olsen, S., were excused at 4:20 p.m.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. Rodosovich presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 137, 41, 71, 381, 910, 106, 415, 471 and 606 were recommended to pass.

S. F. Nos. 148, 154, 5, 162 and 567 were recommended to pass.

H. F. No 602 was recommended for progress.

H. F. No. 230, the first engrossment, which it recommended to pass with the following amendment offered by Waltman:

Page 1, line 22, delete "education" and insert "obligation"

Page 1, line 23, delete "combined district" and insert "districts"

Page 1, line 23, after "expenditures" insert "by the combined district"

Page 2, line 8, delete "the" and insert "each district"

Page 2, line 9, delete "new district" and delete "its"

Page 2, line 10, delete "an amount" and insert "respective amounts" and delete "to exceed" and insert "exceeding a combined aggregate amount of"

Page 2, line 18, delete "combined district is" and insert "districts are each"

Page 2, line 19, delete "an amount" and insert "respective amounts" and delete "to exceed" and insert "exceeding" and after "the" insert "aggregate"

H. F. No. 345, the first engrossment, which it recommended for progress with the following amendment offered by Seaberg:

Pages 2 to 3, delete section 2, and insert:

“Sec. 2. Minnesota Statutes 1990, section 628.26, is amended to read:

628.26 [LIMITATIONS.]

(a) Indictments or complaints for murder may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for violation of section 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(c) Indictments or complaints for violation of sections 609.342 to 609.345 if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within seven years after the ~~commission of the offense~~ victim attains the age of 18 or, if the victim failed to report the offense within this limitation period, within two years after the offense was reported to law enforcement authorities, but in no event may an indictment or complaint be found or made after the victim attains the age of 25 years victim or a law enforcement agency reported the offense to the appropriate prosecuting authority.

(d) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3)(c) shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of section 609.52, subdivision 2, clause (3), items (a) and (b), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(f) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(g) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense; but the time during which the defendant shall not be an inhabitant of, or usually resident within, this state,

shall not constitute any part of the limitations imposed by this section.”

Amend the title as follows:

Page 1, line 4, delete “eliminating” and insert “expanding”

S. F. No. 583 which it recommended to pass with the following amendments:

Offered by Orenstein:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 123.70, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivisions 3 and 4, no person ~~ever~~ who is at least two months old but who has not reached 20 years of age may be allowed to enroll or remain enrolled in any elementary or secondary school or day child care facility in this state until the person has submitted to the administrator or other person having general control and supervision of the school or day child care facility, one of the following statements:

(1) a statement from a physician or a public clinic which provides immunizations stating that the person has received immunization, consistent with medically acceptable standards and with the provisions of subdivision 10, against ~~red~~ measles after having attained the age of 12 months, rubella, diphtheria, tetanus, pertussis, polio, and mumps, and haemophilus influenza type b; or

(2) a statement from a physician or a public clinic which provides immunizations stating that the person has received immunizations, consistent with medically acceptable standards and with the provisions of subdivision 10, against ~~red~~ measles after having attained the age of 12 months, rubella, ~~and~~ mumps, and haemophilus influenza type b and that the person has commenced a schedule of immunizations for diphtheria, tetanus, pertussis, and polio and which indicates the month and year of each immunization received.

Sec. 2. Minnesota Statutes 1990, section 123.70, subdivision 2, is amended to read:

Subd. 2. No person who has commenced a treatment schedule of immunization pursuant to subdivision 1, clause (2), may remain enrolled in any ~~day~~ child care facility, elementary, or secondary school in this state ~~after~~ 18 months of enrollment unless there is

submitted to the administrator, or other person having general control and supervision of the school or day child care facility, a statement from a physician or a public clinic which provides immunizations that the person has completed the primary schedule of immunizations for diphtheria, tetanus, pertussis, and polio and in which the month and year of each additional immunization received is included. For a child less than seven years of age, a primary schedule of immunizations shall consist of four doses of vaccine for diphtheria, tetanus, and pertussis and three doses of vaccine for poliomyelitis. For a child seven years of age or older, a primary schedule of immunizations shall consist of three doses of vaccine for diphtheria, tetanus, and polio.

Sec. 3. Minnesota Statutes 1990, section 123.70, subdivision 3, is amended to read:

Subd. 3. (a) If a person is at least seven years old and has not been immunized against pertussis, the person must not be required to be immunized against pertussis.

(b) If a person is at least 18 years old and has not completed a series of immunizations against poliomyelitis, the person must not be required to be immunized against poliomyelitis.

(c) If a statement, signed by a physician, is submitted to the administrator or other person having general control and supervision of the school or day child care facility stating that an immunization is contraindicated for medical reasons or that laboratory confirmation of the presence of adequate immunity exists, the immunization specified in the statement need not be required.

(d) If a notarized statement signed by the minor child's parent or guardian or by the emancipated person is submitted to the administrator or other person having general control and supervision of the school or day child care facility stating that the person has not been immunized as prescribed in subdivision 1 because of the conscientiously held beliefs of the parent or guardian of the minor child or of the emancipated person, the immunizations specified in the statement shall not be required. This statement must also be forwarded to the commissioner of the department of health.

(e) If the person is under 15 months, the person is not required to be immunized against red measles, rubella, or mumps.

(f) If a person is at least five years old and has not been immunized against haemophilus influenza type b, the person is not required to be immunized against haemophilus influenza type b.

Sec. 4. Minnesota Statutes 1990, section 123.70, subdivision 4, is amended to read:

Subd. 4. A person who is enrolling or enrolled in an elementary or secondary school or day child care facility may substitute a statement from the emancipated person or a parent or guardian if the person is a minor child in lieu of the statement from a physician or public clinic which provides immunizations. If the statement is from a parent or guardian or emancipated person, the statement shall indicate the month and year of each immunization given. In order for the statement to be acceptable for a person who is enrolling in an elementary school and who is six years of age or younger, enrolling in an elementary school or day care facility, it must indicate that the following was given: no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination, and no less than four doses of vaccine for poliomyelitis, unless the third dose was given after the fourth birthday, then three doses are minimum, and no less than five doses of vaccine for diphtheria, tetanus, and pertussis, unless the fourth dose was given after the fourth birthday, then four are minimum. In order for the statement to be acceptable for a person who is enrolling in an elementary or secondary school and is seven years of age or older, enrolling in an elementary or secondary school, the statement must indicate that the person has received no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination and consistent with subdivision 10, and no less than three doses of vaccine for poliomyelitis, diphtheria, and tetanus. In order for the statement to be acceptable for a person who is enrolling in a child care facility and who is at least 15 months old but who has not reached five years of age, it must indicate that the following were given: no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination; no less than one dose of vaccine for haemophilus influenza type b; no less than four doses of vaccine for diphtheria, tetanus, and pertussis; and no less than three doses of vaccine for poliomyelitis. In order for the statement to be acceptable for a person who is enrolling in a child care facility and who is five or six years of age, it must indicate that the following was given: no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination, no less than four doses of vaccine for diphtheria, tetanus, and pertussis, and no less than three doses of vaccine for poliomyelitis. In order for the statement to be acceptable for a person who is enrolling in a child care facility and who is seven years of age or older, the statement must indicate that the person has received no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination and consistent with subdivision 10, and no less than three doses of vaccine for poliomyelitis, diphtheria, and tetanus. The commissioner of health, on finding that any of the above requirements are not necessary to protect the public's health, may suspend for one year that requirement.

Sec. 5. Minnesota Statutes 1990, section 123.70, subdivision 5, is amended to read:

Subd. 5. If a person transfers from one elementary or secondary

school to another, the person shall be allowed 30 days to submit one or more of the statements as specified in subdivision 1 or 3, during which time the person may enroll in and attend the school. If a person enrolls in a child care facility in which at least 75 percent of children in the facility participate on a one-time only or occasional basis to a maximum of 45 hours per child, per month, the person shall be exempt from all requirements of this section on the first day of attendance.

Sec. 6. Minnesota Statutes 1990, section 123.70, subdivision 7, is amended to read:

Subd. 7. Each school or day child care facility shall maintain on file immunization records for all persons in attendance that contain the information required by subdivisions 1, 2, and 3. The department of health and the board of health, as defined in section 145A.02, subdivision 2, in whose jurisdiction the school or day child care facility is located, shall have access to the files maintained pursuant to this subdivision. When a person transfers to another elementary or secondary school or day child care facility, the administrator or other person having general control and supervision of the school or day child care facility shall assist the person's parent or guardian in the transfer of the immunization file to the person's new school or day child care facility within 30 days of the transfer. Upon the request of a public or private post-secondary educational institution, as defined in section 135A.14, the administrator or other person having general control or supervision of a school shall assist in the transfer of a student's immunization file to the post-secondary institution.

Sec. 7. Minnesota Statutes 1990, section 123.70, subdivision 8, is amended to read:

Subd. 8. The administrator or other person having general control and supervision of the elementary or secondary school shall file a report with the commissioner of education on all persons enrolled in the school, except that the superintendent of each school district shall file a report with the commissioner of education for all persons within the district receiving instruction in a home school in compliance with sections 120.101 and 120.102. The parent of persons receiving instruction in a home school shall submit the statements as required by subdivisions 1, 2, 3, and 4 to the superintendent of the school district in which the person resides by October 1 of each school year. The school report shall be prepared on forms developed jointly by the commissioner of health and the commissioner of education and be distributed to the local school districts by the commissioner of health and shall state the number of persons attending the school, the number of persons who have not been immunized according to subdivision 1 or 2, and the number of persons who received an exemption under subdivision 3, clause (c) or (d). The school report shall be filed with the commissioner of education within 60 days of

the commencement of each new school term. The commissioner of education shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The administrator or other person having general control and supervision of the day child care facility shall file a report with the commissioner of human services on all persons enrolled in the day child care facility. The day child care facility report must be prepared on forms developed jointly by the commissioner of health and the commissioner of human services and be distributed to day child care facilities by the commissioner of health and must state the number of persons enrolled in the facility, the number of persons with no immunizations, the number of persons who received an exemption under subdivision 3, clause (c) or (d), and the number of persons with partial or full immunization histories. The day child care facility report shall be filed with the commissioner of human services by November 1 of each year. The commissioner of human services shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The report required by this subdivision is not required of a family day child care or group family day child care facility nor for children under age six provided services according to section 120.17, subdivision 2.

Sec. 8. Minnesota Statutes 1990, section 123.70, subdivision 9, is amended to read:

Subd. 9. As used in this section the following terms have the meanings given them.

(a) "Elementary or secondary school" includes any public school as defined in section 120.05, or nonpublic school, church, or religious organization, or home school in which a child is provided instruction in compliance with sections 120.101 and 120.102.

(b) "Person enrolled in any elementary or secondary school" means a person enrolled in grades kindergarten through 12 and a handicapped child receiving special instruction and services as required in section 120.17, excluding a child being provided services according to section 120.17, subdivision 2, clause (c) or (g).

(c) "Child care facility" includes those child care programs subject to licensure under chapter 245A, and Minnesota Rules, chapters 9502 and 9503.

(d) "Family day child care" means day child care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

(~~d~~) (e) "Group family day child care" means day child care for no

more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Sec. 9. Minnesota Statutes 1990, section 123.70, subdivision 10, is amended to read:

Subd. 10. A statement required to be submitted under subdivisions 1, 2, and 4 to document evidence of immunization shall include month, day, and year for immunizations administered after January 1, 1990.

(a) For persons enrolled in grades 7 and 12 during the 1992-1993 school term, the statement must indicate that the person has received at least two doses of vaccine against measles, mumps, and rubella, given alone or separately and given not less than one month apart.

(b) For persons enrolled in grades 7, 8, and 12 during the 1993-1994 school term, the statement must indicate that the person has received at least two doses of vaccine against measles, mumps, and rubella, given alone or separately and given not less than one month apart.

(c) For persons enrolled in grades 7, 8, 9, and 12 during the 1994-1995 school term, the statement must indicate that the person has received at least two doses of vaccine against measles, mumps, and rubella, given alone or separately and given not less than one month apart.

(d) For persons enrolled in grades 7, 8, 9, 10, and 12 during the 1995-1996 school term, the statement must indicate that the person has received at least two doses of vaccine against measles, mumps, and rubella, given alone or separately and given not less than one month apart.

(e) For persons enrolled in grades 7 through 12 during the 1996-1997 school year and for each year thereafter, the statement must indicate that the person has received at least two doses of vaccine against measles, mumps, and rubella, given alone or separately and given not less than one month apart.

Sec. 10. Minnesota Statutes 1990, section 123.70, is amended by adding a subdivision to read:

Subd. 11. [COMMISSIONER OF HUMAN SERVICES; CONTINUED RESPONSIBILITIES.] Nothing in this section relieves the commissioner of human services of the responsibility, under chapter 245A, to inspect and assure that statements required by this section are on file at child care programs subject to licensure.

Sec. 11. Minnesota Statutes 1990, section 151.37, is amended by adding a subdivision to read:

Subd. 10. [PURCHASE OF DRUGS FOR COMMUNICABLE DISEASES.] The commissioner of health, in carrying out the duties of section 144.05, may purchase and distribute antituberculosis drugs, biologics, and vaccines to treat and prevent communicable disease.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 11 are effective July 1, 1991, except that the requirements in sections 1, 3, and 4, pertaining to haemophilus influenza type b, are effective July 1, 1992."

Offered by Abrams and Orenstein in the Orenstein delete everything amendment:

Page 1, lines 11 and 12, delete the new language and reinstate the stricken language

Page 4, line 9, strike "seven years of age or older" and insert "age seven through age nineteen"

Page 4, line 14, after the period, insert:

"In order for the statement to be acceptable for a person who is enrolling in a secondary school, and who was born after 1956 and is 20 years of age or older, the statement must indicate that the person has received no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination, and no less than one dose of vaccine for diphtheria and tetanus within the preceding ten years."

Page 5, line 14, delete "on" and insert "for up to five consecutive days, starting from"

Page 7, line 10, delete the new language and insert:

"for pre-kindergarten children enrolled in any elementary or secondary school provided services"

Page 7, line 11, before the period insert:

"nor for child care facilities in which at least 75 percent of children in the facility participate on a one-time only or occasional basis to a maximum of 45 hours per child, per month"

Page 7, line 22, after "person" insert "born after 1956 and"

Page 7, line 22, after "12" insert a comma

H. F. No. 424, the first engrossment, which it recommended to pass with the following amendment offered by Sviggum:

Page 1, delete lines 22 to 25

Delete page 2 and insert:

"Subd. 2. [PROHIBITED CONDUCT.] Any person who engages in disruptive behavior by assaulting a sports official in connection with an interscholastic athletic activity may be excluded from attending an activity for up to 12 months.

Subd. 3. [SANCTION.] (a) The board of directors of the Minnesota state high school league or a school board may exclude any person other than a head varsity coach.

(b) The board of directors of the Minnesota state high school league may exclude a person from (1) any activity of the kind in connection with which the assault occurred, or (2) all interscholastic athletic activities. A school board may exclude a person from any activity sponsored or participated in by the school district.

Subd. 4. [PROCEDURE.] The board of directors of the Minnesota state high school league or a school board may exclude a person, other than a head varsity coach, from any interscholastic athletic activity upon a finding that the person engaged in disruptive behavior by assaulting a sports official in connection with an activity. A person alleged to have engaged in disruptive activity by assaulting a sports official shall be invited to an informal hearing on the matter by the board of directors of the Minnesota state high school league or school board. Upon finding that the person engaged in disruptive behavior, the board of directors of the Minnesota state high school league or school board shall notify the individual in writing and shall indicate any activity from which, and the period of time for which, the person is excluded.

Subd. 5. [HEAD VARSITY COACH.] A school board employing a head varsity coach may exclude that head varsity coach from any interscholastic athletic activity upon finding by the board that the coach engaged in disruptive behavior by assaulting a sports official in connection with an activity. A head varsity coach alleged to have engaged in disruptive activity by assaulting a sports official shall be invited to an informal hearing on the matter by the school board. Upon finding that a head varsity coach engaged in disruptive behavior, the school board shall notify the coach in writing and shall indicate any activity from which, and the period of time for which the coach is excluded."

H. F. No. 466, the first engrossment, which it recommended to pass with the following amendment offered by Pellow:

Page 2, line 27, delete "flashing or intermittent" and insert "rotating"

H. F. No. 515, the first engrossment, was returned to its author with the following amendment offered by Lasley:

Page 4, after line 5, insert a section to read:

"Sec. 6. Minnesota Statutes 1990, section 171.01, subdivision 22, is amended to read:

Subd. 22. [COMMERCIAL MOTOR VEHICLE.] "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of ~~26,001 or more~~ than 26,000 pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials ~~defined in section 221.033,~~ except for those vehicles having a gross vehicle weight of 26,000 pounds or less and carrying in bulk tanks not more than 450 liters of petroleum products; or

(5) is outwardly equipped and identified as a school bus, except for school buses defined in section 169.44, subdivision 15."

Re-number the remaining sections

Amend the title as follows:

Page 1, line 2, after the semicolon insert "defining commercial motor vehicles;"

Page 1, line 20, after "171.01," insert "subdivision 22,"

On the motion of Long the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.06, the following roll call was taken in the Committee of the Whole:

Abrams; Sviggum; Dempsey; Olsen, S.; Macklin; Knickerbocker; Schreiber; Morrison and Leppik moved to amend H. F. No. 137, the first engrossment, as follows:

Page 3, lines 15 to 33, delete the underlined language and reinstate the stricken language

Page 4, lines 5 to 17, delete the underlined language and reinstate the stricken language

Page 4, line 23, reinstate the stricken language

Page 4, lines 34 to 36, delete the underlined language and reinstate the stricken language

Page 5, lines 1 to 3, reinstate the stricken language

Page 5, lines 7 to 14, delete the underlined language and reinstate the stricken language

Page 5, delete lines 27 to 32

Page 5, line 36, reinstate the stricken language

Page 6, line 1, delete the underlined language and reinstate the stricken language

The question was taken on the Abrams et al amendment and the roll was called. There were 58 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Johnson, V.	Newinski	Smith
Anderson, R. H.	Girard	Knickerbocker	Olsen, S.	Stanius
Bettermann	Goodno	Koppendrayner	Omann	Sviggum
Bishop	Gruenes	Krinkie	Onnen	Swenson
Blatz	Gutknecht	Leppik	Ostrom	Tompkins
Boo	Hartle	Limmer	Ozment	Uphus
Davids	Haukoos	Lynch	Pauly	Valento
Dempsey	Heir	Macklin	Pelowski	Waltman
Dille	Henry	Marsh	Runbeck	Weaver
Dorn	Hufnagle	McPherson	Schafer	Welker
Erhardt	Hugoson	Morrison	Schreiber	
Frederick	Jennings	Murphy	Seaberg	

Those who voted in the negative were:

Anderson, I.	Battaglia	Bauerly	Beard	Begich
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Bertram	Jacobs	Lourey	Peterson	Thompson
Bodahl	Janezich	Mariani	Pugh	Trimble
Brown	Jaros	McEachern	Reding	Tunheim
Carlson	Jefferson	McGuire	Rice	Vellenga
Carruthers	Johnson, A.	Milbert	Rodosovich	Wagenius,
Clark	Johnson, R.	Munger	Rukavina	Wejcman
Cooper	Kahn	Nelson, S.	Sarna	Welle
Dauner	Kalis	O'Connor	Scheid	Wenzel
Dawkins	Kelso	Ogren	Segal	Winter
Farrell	Kinkel	Olson, E.	Simoneau	Spk. Vanasek
Garcia	Krueger	Olson, K.	Skoglund	
Greenfield	Lasley	Orenstein	Solberg	
Hasskamp	Lieder	Orfield	Sparby	
Hausman	Long	Osthoff	Steensma	

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

MOTIONS AND RESOLUTIONS

Thompson moved that the name of McEachern be added as an author on H. F. No. 455. The motion prevailed.

Lasley moved that the name of Dorn be added as an author on H. F. No. 478. The motion prevailed.

Smith moved that the name of Erhardt be added as an author on H. F. No. 738. The motion prevailed.

Uphus moved that the name of Jaros be added as an author on H. F. No. 742. The motion prevailed.

Johnson, R., moved that the name of Hasskamp be stricken and the name of Lourey be added as an author on H. F. No. 747. The motion prevailed.

Krueger moved that the name of Winter be added as an author on H. F. No. 907. The motion prevailed.

Sparby moved that the name of Bettermann be added as an author on H. F. No. 958. The motion prevailed.

Reding moved that the name of Simoneau be added as an author on H. F. No. 1147. The motion prevailed.

Hausman moved that the name of Milbert be added as an author on H. F. No. 1171. The motion prevailed.

Wenzel moved that the name of Pelowski be added as an author on H. F. No. 1202. The motion prevailed.

Uphus moved that the name of Trimble be added as an author on H. F. No. 1206. The motion prevailed.

Orenstein moved that the name of Trimble be added as an author on H. F. No. 1221. The motion prevailed.

Brown moved that the name of Trimble be added as an author on H. F. No. 1230. The motion prevailed.

Greenfield moved that the name of Trimble be added as an author on H. F. No. 1244. The motion prevailed.

Garcia moved that the name of Rukavina be added as an author on H. F. No. 1291. The motion prevailed.

Osthoff moved that the name of Abrams be added as an author on H. F. No. 1320. The motion prevailed.

Tunheim moved that the name of Sparby be added as an author on H. F. No. 1323. The motion prevailed.

Segal moved that the name of Cooper be added as an author on H. A. No. 6. The motion prevailed.

Limmer moved that his name be stricken as an author on H. F. No. 602. The motion prevailed.

House Concurrent Resolution No. 1 was reported to the House.

HOUSE CONCURRENT RESOLUTION NO. 1

A house concurrent resolution relating to congressional redistricting; establishing standards for redistricting plans.

Be It Resolved, by the House of Representatives of the State of Minnesota, the Senate concurring therein:

A plan presented to the Senate or House of Representatives for redistricting seats in the United States House of Representatives must adhere to the following standards:

(1) There must be eight districts, each entitled to elect a single member.

(2) The districts must be as nearly equal in population as practicable.

(3) The districts must be composed of compact, convenient contiguous territory. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district.

(4) The districts must be numbered in a regular series, beginning with congressional district 1 in the southeast corner of the state and ending with district 8 in the northeast corner of the state.

(5) The districts must not dilute the voting strength of racial or language minority populations. Where a concentration of a racial or language minority population makes it possible, the districts must increase the probability that members of the minority will be elected.

(6) A county, city, or town should not be divided into more than one district except as necessary to meet equal-population requirements or to form districts that are composed of compact, convenient contiguous territory.

(7) The districts should attempt to preserve communities of interest where that can be done in compliance with the preceding standards.

(8) The geographic areas and population counts used in maps, tables, and legal descriptions of the districts must be those used by the Legislative Coordinating Commission's Subcommittee on Redistricting.

The Subcommittee on Redistricting will notify the President of the Senate and the Speaker of the House of Representatives when the necessary 1990 census data has been received from the United States Census Bureau, loaded into the Subcommittee's computerized redistricting system, and verified as ready for use in redistricting. A redistricting plan will not be considered for adoption by the Senate or House of Representatives until the notice has been given.

Rodosovich moved that House Concurrent Resolution No. 1 be now adopted. The motion prevailed and House Concurrent Resolution No. 1 was adopted.

House Concurrent Resolution No. 2 was reported to the House.

HOUSE CONCURRENT RESOLUTION NO. 2

A house concurrent resolution relating to legislative redistricting; establishing standards for redistricting plans.

Be It Resolved, by the House of Representatives of the State of Minnesota, the Senate concurring therein:

A plan presented to the Senate or House of Representatives for

redistricting seats in the Senate and House of Representatives must adhere to the following standards:

(1) The Senate must be composed of 67 members. The House of Representatives must be composed of 134 members.

(2) Each district is entitled to elect a single member.

(3) A representative district may not be divided in the formation of a senate district.

(4) The districts must be substantially equal in population. The population of a district must not deviate from the ideal by more than two percent, plus or minus.

(5) The districts must be composed of compact, convenient contiguous territory. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district.

(6) The districts must be numbered in a regular series, beginning with House district 1A in the northwest corner of the state and proceeding across the state from west to east, north to south, but bypassing the seven-county metropolitan area until the southeast corner has been reached; then to the seven-county metropolitan area outside the cities of Minneapolis and St. Paul; then in Minneapolis and St. Paul.

(7) The districts must not dilute the voting strength of racial or language minority populations. Where a concentration of a racial or language minority makes it possible, the districts must increase the probability that members of the minority will be elected.

(8) A county, city, or town should not be divided into more than one district except as necessary to meet equal-population requirements or to form districts that are composed of compact, convenient contiguous territory.

(9) The districts should attempt to preserve communities of interest where that can be done in compliance with the preceding standards.

(10) The geographic areas and population counts used in maps, tables, and legal descriptions of the districts must be those used by the Legislative Coordinating Commission's Subcommittee on Redistricting.

The Subcommittee on Redistricting will notify the President of the Senate and the Speaker of the House of Representatives when the necessary 1990 census data has been received from the United States Census Bureau, loaded into the Subcommittee's computerized

redistricting system, and verified as ready for use in redistricting. A redistricting plan will not be considered for adoption by the Senate or House of Representatives until the notice has been given.

Rodosovich moved that House Concurrent Resolution No. 2 be now adopted. The motion prevailed and House Concurrent Resolution No. 2 was adopted.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, April 8, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, April 8, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

THIRTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 8, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Michael P. Forbes, Priest in Charge of the Episcopal Church of the Messiah, Prairie Island Reservation.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayner	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steenasma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pelowski	Tunheim
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Daurer	Jaros	Milbert	Rukavina	Wejcman
Davids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Scheid	Winter
Dorn	Johnson, V.	Nelson, S.	Schreiber	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

A quorum was present.

Pellow was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Bertram moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1, A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103E.701, by adding a subdivision; 103G.005, subdivision 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 103G; and 273; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [CITATION.]

This act may be cited as the “wetland enhancement, preservation, and protection act of 1991.”

Sec. 2. [LEGISLATIVE INTENT.]

It is the intent of the legislature to ensure that the owners of wetlands receive fair compensation for compliance with the provisions of this act. It is intended that a substantial annual appropriation be available to provide that compensation.

Sec. 3. Minnesota Statutes 1990, section 97A.145, subdivision 2, is amended to read:

Subd. 2. [ACQUISITION PROCEDURE.] (a) Lands purchased or leased under this section must be acquired in accordance with this subdivision.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board must approve or disapprove the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and

water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

(c) If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land.

(d) If the county board disapproves the acquisition, it must state valid reasons. ~~The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period.~~

~~The landowner or the commissioner may appeal the disapproval to the district court having jurisdiction where the land is located.~~

(e) The commissioner or the owner of the land may submit the proposed acquisition to the land exchange board if: (1) ~~the county board does not give reason for disapproval disapproves the proposed acquisition, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.~~

(f) The land exchange board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The land exchange board must give notice of the hearing to the county board, the commissioner, the landowner, the commissioner of agriculture, and other interested parties. The land exchange board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the land exchange board members approves the acquisition, the commissioner may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land.

Sec. 4. Minnesota Statutes 1990, section 103A.201, is amended to read:

103A.201 [REGULATORY POLICY.]

Subdivision 1. [POLICY.] To conserve and use water resources of the state in the best interests of its people, and to promote the public health, safety, and welfare, it is the policy of the state that:

(1) subject to existing rights, public waters are subject to the control of the state;

(2) the state, to the extent provided by law, shall control the appropriation and use of waters of the state; and

(3) the state shall control and supervise activity that changes or will change the course, current, or cross section of public waters, including the construction, reconstruction, repair, removal, abandonment, alteration, or the transfer of ownership of dams, reservoirs, control structures, and waterway obstructions in public waters.

Subd. 2. WETLANDS FINDINGS; PUBLIC INTEREST. (a) Wetlands identified in the state under section 13 and the United States Fish and Wildlife Service National Wetland Inventory maps do not:

(1) grant the public additional or greater right of access to the wetlands;

(2) diminish the right of ownership or usage of the beds underlying the wetlands, except as otherwise provided by law;

(3) affect state law forbidding trespass on private lands; and

(4) require the commissioner to acquire access to the wetlands.

(b) The legislature finds that the wetlands of Minnesota provide public value by conserving surface waters, maintaining and improving water quality, preserving wildlife habitat, providing recreational opportunities, reducing runoff, providing for floodwater retention, reducing stream sedimentation, contributing to improved subsurface moisture, helping moderate climatic change, and enhancing the natural beauty of the landscape, and are important to comprehensive water management, and that it is in the public interest to:

(1) achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands;

(2) increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands;

(3) avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and

(4) mitigate where avoidance of activity is not feasible and prudent.

(c) Mitigation must be guided by the following principles in descending order of priority:

(1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

(2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

(3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;

(4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and

(5) compensating for the impact by replacing or providing substitute wetland resources or environments.

(d) If an agricultural wetland is located in a cultivated field, then mitigation under section 12 must be accomplished through restoration only without regard to the priority order in paragraph (c).

(e) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected.

Sec. 5. Minnesota Statutes 1990, section 103B.311, subdivision 6, is amended to read:

Subd. 6. [SCOPE OF PLANS.] Comprehensive water plans must include:

(1) a description of the existing and expected changes to physical environment, land use, and development in the county;

(2) available information about the surface water, groundwater, and related land resources in the county, including existing and potential distribution, availability, quality, and use;

(3) objectives for future development, use, and conservation of water and related land resources, including objectives that concern water quality and quantity, and sensitive areas, wellhead protection areas, and related land use conditions, and a description of actions that will be taken in affected watersheds or groundwater systems to achieve the objectives;

(4) a description of potential changes in state programs, policies, and requirements considered important by the county to management of water resources in the county;

(5) a description of conflicts between the comprehensive water plan and existing plans of other local units of government;

(6) a description of possible conflicts between the comprehensive water plan and existing or proposed comprehensive water plans of other counties in the affected watershed units or groundwater systems;

(7) the identification of high priority areas in the county for wetland restoration;

(8) a program for implementation of the plan that is consistent with the plan's management objectives and includes schedules for amending official controls and water and related land resources plans of local units of government to conform with the comprehensive water plan, and the schedule, components, and expected state and local costs of any projects to implement the comprehensive water plan that may be proposed, although this does not mean that projects are required by this section; and

~~(8)~~ (9) a procedure for amending the comprehensive water plan.

Sec. 6. Minnesota Statutes 1990, section 103E.701, is amended by adding a subdivision to read:

Subd. 6. [WETLAND RESTORATION AND MITIGATION.] Repair of a drainage system may include the restoration or enhancement of wetlands; wetland mitigation under section 103G.222; and the realignment of a drainage system to prevent drainage of a wetland.

Sec. 7. [103E.516] [PERMANENT WETLANDS PRESERVE.]

Subdivision 1. [EASEMENTS.] Upon application by a landowner, the board may acquire permanent easements on land containing type 1, 2, or 3 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition).

Subd. 2. [NATURE OF PROPERTY RIGHTS ACQUIRED.] (a) A permanent full easement acquired must prohibit draining, ditching, tiling, filling, leveling, burning vegetation, and alteration of wildlife habitat and other natural features in the wetland, except that vegetation may be burned if permitted by the commissioner of natural resources or an agent of the commissioner.

(b) A permanent limited easement may permit grazing at any time, hay harvesting at any time, and cropping wetlands when they are dry of natural causes.

(c) A permanent easement may include one adjacent upland acre of land for each acre of type 2 wetland included.

(d) The easement must require that the landowner control noxious weeds pursuant to sections 18.171 to 18.317.

(e) The conservation easement must be conveyed to the state in recordable form free of any prior title, lien, or encumbrance and must provide for a right of entry by the state for inspection and correction of violations.

Subd. 3. [PAYMENT.] Payment for the conservation easement may be made in ten equal annual payments or, at the option of the land owner, shall be made: (1) for a limited easement, in a lump sum at 75 percent of the township average equalized estimated market value of agricultural property as established by the commissioner of revenue at the time of easement applications; (2) for a full easement, in a lump sum at 90 percent of the township average equalized estimated market value of agricultural property as established by the commissioner of revenue at the time of easement application.

Subd. 4. [PROPERTY TAX EXEMPTION.] Wetlands in which the board has acquired permanent easements under this section shall be exempt from property taxes in the year the easement is acquired and for all subsequent years.

Subd. 5. [ENFORCEMENT AND CORRECTIONS.] Enforcement of the conservation easement or violation corrections shall be governed by section 103F.515, subdivisions 8 and 9.

Subd. 6. [AVAILABLE FUNDS.] A property owner entitled to payments under this section must receive payments to the extent that funds are available. If funds are not available and payments are not made, restrictions on the use of the property owner's wetlands are terminated under this section.

Subd. 7. [REPORT REQUIRED.] The board must report annually to the legislature on the number, types, and acres of wetlands lost and gained each year.

Sec. 8. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 10a. [LOCAL GOVERNMENT UNIT.] "Local government unit" means:

(1) outside of the seven-county metropolitan area, a city council or county board of commissioners; and

(2) in the seven-county metropolitan area, a city council, a town board under section 368.01, or a watershed management organization under section 103B.211.

Sec. 9. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 11a. [MITIGATION.] “Mitigation” is the quantification and replacement of an area’s size, quality, character, and diversity through restoration or creation of at least equivalent quantities in another area after the impacts of the proposed project have been avoided and minimized to the extent possible and there are no feasible and prudent alternatives.

Sec. 10. Minnesota Statutes 1990, section 103G.005, subdivision 15, is amended to read:

Subd. 15. [PUBLIC WATERS.] (a) “Public waters” means:

(1) waterbasins assigned a shoreland management classification by the commissioner under sections 103F.201 to 103F.221, except wetlands less than 80 acres in size that are classified as natural environment lakes;

(2) waters of the state that have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;

(3) meandered lakes, excluding lakes that have been legally drained;

(4) waterbasins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;

(5) waterbasins designated as scientific and natural areas under section 84.033;

(6) waterbasins located within and totally surrounded by publicly owned lands;

(7) waterbasins where the state of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;

(8) waterbasins where there is a publicly owned and controlled access that is intended to provide for public access to the waterbasin;

(9) natural and altered watercourses with a total drainage area greater than two square miles;

(10) natural and altered watercourses designated by the commissioner as trout streams; and

(11) public waters wetlands, unless the statute expressly states otherwise.

(b) Public waters are not determined exclusively by the proprietorship of the underlying, overlying, or surrounding land or by whether it is a body or stream of water that was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union.

Sec. 11. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 17a. [WATERSHED.] "Watershed" means the 81 major watershed units delineated by the map, "State of Minnesota Watershed Boundaries - 1979".

Sec. 12. Minnesota Statutes 1990, section 103G.005, subdivision 18, is amended to read:

Subd. 18. [PUBLIC WATERS WETLANDS.] "Public waters wetlands" means all types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas, including those wetlands designated as public waters under section 103G.201.

Sec. 13. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 19. [WETLANDS.] "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- (1) have a predominance of hydric soils;
- (2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) under normal circumstances support a prevalence of such vegetation.

Sec. 14. Minnesota Statutes 1990, section 103G.221, subdivision 1, is amended to read:

Subdivision 1. [DRAINAGE OF WETLANDS GENERALLY PROHIBITED WITHOUT REPLACEMENT.] Except as provided in subdivisions 2 and 3, Wetlands may not be drained, and a permit authorizing drainage of wetlands may not be issued, unless the wetlands to be drained are replaced by wetlands that will have equal or greater public value.

Sec. 15. [103G.222] [REPLACEMENT OF WETLANDS.]

(a) Wetlands which are identified on United States Fish and Wildlife Service National Wetlands Inventory maps or revisions thereof, or which have been restored or created by public or private conservation programs, must not be drained or filled, wholly or partially, unless there are no feasible and prudent alternatives and unless replaced by restoring or creating wetland areas of at least equivalent size, quantity, character, and diversity under either a mitigation plan approved as provided in section 21 or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 21.

(b) Any mitigation or replacement shall be within the same watershed or county as the impacted wetlands, as based on the wetland evaluation in section 21, subdivision 2, except that counties or watersheds in which 80 percent or more of the presettlement wetland acreage is intact may accomplish mitigation in counties or watersheds in which 50 percent or more of the presettlement wetland acreage has been filled, drained, or otherwise degraded.

(c) For a wetland of two acres or less, mitigation must be in the ratio of two acres of mitigated wetland for each acre of drained or filled wetland, of which from ten to 50 percent must be a buffer zone of permanent vegetative cover.

(d) For a wetland of more than two acres, mitigation must be in the ratio of one acre of mitigated wetland for each acre of drained or filled wetland.

(e) Wetlands that are restored or created as a result of an approved mitigation plan are subject to the provisions of this section for any subsequent drainage or filling.

(f) All requests to add or delete a wetland from the application of this subdivision must be approved in the same way as provided for appeals by the committee for dispute resolution of the board of water and soil resources, and in consultation with the commissioner of agriculture, and must be based on a preponderance of the evidence

that the wetland does or does not comply with established criteria for inclusion in the national wetlands inventory.

Sec. 16. [103G.223] [CALCAREOUS FENS.]

Calcareous fens, as identified by the commissioner, may not be filled, drained, or otherwise degraded, wholly or partially, by any activity, unless the commissioner, under an approved management plan, decides some alteration is necessary.

Sec. 17. [84.034] [PEATLAND PROTECTION.]

Subdivision 1. [CITATION.] Sections 17 to 19 may be cited as the "Minnesota peatland protection act."

Subd. 2. [FINDINGS.] The legislature finds that certain Minnesota peatlands possess unique scientific, aesthetic, vegetative, hydrologic, geologic, wildlife, wilderness and educational values and represent the various peatland ecological types in the state. The legislature finds that it is desirable and appropriate to protect and preserve these patterned peatlands as a peatland management system through establishment and designation of certain peatland core areas as scientific and natural areas.

Subd. 3. [DEFINITIONS.] (1) Unless language or context clearly indicates that a different meaning is intended, the following terms, for the purposes of sections 17 to 19, have the meanings given to them.

(2) "Winter road" means an access route which may be used by vehicles only when the substrate is frozen.

(3) "Corridors of disturbance" means rights of way which are in existence on the effective date of this act, such as ditches, ditch banks, transmission lines, pipelines, permanent roads, winter roads, and recreational trails. The existence, on the effective date of this act, of a corridor of disturbance may be demonstrated by physical evidence, document recorded in the office of county recorder or other public official, aerial survey, or other evidence similar to the above.

(4) "State land" means land owned by the state of Minnesota and administered by the commissioner.

Subd. 4. [DESIGNATION OF PEATLAND SCIENTIFIC AND NATURAL AREAS.] Within the peatland areas described in section 18, state lands are hereby established and designated as scientific and natural areas to be preserved and managed by the commissioner in accordance with subdivision 5 and section 86A.05, subdivision 5.

Subd. 5. [ACTIVITIES IN PEATLAND SCIENTIFIC AND NATURAL AREAS.] Areas designated in subdivision 4 as peatland scientific and natural areas are subject to the following conditions:

(a) Except as provided in paragraph (b), all restrictions otherwise applicable to scientific and natural areas designated under section 86A.05, subdivision 5, apply to the surface use and to any use of the mineral estate which would significantly modify or alter the peatland water levels or flows, peatland water chemistry, plant or animal species or communities, or other natural features of the peatland scientific and natural areas, including but not limited to, the following prohibitions:

(1) construction of any new public drainage systems after the effective date of this act or improvement or repair to a public drainage system in existence on the effective date of this act, under authority of chapter 103E, or any other alteration of surface water or ground water levels or flows unless specifically permitted under paragraph (b), clause (5) or (6);

(2) removal of peat, sand, gravel, or other industrial minerals;

(3) exploratory boring or other exploration or removal of oil, natural gas, radioactive materials or metallic minerals which would significantly modify or alter the peatland water levels or flows, peatland water chemistry, plant or animal species or communities, or natural features of the peatland scientific and natural areas, except in the event of a national emergency declared by Congress;

(4) commercial timber harvesting;

(5) construction of new corridors of disturbance, of the kind defined in subdivision 3, after the effective date of this act; and

(6) ditching, draining, filling, or any other activities which modify or alter the peatland water levels or flows, peatland water chemistry, plant or animal species or communities, or other natural features of the peatland scientific and natural areas.

(b) The following activities are allowed:

(1) recreational activities, including hunting, fishing, trapping, cross country skiing, snowshoeing, nature observation, or other recreational activities permitted in the management plan approved by the commissioner;

(2) scientific and educational work and research;

(3) maintenance of corridors of disturbance, including survey lines, consistent with protection of the peatland ecosystem;

(4) use of corridors of disturbance unless limited by a management plan adopted by the commissioner under subdivision 6;

(5) improvements to a public drainage system in existence on the effective date of this act only when it is for the protection and maintenance of the ecological integrity of the peatland scientific and natural area and when included in a management plan adopted by the commissioner under subdivision 6;

(6) repairs to a public drainage system in existence on the effective date of this act which crosses a peatland scientific and natural area and is used for the purposes of providing a drainage outlet for lands outside of the peatland scientific and natural area, provided that there are no other feasible and prudent alternative means of providing the drainage outlet. The commissioner shall cooperate with the ditch authority in the determination of any feasible and prudent alternatives. No repairs which would significantly modify or alter the peatland water levels or flows, peatland water chemistry, plant or animal species or communities, or other natural features of the peatland scientific and natural areas shall be made unless approved by the commissioner;

(7) motorized uses that are engaged in, on corridors of disturbance, on or before the effective date of this act;

(8) control of forest insects, disease, and wildfires, as described in a management plan adopted by the commissioner under subdivision 6; and

(9) geological and geophysical surveys which would not significantly modify or alter the peatland water levels or flows, peatland water chemistry, plant or animal species or communities, or other natural features of the peatland scientific and natural areas.

Subd. 6. [MANAGEMENT PLANS.] The commissioner shall develop a management plan for each peatland scientific and natural area designated under section 18 in a manner prescribed by section 86A.09.

Subd. 7. [ESTABLISHING BASELINE ECOLOGICAL DATA.] The commissioner shall establish baseline data on the ecology and biological diversity of peatland scientific and natural areas and provide for ongoing, long-term ecological monitoring to determine whether changes are occurring in the peatland scientific and natural areas. This research is intended to identify any changes occurring in peatland scientific and natural areas as a result of any permitted activities outside the peatland scientific and natural areas. This baseline data may include, but is not limited to, the history of the peatlands and their geologic origins, plant and animal communities, hydrology, water chemistry, and contaminants introduced from remote sources of atmospheric deposition.

Subd. 8. [DITCH ABANDONMENTS.] In order to eliminate repairs or improvements to any public drainage system that crosses a peatland scientific and natural area in those instances where the repair or improvement adversely affects an area, the commissioner may petition for the abandonment of parts of the public drainage system under section 106A.811. If the public drainage system is necessary as a drainage outlet for lands outside of the peatland scientific and natural area, the commissioner will cooperate with the ditch authority in the development of feasible and prudent alternative means of providing a drainage outlet which avoids the crossing of and damage to the peatland scientific and natural area. In so doing, the commissioner shall grant flowage easements to the ditch authority for disposal of the outlet water on other state lands. The ditch authority shall approve the abandonment of parts of any public drainage system crossing a peatland scientific and natural area if the public drainage system crossing of those areas is not necessary as a drainage outlet for lands outside of the areas or if there are feasible and prudent alternative means of providing a drainage outlet without crossing such areas. In any abandonment under this subdivision the commissioner may enter into an agreement with the ditch authority regarding apportionment of costs and, contingent upon appropriations of money for that purpose, may agree to pay a reasonable share of the cost of abandonment.

Subd. 9. [COMPENSATION FOR TRUST FUND LANDS.] The commissioner shall acquire by exchange or eminent domain the surface interests, including peat, on trust fund lands contained in peatland scientific and natural areas established in subdivision 4.

Sec. 18. [84.035] [PEATLAND SCIENTIFIC AND NATURAL AREAS, DESIGNATION.]

The following scientific and natural areas are established and are composed of all of the core peatland areas identified on maps in the 1984 commissioner of natural resources report, "Recommendations for the Protection of Ecologically Significant Peatlands in Minnesota" and maps on file at the department of natural resources:

(1) Red Lake Scientific and Natural Area in Beltrami, Koochiching, and Lake of the Woods counties;

(2) Myrtle Lake Scientific and Natural Area in Koochiching county;

(3) Lost River Scientific and Natural Area in Koochiching county;

(4) North Black River Scientific and Natural Area in Koochiching county;

(5) Sand Lake Scientific and Natural Area in Lake county;

(6) Mulligan Lake Scientific and Natural Area in Lake of the Woods county;

(7) Lost Lake Scientific and Natural Area in St. Louis county;

(8) Pine Creek Scientific and Natural Area in Roseau county;

(9) Hole in the Bog Scientific and Natural Area in Cass county;

(10) Wawina Scientific and Natural Area in St. Louis county;

(11) Nett Lake Scientific and Natural Area in Koochiching county;

(12) East Rat Root River Scientific and Natural Area in Koochiching county;

(13) South Black River Scientific and Natural Area in Koochiching county;

(14) Winter Road Lake Scientific and Natural Area in Koochiching county;

(15) Sprague Creek Scientific and Natural Area in Roseau county;

(16) Luxemburg Scientific and Natural Area in Roseau county;

(17) West Rat Root River Scientific and Natural Area in Koochiching county; and

(18) Norris Camp Scientific and Natural Area in Lake of the Woods county.

Sec. 19. Minnesota Statutes 1990, section 103G.231, is amended by adding a subdivision to read:

Subd. 3. [PEAT MINING.] Peat mining, as defined in section 93.461, is permitted subject to the mine permit and reclamation requirements of sections 93.44 to 93.51, and the rules adopted under those restrictions, except as provided for in sections 17 to 19.

Sec. 20. [103G.2241] [EXCEPTIONS.]

Subdivision 1. [AGRICULTURAL EXEMPTIONS.] Wetlands identified in section 15 are not subject to mitigation or replacement if:

(1) the wetland is of type 1 or 2 and is four acres in size or less and is located on agricultural land;

(2) the wetland is a wetland restored under a contract or easement providing the landowner with the right to drain the restored wetland;

(3) the wetland is located between the banks of a ditch, as defined in section 103E.005, subdivision 8; or is located between the crowns of the leveled spoil banks planted with permanent grass, as provided in section 103E.021; and the wetland is drained pursuant to a ditch repair as defined in section 103E.701;

(4) the wetland is located within the right-of-way of a ditch and the filling is limited to side casting of spoil materials resulting from a ditch repair or maintenance project;

(5) the wetland has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county agricultural stabilization and conservation service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;

(6) the wetland is on agricultural land currently enrolled, or enrolled in the future, in the federal Food Security Act of 1985, as amended, except that land enrolled in a federal farm program is eligible for participation for those acres not already compensated under the federal program;

(7) the wetland was created solely as a result of beaver dam construction, or the blockage of culverts through roadways maintained by a public authority;

(8) the wetland was created by the constriction or blockage of a tile or ditch drainage facility existing on or before the effective date of this act, whether the constriction or blockage has occurred within the wetland or at a point downstream from the wetland;

(9) the wetland was planted and harvested with annually seeded crops or was in a crop rotation seeding of pasture grasses and legumes six of the ten years prior to January 1, 1991, or is included under the federal conservation reserve program in United States Code, title 16, section 3831; or

(10) a parcel containing approximately 50 acres in Washington county described as the northeast quarter of the northwest quarter and the southeast quarter of the northwest quarter of section 32, township 29 north, range 21 west lying east of Minnesota trunk highway No. 694, and the south 466.69 feet of the west 466.69 feet of the northwest quarter of the northeast quarter of section 32, township 29 north, range 21 west.

Subd. 2. [EXEMPTION FOR APPROVED PROJECTS.] Development projects and ditch improvement projects in the state that have received preliminary or final plat approval, or infrastructure that has been installed, or having site plan approval, conditional use permits, or similar official approval by a governing body or government agency, on or before the effective date of this act are exempt from provisions of this act. In the seven-county metropolitan area and in cities of the first and second class, plat approval must be preliminary as approved by the appropriate governing body.

Subd. 3. [EXEMPTION FOR WILD RICE LANDS.] The provisions of this act do not apply to land on which wild rice is planted, grown, or harvested, or land for which a permit is acquired for the development of water impoundment structures and facilities for the growth and harvesting of wild rice.

Sec. 21. [103G.2242] [MITIGATION PLANS.]

Subdivision 1. [RULES.] (a) By December 31, 1992, the commissioner, in consultation with the commissioner of agriculture, shall adopt rules governing the approval of mitigation plans under this section. These rules must address the criteria, procedure, timing, and location of acceptable mitigation; the establishment and administration of a wetland banking program for public and private projects, which include mitigation provisions allowing monetary payment to the wetland banking program for alteration of agricultural wetlands; the methodology to be used in identifying and evaluating wetland functions; the administrative, monitoring, and enforcement procedures to be used; and a procedure for the review and appeal of decisions under this section. In the case of peatlands or mineral wetlands, the mitigation plan rules must consider the impact on carbon balance described in the report required by Laws 1990, chapter 587, and include the planting of trees or shrubs.

(b) Prior to the adoption of the commissioner's rules, a mitigation plan must be approved by a six-member review panel within 120 days of application. The review panel shall be composed of the area regional administrator for the department of natural resources, the area regional director of the pollution control agency, one board member of the local soil and water conservation district or districts within the county, one manager of the watershed district, one member of the local water planning organization who must be appointed by the county board, and the commissioner of agriculture or the commissioner's designee. Where there is no watershed district, a member of the governing board of the county or city shall be present on the review panel.

(c) The review panel must use the "Minnesota Wetland Evaluation Methodology" as the criteria for ensuring that a degraded wetland must be mitigated effectively before a mitigation plan is approved.

(d) After the adoption of the rules, the mitigation plan must be approved by a resolution of the governing body of the local government unit, consistent with the provisions of the rules.

(e) If the local government unit fails to apply the rules, the government unit is subject to penalty under law, the loss of financial assistance under section 103B.3369, subdivision 5, and the commissioner must assume authority for approval of mitigation plans within the affected jurisdiction.

(f) The commissioner must notify the board of water and soil resources and the commissioner of agriculture when assuming authority for approval of mitigation plans under paragraph (e).

Subd. 2. [EVALUATION.] Questions concerning the location, size, or type of a wetland shall be submitted to and determined by a technical evaluation panel after an on-site inspection. The technical evaluation panel shall be composed of a technical professional employee of the department of natural resources, a technical professional employee of the local soil and water conservation district or districts, and an engineer for the local government unit. The panel must consult with and be in concurrence with the United States Fish and Wildlife Service and the national wetland inventory maps. The panel shall provide the wetland determination to the authority that must approve a mitigation plan under this section, and may recommend approval or denial of the mitigation plan. The authority must consider and include the decision of the technical evaluation panel in their approval or denial of a mitigation plan.

Subd. 3. [DECISION.] Upon receiving and considering all required data, the local government unit or commissioner approving a mitigation plan must act on all applications for mitigation plan approval within 120 days.

Subd. 4. [NOTICE OF APPLICATION.] Within ten days of receiving an application for approval of a mitigation plan under this section, a copy of the application must be submitted to the commissioner for publication in the Environmental Quality Board Monitor and separate copies mailed to individual members of the public who request a copy, the board of supervisors of the soil and water conservation district, the managers of the watershed district, the board of county commissioners, the commissioner of agriculture, and the mayors of the cities within the area watershed. At the same time, the local government unit must give general notice to the public in a general circulation newspaper within the area affected.

Subd. 5. [NOTICE OF DECISION.] At least 30 days prior to the effective date of the approval or denial of a mitigation plan under this section, a copy of the approval or denial must be submitted for publication in the Environmental Quality Board Monitor and separate copies mailed to the applicant, the commissioner, individual

members of the public who request a copy, the board of supervisors of the soil and water conservation district, the managers of the watershed district, the board of county commissioners, the commissioner of agriculture, and the mayors of the cities within the area watershed.

Subd. 6. [PUBLIC COMMENT PERIOD.] Before approval or denial of a mitigation plan under this section, comments may be made by the public to the local government unit or the commissioner for a period of 60 days.

Subd. 7. [APPEAL.] Appeal of the decision may be obtained by mailing a notice of appeal to the board of water and soil resources within 30 days after the postmarked date of the mailing specified in subdivision 5. If appeal is not sought within 30 days, the decision becomes final. Appeal may be made by the wetland owner by any of those to whom notice is required to be mailed under subdivision 5, or by 100 residents of the county in which a majority of the wetland is located. All appeals must be heard by the committee for dispute resolution of the board of water and soil resources, in consultation with the commissioner of agriculture, and a decision made within 60 days of the appeal. The decision must be served by mail on the parties to the appeal, and is not subject to the provisions of chapter 14. The decision must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.

Subd. 8. [LOCAL REQUIREMENTS.] The rules adopted under subdivision 1 shall allow for local government units to use their own notice and public comment procedures so long as the requirements of this section are satisfied.

Subd. 9. [WETLAND HERITAGE ADVISORY COMMITTEE.] The governor shall establish a wetland heritage advisory committee consisting of a balanced diversity of interests including agriculture, environmental, sporting organizations, land development organizations, local government organizations, and other agencies. The committee must consist of nine members including the commissioner of agriculture, or a designee of the commissioner, the director of the board of water and soil conservation, and seven members appointed by the governor. The governor's appointees must include one county commissioner, one representative each from a statewide sportsman's organization, a statewide conservation organization, an agricultural commodity research and promotion council, one faculty member of an institution of higher education with expertise in the natural sciences, and one member each from two statewide farm organizations. The committee shall advise the commissioner on the development of rules and, after rule adoption, shall meet twice a year to review implementation of the program, to identify strengths and weaknesses, and to recommend changes to the rules and the law to improve the program.

Subd. 10. [MITIGATION CREDITS.] No public or private wetland restoration, enhancement, or construction may be allowed for mitigation unless specifically designated for mitigation and paid for by the individual or organization performing the wetland restoration, enhancement, or construction, and is completed prior to any draining or filling of the wetland.

Subd. 11. [MITIGATED WETLAND ELIGIBLE FOR RIM.] A mitigated wetland under this section, in which the mitigation is located on the wetland owner's land, is eligible for enrollment under section 103F.515.

Sec. 22. [103G.226] [LOCAL GOVERNMENT UNITS AUTHORITY.]

A local government unit may adopt rules or ordinances that are more stringent than required by sections 15 and 21.

Sec. 23. [103G.227] [DRAINING PUBLIC WATERS; DRAINAGE SYSTEM MAINTENANCE.]

No public ditch may be repaired in such a way as to partially or completely drain a public water inventoried under section 103G.201, except as provided in section 103G.221. This section does not limit the rights of a landowner to maintain an existing drainage system within the criteria set forth in section 20.

This section and the provisions of sections 14 and 15 do not apply to the maintenance or repair of existing drainage systems when the maintenance or repair are necessary to allow for the continuation of prevailing farming practices and cropping history, including alterations necessary to correct failure of a system due to land subsidence. On land farmable in six of ten years, if a tile line must be replaced to conform with modern farm practices, the replacement tile may be larger and placed at a greater depth than the tile being replaced.

Sec. 24. [103G.228] [ENFORCEMENT.]

Subdivision 1. [CRIMINAL PENALTY.] Violation of this act constitutes a misdemeanor.

Subd. 2. [COURT COSTS.] Upon conviction, a violator of this act must pay all applicable court costs.

Subd. 3. [DAMAGED WETLAND.] Conviction under this act may require a violator to restore or replace any diminished or destroyed wetland. The imposed penalty under subdivision 1 may be reduced by 50 percent if the convicted violator restores the wetland within 30 days of notice of the conviction.

Subd. 4. [COMMISSIONER.] The commissioner or authorized agent is responsible for enforcement of this act.

Sec. 25. Minnesota Statutes 1990, section 103G.231, is amended by adding a subdivision to read:

Subd. 4. [USE OF WETLANDS FOR FOREST MANAGEMENT ACTIVITIES.] (a) Temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest as part of a forest management activity, is permitted so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activities do not result in the construction of dikes, drainage ditches, tile lines, or buildings; and the timber harvesting and other silvicultural practices do not result in the drainage of the wetland or public waters.

(b) Permanent access for forest roads across wetlands is permitted so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not result in the access becoming a dike, drainage ditch or tile line; with filling avoided if possible; and there is no drainage of the wetland or public waters.

Sec. 26. [103G.232] [USE OF WETLANDS FOR OTHER PURPOSES.]

Subdivision 1. [AGRICULTURAL PURPOSES.] Activities associated with agriculture carried out for the purpose of growing, protecting, harvesting, or sustaining agricultural production are permitted so long as these activities do not result in the drainage or filling of a wetland or public water.

Subd. 2. [ROADWAYS AND BRIDGES.] Activities associated with routine maintenance of existing public highways, roads, streets, and bridges, or replacement of or minor improvements to structurally deficient or functionally obsolete structures where the improvements are necessary to meet current design and safety standards, are permitted so long as these activities do not result in the drainage or filling of a wetland or public waters.

Subd. 3. [PERMITTED STRUCTURES.] Normal maintenance and repair of a permitted structure or a structure constructed before the effective date of this section is permitted so long as it does not result in the drainage or filling of the wetland or public waters.

Subd. 4. [RIGHTS-OF-WAY MAINTENANCE.] Activities associated with routine maintenance of utility and pipeline rights-of-way are permitted as long as the right-of-way is not increased.

Sec. 27. [REPEALER.]

Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3, are repealed.

Sec. 28. [APPROPRIATION AND BONDS.]

\$50,000,000 is appropriated from the bond proceeds fund to be divided as follows:

(1) \$25,000,000 is appropriated to the board of water and soil resources to implement section 6, of which up to \$5,000,000 may be expended for wetland restoration under section 103F.515;

(2) \$25,000,000 is appropriated as follows to:

(a) Board of water and soil resources for the reinvest in Minnesota conservation reserve program, section 103F.515: \$10,000,000;

(b) Commissioner of natural resources for the reinvest in Minnesota resources program: \$15,000,000 divided as follows: acquire and enhance fish and wildlife under section 84.95, subdivision 2, clause (4):

(1) fish habitat acquisition: \$450,000;

(2) wildlife habitat acquisition: \$1,500,000;

(3) scientific and natural areas acquisition and enhancement: \$600,000;

(4) wildlife habitat enhancement: \$2,300,000;

(5) fish hatchery improvements: \$1,220,000;

(6) fish habitat enhancement: \$2,300,000;

(7) grassland/brushland enhancement: \$1,000,000;

(8) native prairie bank lands, acquisition and improvement of, under section 84.96: \$1,130,000; and

(9) transfer to the critical habitat private sector matching account for purposes of sections 84.943 and 84.944: \$4,500,000.

To provide the funds, the commissioner of finance on request of the governor shall sell and issue bonds of the state in an amount up to \$50,000,000 in the manner, upon the terms and with the effect prescribed by sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI. Money appropriated pursuant to section 29, subdivision 1, shall be applied to pay for the bonds.

(c) Of the appropriations in this section, no more than ten percent may be used for administrative expenses.

Sec. 29. [GENERAL FUND APPROPRIATION.]

Subdivision 1. [BOND DEBT SERVICE.] \$5,000,000 is appropriated from the general fund to the commissioner of finance to make the debt service payments as provided under section 28.

Subd. 2. [WETLANDS CLEARINGHOUSE AND BEAVER CONTROL.] \$400,000 is appropriated from the general fund for the purposes of this section.

(a) Of this appropriation, \$200,000 must be allocated to the Minnesota extension service in order to establish a wetlands clearinghouse and provide information, appropriate educational opportunities, and other assistance to individuals and interested groups about wetland values and benefits, restoration, creation and enhancement practices, the requirements of this law, and the programs and requirements of other state and federal law.

(b) \$200,000 is appropriated to the commissioner of natural resources for the purpose of contracting for and reimbursing local government for expenses incurred in the abatement and control of beavers causing damage, during the biennium beginning July 1, 1991.

Sec. 30. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103B.311, subdivision 6; 103E.701, by adding a subdivision; 103G.005, subdivisions 15 and 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 84; 103F; and 103G; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 5, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE 1

SMALL EMPLOYER HEALTH BENEFITS

Section 1. [62K.01] [CITATION AND PURPOSE.]

Subdivision 1. [CITATION.] This chapter may be cited as the “small employer health benefit act of 1991.”

Subd. 2. [FINDINGS.] The legislature finds that a significant number of uninsured residents of the state of Minnesota are employed by small employers. Small employers may be unable to purchase affordable health coverage because of the application of mandated benefits to all health plan products and the historical underwriting and rating practices applied by health carriers to small employer groups. The legislature believes that access to health insurance may improve for small employers if specific rating and underwriting restrictions, in conjunction with the use of a reinsurance pool, are imposed on all health carriers doing business in the small employer market, if health carriers are permitted to offer a limited benefit plan, and if a systematic review of proposed new benefits is required.

Subd. 3. [PURPOSE.] The purpose of this chapter is to promote the availability of health insurance to small employers; to impose

certain restrictions on the underwriting and rating of small employer groups; to improve access to health care services to the employees of small employers and their dependents; to establish a reinsurance pool to enable health carriers to more equitably spread the risk of loss associated with small employer business; and to provide for the systematic review of the social and financial impacts of proposed mandated benefits.

Subd. 4. [JURISDICTION.] This chapter applies to any health carrier that offers, issues, delivers, or renews a health benefit plan to one or more employees of a small employer.

Sec. 2. [62K.02] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of this chapter, the terms defined in this section have the meanings given them unless the language or the context clearly indicates otherwise.

Subd. 2. [ACTUARIAL OPINION.] "Actuarial opinion" means a written statement by a member of the American Academy of Actuaries that a health carrier is in compliance with this chapter, based on the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods utilized by the health carrier in establishing premium rates for health benefit plans.

Subd. 3. [APPROPRIATE COMMITTEE CHAIRS.] "Appropriate committee chairs" means the chair of the health and human services committee and the chair of the insurance committee of the house of representatives, the chair of the commerce committee, and the chair of the health and human services committee of the senate.

Subd. 4. [ASSOCIATION.] "Association" means the small employer reinsurance association created by section 62K.10.

Subd. 5. [BASE PREMIUM RATE.] "Base premium rate" means for each class of business as to a rating period, the lowest premium rate charged or which could have been charged under a rating system for that class of business by the health carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

Subd. 6. [BOARD OF DIRECTORS.] "Board of directors" means the board of directors of the small employer reinsurance association created by section 62K.10.

Subd. 7. [CASE CHARACTERISTICS.] "Case characteristics" means the relevant characteristics of a small employer, as determined by a health carrier, which are considered by the carrier in the determination of premium rates for the small employer. Such

relevant characteristics include, but are not limited to, geographic area, employer group size, benefit differences, and family composition. Age, sex, claims experience, health status, and industry of the employer and duration of issue are not case characteristics for the purposes of this chapter.

Subd. 8. [CLASS OF BUSINESS.] “Class of business” means all of the small employer business of a health carrier as shown on the records of the health carrier except that a health carrier may establish, with the prior written approval of the commissioner, a distinct grouping of small employers:

(1) if a class of business was acquired from another health carrier;
or

(2) if the class of business relies on substantially different managed care requirements, including but not limited to the use of limited provider networks, prior authorization, concurrent review, discharge planning, and case management.

The commissioner may approve the establishment of additional classes of business upon application to the commissioner and a finding by the commissioner that such action would enhance the efficiency and fairness of the small employer market.

Subd. 9. [COINSURANCE.] “Coinsurance” means an established dollar amount or percentage of health care expenses that an eligible employee or dependent is required to pay directly to a provider of medical services or supplies pursuant to the terms of a health benefit plan.

Subd. 10. [COMMISSIONER.] “Commissioner” means the commissioner of commerce or the commissioners’ designated representative for plans governed by chapter 62A or 62C or the commissioner of health for health maintenance organizations governed by chapter 62D.

Subd. 11. [CONTINUOUS COVERAGE.] “Continuous coverage” means the maintenance of continuous and uninterrupted health plan coverage by an eligible employee or dependent. An eligible employee or dependent shall be deemed to have maintained continuous coverage if the individual requests enrollment in a health benefit plan within 30 days of termination of the prior health plan coverage.

Subd. 12. [DEDUCTIBLE.] “Deductible” means the amount of health care expenses an eligible employee or dependent is required to incur before benefits are payable under a health benefit plan.

Subd. 13. [DEMOGRAPHIC COMPOSITION.] “Demographic

composition” means the age and sex characteristics of eligible employees, the family composition of eligible employees, and the standard age categories used by a health carrier to establish premiums.

Subd. 14. [DEPARTMENT.] “Department” means the department of commerce or the department of health, as applicable.

Subd. 15. [DEPENDENT.] “Dependent” means an eligible employee’s spouse, unmarried child who is under the age of 19 years, dependent child who is a student under the age of 25 years and financially dependent upon the eligible employee, or dependent child of any age who is disabled, subject to the applicable terms of the health benefit plan issued by the health carrier.

Subd. 16. [DURATION OF ISSUE.] “Duration of issue” means a rate factor used to justify higher rates which incorporated the length of time a group is covered by a health carrier, but which does not incorporate claims experience or health status.

Subd. 17. [ELIGIBLE CHARGES.] “Eligible charges” means the actual charges submitted to a health carrier by or on behalf of a provider, eligible employee, or dependent for health services covered by the carrier’s health benefit plan. Eligible charges do not include charges for health services excluded by the health benefit plan or charges for which an alternate carrier is liable pursuant to the coordination of benefit provisions of the health benefit plan.

Subd. 18. [ELIGIBLE EMPLOYEE.] “Eligible employee” means an individual employed by a small employer for at least 20 hours per week on a regular basis and who has satisfied all employer participation and eligibility requirements, including but not limited to the satisfactory completion of a probationary period of not less than 30 days. A late entrant is not an eligible employee.

Subd. 19. [FINANCIALLY IMPAIRED CONDITION.] “Financially impaired condition” means a health carrier which is not insolvent and (1) is deemed by the commissioner to be potentially unable to fulfill its contractual obligations, or (2) is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

Subd. 20. [HEALTH BENEFIT PLAN.] “Health benefit plan” means any policy, contract, or certificate issued by a health carrier to a small employer for the coverage of medical and hospital benefits. Health benefit plan includes a small employer plan as defined in subdivision 33. The term does not include coverage that is:

- (1) limited to disability or income protection coverage;

- (2) automobile medical payment coverage;
- (3) supplemental to liability insurance;
- (4) designed solely to provide payments of a per diem, fixed indemnity or nonexpense-incurred basis;
- (5) credit accident and health insurance issued pursuant to chapter 62B;
- (6) designed solely to provide dental or vision care;
- (7) blanket accident and sickness insurance as defined in section 62A.11;
- (8) accident only coverage issued by a licensed and tested insurance agent or solicitors that provides reasonable benefits in relation to the cost of covered services;
- (9) long-term care insurance as defined in section 62A.46; or
- (10) issued as a supplement to Medicare, as defined in sections 62A.31 to 62A.44.

Subd. 21. [HEALTH CARRIER.] "Health carrier" means an insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a health service plan licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; a fraternal benefit society operating under chapter 64B; a joint self-insurance employee health plan operating under chapter 62H; and a multiple employer welfare arrangement, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, section 1103, as amended.

Subd. 22. [HEALTH PLAN.] "Health plan" means a health benefit plan issued by a health carrier:

- (1) to a small employer;
- (2) to any employer who does not satisfy the definition of a small employer as set forth in subdivision 31; or
- (3) to any individual purchasing an individual or conversion policy of health care coverage issued by a health carrier.

Subd. 23. [INDEX RATE.] "Index rate" means for each class of business as to a rating period for small employers with similar case characteristics, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.

Subd. 24. [LATE ENTRANT.] "Late entrant" means an eligible employee or dependent who is not enrolled in a small employer's health benefit plan. Late entrants may be subject to a preexisting condition limitation or exclusion from coverage for up to 18 months from the effective date of coverage of the late entrant. An otherwise eligible employee or dependent shall not be a late entrant if:

(1) the individual was covered by another group health plan at the time the individual was eligible to enroll in a health benefit, plan, declined enrollment on that basis, and presents to a health carrier a certificate of termination of such coverage, provided that the individual maintains continuous coverage;

(2) the individual has lost coverage under another group health plan due to the expiration of benefits available under the Consolidated Omnibus Budget Reconciliation Act of 1981 (COBRA), Public Law Number 99-272, as amended, and any state continuation laws applicable to the employer or health carrier, provided that the individual maintains continuous coverage;

(3) the individual is a new spouse of an eligible employee, provided that enrollment is requested within 30 days of the date of marriage; or

(4) the individual is a new dependent child of an eligible employee, provided that enrollment is requested within 30 days of the date of birth or adoption.

Subd. 25. [MANDATED BENEFIT.] "Mandated benefit" means a health plan benefit required by state law to be included in a health plan offered or issued by a health carrier that requires the coverage of or the offer of coverage of specific diseases, conditions, treatments, or services or the direct reimbursement of services rendered by specific types of health care providers.

Subd. 26. [MCHA.] "MCHA" means the Minnesota comprehensive health association established pursuant to section 62E.10.

Subd. 27. [MEDICAL NECESSITY.] "Medical necessity" means the appropriate and necessary medical and hospital services eligible for payment under a health benefit plan as determined by a health carrier.

Subd. 28. [MEMBERS.] "Members" means the health carriers operating in the small employer market who are members of the association.

Subd. 29. [PREEXISTING CONDITION.] "Preexisting condition" means any condition manifesting in such a manner as would cause an ordinarily prudent person to seek medical advice, diagnosis, care,

or treatment or for which medical advice, diagnosis, care, or treatment was recommended or received during the six months immediately preceding the effective date of coverage, or as to a pregnancy existing as of the effective date of coverage of a health benefit plan.

Subd. 30. [RATING PERIOD.] "Rating period" means the calendar period for which premium rates established by a health carrier are assumed to be in effect, as determined by the health carrier.

Subd. 31. [SMALL EMPLOYER.] "Small employer" means any person, firm, corporation, partnership, association, or other entity actively engaged in business who, on at least 50 percent of its working days during the preceding calendar year, employed no less than two nor more than 29 eligible employees. If a small employer has only two eligible employees, the employees must not be the spouse, child, sibling, parent, or grandparent of the other. Entities which are eligible to file a combined tax return for purposes of state tax laws shall be considered a single employer for purposes of determining the number of eligible employees. Small employer status shall be determined on an annual basis as of the renewal date of the health benefit plan. The provisions of this act shall continue to apply to an employer who no longer meets the requirements of this definition until the annual renewal date of the employer's health benefit plan.

Subd. 32. [SMALL EMPLOYER MARKET.] "Small employer market" means the market for group health benefit plans for small employers. A health carrier shall be considered to be participating in the small employer market if the health carrier offers, sells, issues, or renews a health plan to any small employer or the eligible employees of a small employer offering a group health benefit plan.

Subd. 33. [SMALL EMPLOYER PLAN.] "Small employer plan" means a health benefit plan issued by a health carrier to a small employer for coverage of the medical and hospital benefits described in section 62K.05.

Subd. 34. [TRANSITION PERIOD.] "Transition period" means January 1, 1993, through December 31, 1993.

Sec. 3. [62K.03] [PARTICIPATION REQUIREMENTS.]

Subdivision 1. [CARRIER PARTICIPATION.] Every health carrier shall, as a condition of authority to transact business in this state in the small employer market, offer, sell, issue, and renew a health benefit plan to small employers in accordance with this chapter. Beginning during the transition period, as defined in section 62K.02, subdivision 34, every health carrier participating in the small employer market shall make available a health benefit plan to small employers and shall fully comply with the underwrit-

ing and rate restrictions set forth in this chapter. A health carrier may cease to transact business in the small employer market pursuant to section 62K.09.

Subd. 2. [EXCEPTION TO CARRIER PARTICIPATION.] A health carrier transacting business in the small employer market shall not be required to offer a health benefit plan to small employers pursuant to this chapter if the commissioner finds that such offer would place the health carrier in a financially impaired condition. A health carrier which does not offer a health benefit plan to small employers pursuant to this subdivision shall not offer a health benefit plan to small employers for 180 days following a determination by the commissioner that the health carrier has ceased to be in a financially impaired condition.

Subd. 3. [EMPLOYER PARTICIPATION.] Health carriers shall require that:

(1) 100 percent of a small employer's eligible employees who have not waived coverage participate in any health benefit plan offered, sold, issued, or renewed by the health carrier; and

(2) small employers contribute a minimum of 50 percent of the premium charged by the health carrier for coverage of an eligible employee.

Subd. 4. [UNDERWRITING RESTRICTIONS.] Health carriers may apply underwriting restrictions to coverage for health benefit plans for small employers, including any preexisting condition limitations, only as expressly permitted by this chapter. Except as hereinafter permitted with respect to late entrants, preexisting conditions may be excluded by a health carrier for a period not to exceed 12 months from the effective date of coverage of an eligible employee's or dependent's health benefit plan. When calculating a preexisting condition limitation, a health carrier shall credit the time period an eligible employee or dependent was previously covered by another health benefit plan, provided that the individual maintains continuous coverage. Late entrants may be subject to a preexisting condition limitation not to exceed 18 months from the effective date of coverage of the late entrant. Late entrants may also be excluded from coverage for a period not to exceed 18 months, provided that if a health carrier imposes an exclusion from coverage and a preexisting condition limitation, the combined time period for both the coverage exclusion and preexisting condition limitation shall not exceed 18 months.

Subd. 5. [CANCELLATIONS.] No health carrier shall cancel, decline to issue, or fail to renew a health benefit plan as a result of the claim experience or health status of the small employer group; provided, however, that a health carrier may cancel, decline to issue, or fail to renew a health benefit plan:

(1) for nonpayment of the required premium or contributions toward premiums by the small employer or eligible employee;

(2) for fraud or misrepresentation by the small employer, eligible employee, or dependent with respect to their eligibility for coverage or any other material fact;

(3) if eligible employee participation during the preceding calendar year declines to less than 100 percent;

(4) for failure of an employer to comply with the health carrier's premium contribution requirements;

(5) if a health carrier ceases to do business in the small employer market pursuant to section 62K.09;

(6) for any other reasons or grounds expressly permitted by the respective licensing laws and regulations governing a health carrier, including but not limited to any service area restrictions imposed on health maintenance organizations pursuant to section 62D.03, subdivision 4, paragraph (m), and insufficient provider network capacity, as determined by the commissioner, to the extent that these grounds are not expressly inconsistent with this chapter.

Subd. 6. [MCHA ENROLLEES.] Health carriers shall offer coverage to any eligible employee or dependent enrolled in MCHA at the time of the health carrier's issuance of a health benefit plan to a small employer. MCHA enrollees shall be enrolled in the small employer's health benefit plan as of the first date of renewal of a health benefit plan occurring after January 1, 1993, or, in the case of a new group, as of the initial effective date of the health benefit plan. Unless otherwise permitted by this act, health carriers shall not impose any underwriting restrictions, including any preexisting condition limitations on any eligible employee or dependent previously enrolled in MCHA and transferred to a health benefit plan so long as continuous coverage is maintained.

Sec. 4. [62K.04] [TRANSITION PERIOD.]

Subdivision 1. [APPLICABILITY OF CHAPTER REQUIREMENTS.] During the transition period, as defined in section 62K.02, subdivision 34, health carriers participating in the small employer market shall offer and make available a health benefit plan to small employers who satisfy the small employer participation requirements specified in section 62K.03, subdivision 3, and shall comply with the underwriting, rating, and other requirements set forth in sections 62K.03 to 62K.09. Compliance with these requirements is required as of the first renewal date of any small employer group occurring during the transition period. For new small employer

business, compliance is required as of the first date of offering occurring during the transition period.

Subd. 2. [NEW CARRIERS.] A health carrier entering the small employer market after the transition period, as defined in section 62K.02, subdivision 34, shall begin complying with this chapter during the 365-day period beginning with the health carrier's initial offer, issue, or delivery of a health benefit plan to a small employer or an eligible employee of a small employer. Compliance with this chapter's requirements is required as of the first date of offering of a health benefit plan to a small employer. A health carrier entering the small employer market after the transition period shall be deemed to be a member of the small employer reinsurance association established by section 62K.10 as of the date of the health carrier's initial offer of a health benefit plan to a small employer.

Sec. 5. [62K.05] [SMALL EMPLOYER PLAN BENEFITS.]

Subdivision 1. [BENEFIT DESIGN.] The minimum benefits of a small employer plan shall be equal to 80 percent of the cost of health care services covered under the small employer plan, in excess of an annual deductible which shall not exceed \$500 per individual and \$1,000 per family. Coinsurance and deductibles shall not apply to child health supervision services and prenatal services, as defined by section 62A.047.

Out-of-pocket costs for covered services shall not exceed \$3,000 per individual and \$6,000 per family per year. The maximum lifetime benefit shall not be less than \$500,000.

Subd. 2. [MINIMUM BENEFITS.] The medical services and supplies listed in this subdivision are the minimum benefits that must be covered by a small employer plan:

(1) inpatient and outpatient hospital services, excluding services provided for the diagnosis, care or treatment of chemical dependency or a mental illness or condition, other than those conditions specified in clause (10);

(2) physician services for the diagnosis or treatment of illnesses, injuries, or conditions;

(3) diagnostic X rays and laboratory tests;

(4) ground transportation provided by a licensed ambulance service to the nearest facility qualified to treat the condition;

(5) services of a home health agency if the services qualify as reimbursable services under Medicare and are directed by a physician;

(6) services of a private duty registered nurse if medically necessary, as determined by the health carrier;

(7) the rental or purchase, as appropriate, of durable medical equipment, other than eyeglasses and hearing aids;

(8) child health supervision services up to age 18, as defined in section 62A.047;

(9) maternity and prenatal care services as defined in section 62A.047; and

(10) inpatient and outpatient physician and hospital services for the diagnosis and treatment of certain mental illnesses or conditions, as defined by the International Classification of Diseases-Clinical Modification (ICD-9-CM), seventh edition (1990) and as classified as ICD-9 codes 295 to 299.

Subd. 3. [ADDITIONAL BENEFITS.] Health carriers may offer small employers additional benefits not listed in this section.

Subd. 4. [BENEFIT EXCLUSIONS.] No medical, hospital, or other health care benefits, services, supplies, or articles not expressly set forth in subdivision 2 are required to be included in a health benefit plan. Nothing in subdivision 2 shall restrict the right of a health carrier to restrict coverage to those services which are medically necessary. Health carriers may exclude any benefit, service, supply, or article not expressly set forth in subdivision 2 from a health benefit plan.

Subd. 5. [CONTINUATION COVERAGE.] Health benefit plans must include only the continuation of coverage provisions required by the Consolidated Omnibus Reconciliation Act of 1981 (COBRA), Public Law Number 99-272, as amended.

Subd. 6. [DEPENDENT COVERAGE.] Other state law and rules applicable to health plan coverage of newborn infants, dependent children who do not reside with the eligible employee, handicapped children, and dependents and adopted children shall apply to a health benefit plan, provided, however, that section 62A.151 shall not apply to a health benefit plan issued to small employers.

Subd. 7. [MEDICAL EXPENSE REIMBURSEMENT.] Health carriers may reimburse or pay for medical services provided pursuant to a health benefit plan in accordance with the health carrier's provided contract requirements including but not limited to salaried arrangements, capitation, the payment of usual and customary charges, fee schedules, discounts from fee-for-service, per diems, diagnostic-related groups (DRGs), and other payment arrangements. Nothing in this chapter requires a health carrier to develop,

implement, or change its provider contract requirements for a health benefit plan. Coinsurance, deductibles, out-of-pocket maximums, and maximum lifetime benefits must be calculated and determined in accordance with each health carrier's standard business practices.

Subd. 8. [PLAN DESIGN.] Notwithstanding any other law, regulation, or administrative interpretation to the contrary, health carriers may offer a health benefit plan through any provider arrangement, including but not limited to the use of open, closed, or limited provider networks. Health carriers may use any utilization management practices otherwise permitted by law, including but not limited to second surgical opinions, prior authorization, concurrent and retrospective review, referral authorizations, case management and discharge planning. A health carrier may contract with groups of providers with respect to health care services of benefits, and may negotiate with providers regarding the level or method of reimbursement provided for services rendered under a health benefit plan.

Sec. 6. [62K.06] [DISCLOSURE OF UNDERWRITING RATING PRACTICES.]

When offering or renewing a health benefit plan, health carriers shall disclose in all solicitation and sales materials:

(1) the case characteristic factors used to determine initial and renewal rates, including demographics, claim experience, health status, benefit design, industry of the small employer, or duration of issue;

(2) the extent to which premium rates for a small employer are established or adjusted based upon actual or expected variation in claim experience;

(3) provisions concerning the health carrier's right to change premium rates and the factors other than claim experience that affect changes in premium rates;

(4) a description of the class of business in which a small employer is or will be included, including the applicable grouping of plan;

(5) provisions relating to renewability of coverage; and

(6) the use and effect of any preexisting condition provisions, if permitted.

Sec. 7. [62K.07] [SMALL EMPLOYER REQUIREMENTS.]

Subdivision 1. [VERIFICATION OF ELIGIBILITY.] Small em-

employers purchasing a health benefit plan shall maintain information verifying the continuing eligibility of the employer, its employees, and their dependents and shall provide such information to health carriers on a quarterly basis or as reasonably requested by the health carrier.

Subd. 2. [WAIVERS.] Small employers participating in a health benefit plan shall maintain written documentation of a waiver of coverage by an eligible employee or dependent and shall provide such documentation to the health carrier upon reasonable request.

Sec. 8. [62K.08] [RESTRICTIONS RELATING TO PREMIUM RATES.]

Subdivision 1. [RATE RESTRICTIONS.] Premium rates for all health benefit plans sold or issued to small employers shall be subject to the following restrictions:

(a) [INDEX RATE.] Between classes of business, the index rate for a rating period for any class of business must not exceed the index rate for any other class of business by more than 20 percent, adjusted pro rata for periods less than one year.

(b) [PREMIUM VARIATIONS.] Within a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates which could be charged to such employers under the rating system for that class of business, shall be limited to the index rate, plus or minus 30 percent of the index rate, adjusted pro rata for rating periods of less than one year.

(c) [ANNUAL PREMIUM INCREASE.] The percentage increases in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

(1) the percentage change in the index rate measured from the first day of the prior rating period to the first day of the new rating period;

(2) an adjustment, not to exceed 15 percent annually and adjusted pro rata for rating periods of less than one year, due to the claims experience, health status, or duration of issue of the eligible employees or dependents of the small employer as determined from the health carrier's rate manual for the class of business; and

(3) any adjustment due to change in coverage, demographic composition, or change in the case characteristics of the small employer as determined from the health carrier's rate manual for the class of business.

Subd. 2. [TABLE RATING.] The difference between the highest premium rate for all rate tables and the lowest premium rate for all rate tables within a class of business for small employers with similar case characteristics must be limited to the average premium rate for all rate tables, plus or minus 30 percent, adjusted pro rata for rating periods of less than one year.

Subd. 3. [INVOLUNTARY TRANSFERS PROHIBITED.] A health carrier shall not involuntarily transfer a small employer into or out of a class of business. A health carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, age, sex, claim experience, health status, industry of the employer, or duration of issue.

Sec. 9. [62K.09] [CESSATION OF SMALL EMPLOYER BUSINESS.]

Subdivision 1. [NOTICE TO COMMISSIONER.] A health carrier electing to cease doing business in the small employer market shall notify the commissioner 180 days prior to the effective date of the cessation. The cessation of business does not include the following activities:

(1) the elimination of a class of business by a health carrier so long as other classes of business are maintained;

(2) the failure of a health carrier to offer or issue new business in the small employer market or continue an existing product line, provided that a health carrier does not terminate, cancel, or fail to renew its current small employer business or other product lines; and

(3) the inability of a health maintenance organization to offer or renew a health benefit plan because it has demonstrated to the satisfaction of the commissioner that it will not have the capacity within its service area to adequately deliver services to the enrollees of health benefit plans because of its obligations to existing large group contract holders and enrollees.

Subd. 2. [NOTICE TO EMPLOYERS.] A health carrier electing to cease doing business in the small employer market shall provide 120 days' written notice to each small employer covered by a health benefit plan issued by the health carrier. Any health carrier that ceases to write new business in the small employer market shall continue to be governed by this act with respect to continuing small employer business conducted by the carrier.

Subd. 3. [REENTRY PROHIBITION.] A health carrier that ceases

to do business in the small employer market after the effective date of this act shall be prohibited from writing new business in the small employer market in this state for a period of five years from the date of notice to the commissioner. This subdivision shall apply to any health maintenance organization that ceases to do business in the small employer market in one service area with respect to that service area only.

Sec. 10. [62K.10] [REINSURANCE ASSOCIATION.]

Subdivision 1. [NONPROFIT CORPORATION.] The small employer reinsurance association is a nonprofit corporation.

Subd. 2. [PURPOSE.] The association is established to provide for the fair and equitable transfer of risk associated with participation by a health carrier in the small employer market to a private reinsurance pool created and maintained by the association. The participation by a health carrier in the reinsurance pool is voluntary.

Subd. 3. [TASK FORCE.] The commissioner of commerce shall establish a six-member task force to develop the rules of participation in and operating guidelines for the reinsurance pool. Members of the task force must be representative of the member's respective share in the small employer market during the preceding year. One member must be representative of an insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident or sickness insurance. One member must be representative of a non-profit health service plan corporation regulated under chapter 62C. One member must be representative of a health maintenance organization regulated under chapter 62D. One member must be the commissioner of health or designated representative.

Subd. 4. [APPOINTMENT.] The commissioner shall appoint the members of the task force no later than June 15, 1991.

Subd. 5. [REPORT.] The task force shall report to the legislature on their recommendations for operation of the reinsurance association no later than January 15, 1992. The report must include recommendations regarding the transfer of risk to the association, assessments, board composition, and operation of the association. The report must include recommendations regarding statutory changes necessary for implementation of the reinsurance association by January 1, 1993.

Sec. 11. [62K.11] [SUPERVISION BY COMMISSIONER.]

Subdivision 1. [REPORTS.] Health carriers doing business in the small employer market shall file by April 1 of each year an annual actuarial opinion with the commissioner certifying that the health

carrier is in compliance with the underwriting and rating requirements of this chapter and that the rating methods used by the carrier are actuarially sound. Health carriers shall retain a copy of such opinion at its principal place of business.

Subd. 2. [RECORDS.] Health carriers doing business in the small employer market shall maintain at their principal place of business a complete and detailed description of their rating practices, including information and documentation which demonstrate that a health carrier's rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

Subd. 3. [SUBMISSIONS TO COMMISSIONER.] The commissioner may request information and documentation from a health carrier describing its rating practices and renewal underwriting practices, including information and documentation that demonstrates that a health carrier's rating methods and practices are in accordance with sound actuarial principles. Any information received by the commissioner pursuant to this subdivision is nonpublic data pursuant to section 13.37.

Sec. 12. [62K.12] [PENALTIES AND ENFORCEMENT.]

The commissioner may suspend or revoke a health carrier's license or certificate of authority or impose a monetary penalty not to exceed \$25,000 for each violation of this chapter. Such action shall be by order and subject to the notice, hearing, and appeal procedures set forth in section 60A.051. The action of the commissioner shall be subject to judicial review pursuant to chapter 14.

Sec. 13. [62K.13] [PROHIBITED PRACTICES.]

Subdivision 1. [PROHIBITION ON ISSUANCE OF INDIVIDUAL POLICIES.] Health carriers operating in the small employer market shall not offer, issue, or renew an individual policy, subscriber contract, or certificate to any eligible employee or dependent of a small employer who satisfies the employer participation requirements set forth in section 62K.03, subdivision 3, except as permitted in subdivision 2.

Subd. 2. [EXCEPTIONS.] (a) Health carriers may sell, issue, or renew individual conversion policies to eligible employees and dependents otherwise eligible for conversion coverage pursuant to section 62D.104 as a result of leaving a health maintenance organization's service area.

(b) Health carriers may sell, issue, or renew individual conversion policies to eligible employees and dependents otherwise eligible for conversion coverage as a result of the expiration of any continuation

of group coverage required under sections 62A.146, 62A.17, 62A.21, 62C.142, 62D.101, and 62D.105.

Subd. 3. |SALE OF OTHER PRODUCTS.| A health carrier shall not condition the offer, sale, issuance, or renewal of a health benefit plan on the purchase by a small employer of other insurance products offered by the health carrier or a subsidiary or affiliate of the health carrier, including but not limited to life, disability, property, and general liability insurance. This prohibition shall not apply to insurance products offered as a supplement to a health maintenance organization plan to provide coverage to enrollees for health care services and supplies received from providers who are not employed by, under contract with, or otherwise affiliated with the health maintenance organization.

ARTICLE 2

HEALTH CARE COST CONTAINMENT

Section 1. |62K.19| [MANDATORY REVIEW OF MANDATED BENEFITS.]

Subdivision 1. |SCOPE.| This section applies to any amendments or revisions to the minimum benefits set forth in section 62K.05, and to newly enacted, amended, or revised benefits applicable to any health plan.

Subd. 2. |EVALUATION PROCESS.| Any person, association, or organization seeking consideration of a legislative proposal that would mandate a new, revised, or amended minimum benefit or the offering of a new, revised, or amended minimum benefit by a health carrier in a health plan shall submit to the department of health a report assessing the social and financial impact of the proposed benefit. The appropriate committee chairs shall also refer all legislative proposals for new health plan benefits or amendments to current health plan benefits to the department of health for review and evaluation.

Subd. 3. |EVALUATION CRITERIA.| Upon receipt of a legislative proposal, the commissioner of health shall evaluate the social and financial impact of a proposed change, amendment, revision, or addition to a health plan using the following criteria, to the extent that reliable information is available:

(1) the extent to which the treatment or service is utilized by a significant portion of the population;

(2) the extent to which the treatment or service is medically effective;

(3) the extent to which health plan coverage is currently generally available without a mandate;

(4) if coverage is not generally available, the extent to which lack of coverage results in persons being unable to obtain necessary health care;

(5) if coverage is not generally available, the extent to which lack of coverage results in unreasonable financial hardship;

(6) the level of public demand for the treatment or for health plan coverage of the treatment;

(7) the extent to which health plan coverage would increase or decrease the cost of treatment or service;

(8) the extent to which health plan coverage may increase the use of the treatment or service;

(9) the extent to which the treatment or service may be a substitute or alternative for a more expensive treatment;

(10) the extent to which health plan coverage can reasonably be expected to increase or decrease premiums and the administrative expenses of health carriers; and

(11) the impact of the proposed mandate on the total cost of health care.

The commissioner of health may request the appropriate committee chairs to rank the proposals referred under this section to enable the commissioner to evaluate them in order of importance.

Subd. 4. [QUALIFIED EXPERTS.] The commissioner of health may contract with qualified experts in the disciplines of biostatistics, epidemiology, health economics, medicine, underwriting, and health sciences research to review the social and financial impact of proposed mandates. Qualified experts under contract to the department of health shall provide a written report of their analysis. The qualified experts shall evaluate the social and financial impact of the proposed mandate using the criteria stated in subdivision 3.

Subd. 5. [PUBLIC COMMENT.] The commissioner of health shall publish in the State Register a description of the proposed change in mandated benefits and a notice soliciting public comment on the proposal. The commissioner shall receive written public comments from interested persons for 30 days from the date of publication in the State Register. All data or comments submitted to the commissioner are public data, unless the provider of the data requests that it be held as trade secret information and maintained as nonpublic

data, as defined by section 13.02, subdivision 9. All public comments submitted to the auditor shall, to the extent feasible, address the criteria stated in subdivision 3 and shall be forwarded to any qualified experts retained by the commissioner.

Subd. 6. [COMMISSIONER'S DUTIES.] The commissioner of health shall review reports received from qualified experts and public comments. The commissioner shall issue a recommendation in the form of a written report that shall incorporate the reports of qualified experts and public comments. The report must be issued no later than 120 days after the date of submission pursuant to subdivision 2. The commissioner shall forward this recommendation to the appropriate committee chairs, the speaker of the house, and the majority leader of the senate.

Sec. 2. [144.1463] [TECHNOLOGY AND BENEFITS ADVISORY COMMITTEE.]

Subdivision 1. [MEMBERSHIP.] The commissioner shall convene a technology and benefits advisory committee consisting of 11 members. The membership shall consist of the following:

(1) a practicing physician with broad knowledge of developments in medical technology and medical care services innovations;

(2) a medical researcher specializing in development of new medical technology and services;

(3) a nurse experienced in high-technology medical care;

(4) an individual with expertise in biomedical ethics;

(5) two representatives of third-party payors of health care costs, one representing a managed care plan, the other representing another health insurance model;

(6) three consumers of health care services; and

(7) two employers, one representing a firm with fewer than 49 employees, and one representing a firm with 50 or more employees, who offer health insurance plans under chapter 62A, 62C, or 62D to their employees.

Subd. 2. [DUTIES.] The technology and benefits advisory committee is responsible for periodically reviewing, analyzing, and evaluating health care technology, benefits, and coverage, and making recommendations to the commissioner. The committee's recommendations must be based on the following principles: (1) equitable access to health care procedures and technologies; (2) maintaining an appropriate balance between expenditures for primary and

preventive care, and expenditures for high-cost cases; (3) promotion of high-quality and cost-effective health care; and (4) containment of health care cost increases. The committee shall make recommendations to the commissioner on proposed additions or deletions of benefit mandates under chapters 62A, 62C, 62D, and 62E and to programs of health care coverage financed or administered by the state, including, but not limited to, the state employees' health plan.

Sec. 3. [MEDICAL MALPRACTICE STUDY.]

The commissioner of health shall study the causes of increasing medical malpractice costs, and the impact of these increased costs on access to medical care. The commissioner shall consider the use of alternative dispute resolution mechanisms, such as arbitration and mediation, as alternatives to litigation, the use of documented medical care protocols and guidelines, and any other strategies for limiting malpractice costs without depriving consumers of due process and just compensation for redress of harm resulting from negligence or incompetence. In conducting this study, the commissioner shall consult with medical care providers, attorneys with experience in malpractice litigation, experts in alternative dispute resolution, consumers, and third party payors of health care costs. The commissioner shall report to the legislature with recommendations on or before July 1, 1992.

Sec. 4. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1993, for the purposes of this article.

ARTICLE 3 ADMINISTRATION

Section 1. [HEALTH PLANNING.]

Subdivision 1. [DUTIES OF THE COMMISSIONER.] The commissioner of health shall prepare a statewide health plan to establish long-term goals for improving the health of Minnesota citizens. The goals shall include, but need not be limited to:

(1) improving the health care delivery system, including Minnesota's public health infrastructure;

(2) increasing access to quality health care, both financial and geographic;

(3) reducing the occurrence of diseases or conditions that are influenced by lifestyle choices and cultural norms;

(4) reducing the incidence of vaccine-preventable disease;

(5) reducing the transmission of HIV infection and other sexually transmitted disease in Minnesota;

(6) reducing the occurrence and severity of chronic disease;

(7) reducing the occurrence of environmentally induced and occupationally induced disease;

(8) reducing the incidence of mortality and morbidity resulting from injury;

(9) improving the health status of Minnesota's communities of color;

(10) improving the health status of women of child-bearing age and their children; and

(11) improving the health of Minnesota's elderly citizens.

Subd. 2. [HEALTH PLANNING ADVISORY COMMITTEE.] The commissioner shall appoint a health planning advisory committee, which shall advise the commissioner in developing the state health plan and long-term goals under subdivision 1. The committee shall serve for two years, and shall consist of the following:

(1) two physicians, one primary care physician, and one specialist;

(2) one nurse;

(3) one member representing an allied health occupation;

(4) one representative of a hospital;

(5) one representative of a nursing home;

(6) two representatives of third-party payors of health care costs, one representing a managed care plan, the other representing a different health insurance model; and

(7) five consumers, of whom two shall be persons of color.

In appointing the committee, the commissioner shall ensure that all regions of the state are represented.

Sec. 2. [HEALTH PROGRAM CONSOLIDATION PLAN.]

The commissioner of health, with assistance from the commissioner of human services and the commissioners of other state agencies, shall by January 1, 1993, report to the legislature on the potential benefits of consolidating, through merger or reconfiguration, health benefit programs administered, funded, or provided by state and local government. These programs include, but are not limited to: medical assistance, general assistance medical care, the children's health plan, the Minnesota comprehensive health association, the maternal and child health program, the services for children with handicaps program, state and local government employee health benefits programs, corrections system health programs, and the health care components of workers' compensation coverage and motor vehicle and motorcycle coverage. The report must identify programs for which consolidation is appropriate, and provide an implementation plan that significantly improves the cost-effectiveness of public and private health care purchasing. The report must also recommend any legislative changes needed for effective program consolidation.

Sec. 3. [HEALTH PLAN REGULATION STUDY.]

The commissioner of health and the commissioner of commerce shall develop a plan for the division of regulatory authority over health plans. The plan must allow each commissioner to exercise the independent authority to the greatest extent possible and must minimize jurisdictional overlaps. This plan must be presented to the legislature by July 1, 1992.

Sec. 4. [MANAGED CARE ORGANIZATION STUDY.]

The commissioner of health, in consultation with the commissioner of commerce, shall study the need for regulation of organizations which provide utilization review or which operate limited-access health care provider networks on behalf of payors of health care costs not regulated under Minnesota Statutes, chapter 62A, 62C, or 62D. If the commissioner determines that regulation is necessary to ensure adequate and appropriate access to quality medical care, the commissioner shall present a plan for regulation in the report. This report shall be presented to the legislature by July 1, 1992.

Sec. 5. [APPROPRIATION.]

\$...... is appropriated from the general fund for the biennium ending June 30, 1993, to the commissioner of health for the purposes of this article.

ARTICLE 4

DATA COLLECTION AND RESEARCH INITIATIVES

Section 1. [144.7061] [HEALTH CARE ANALYSIS UNIT.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of health shall establish a health care analysis unit to conduct data and research initiatives in order to improve the efficiency and effectiveness of health care in Minnesota.

Subd. 2. [GENERAL DUTIES; IMPLEMENTATION DATE.] The health care analysis unit shall:

(1) conduct applied research using existing and newly established health care data bases, and promote applications based on existing research;

(2) establish the condition-specific data base required under section 2;

(3) develop and implement data collection procedures to ensure a high level of cooperation from health care providers and health plans;

(4) provide technical assistance as needed to the department of health;

(5) periodically evaluate the state's existing health care financing and delivery programs;

(6) regularly prepare estimates, specific to Minnesota, of total health service expenditures and sources of payment;

(7) participate as a partner or sponsor of private sector initiatives that promote publicly disseminated applied research on health care delivery, outcomes, costs, quality, and management;

(8) conduct periodic surveys, including those required by section 4;

(9) provide technical assistance to health plan and health care purchasers, as required by section 5; and

(10) provide technical assistance to the administrator of the outcomes-based pilot project established in article 5.

Subd. 3. [CRITERIA FOR UNIT INITIATIVES.] Data and research initiatives by the health care analysis unit must:

(1) serve the needs of the general public, public sector health care programs, employers and other purchasers of health care, health care providers, including providers serving large numbers of low-income people, and health plan companies;

(2) promote a significantly accelerated pace of publicly disseminated, applied research on health care delivery, outcomes, costs, quality, and management;

(3) conduct research and promote health care applications based on scientifically sound and statistically valid methods;

(4) be statewide in scope, in order to benefit health care purchasers and providers in all parts of Minnesota and to ensure a broad and representative data base for research, comparisons, and applications;

(5) emphasize data that is useful, relevant, and nonredundant of existing data. The initiatives may duplicate existing private activities, if this is necessary to ensure that the data collected will be in the public domain;

(6) be structured to minimize the administrative burden on health plans, health care providers, and the health care delivery system; and

(7) promote continuous improvement in the efficiency and effectiveness of health care delivery.

Subd. 4. [CRITERIA FOR PUBLIC SECTOR HEALTH CARE PROGRAMS.] Data and research initiatives related to public sector health care programs must:

(1) assist the state's current health care financing and delivery programs to deliver and purchase health care in a manner that promotes improvements in health care efficiency and effectiveness;

(2) assist the state in its public health activities, including the analysis of disease prevalence and trends and the development of public health responses;

(3) assist the state in developing and refining its overall health policy, including policy related to health care costs, quality, and access; and

(4) provide a data source that allows the evaluation of state health care financing and delivery programs.

Subd. 5. [DATA COLLECTION PROCEDURES.] The health care analysis unit shall collect data from health care providers, health

plan companies, and individuals in the most cost-effective manner. The unit may require health care providers and health plan companies to collect and provide patient health data, provide mailing lists of patients, and cooperate in other ways with the data collection process. The health care analysis unit may assign, or require health care providers and health plan companies to assign, a unique identification number to each patient to safeguard patient identity.

Subd. 6. [DATA CLASSIFICATION.] (a) Data collected through the large-scale data base initiatives of the health care analysis unit required by section 62J.45 are classified as private data on individuals and may be disclosed only to: employees of the department of health working on unit initiatives; researchers affiliated with university research centers or departments, who are conducting research on health outcomes, practice parameters, and medical practice style; researchers working under contract with the department of health; and individuals purchasing health care services for health plan companies and groups.

(b) Data collected through the survey research initiatives of the health care analysis unit required by section 62J.47 are classified as public data under section 13.03, except that any patient or enrollee identifying information is private data.

(c) Summary data derived from data collected through the large-scale data base and survey research initiatives of the health care analysis unit may be provided under section 13.05, subdivision 7, and may be released in studies produced by the bureau of health care access.

Subd. 7. [FEDERAL AND OTHER GRANTS.] The commissioner of health shall seek federal funding, and funding from private and other non-state sources, for the initiatives of the health care analysis unit.

Sec. 2. [144.7063] [LARGE-SCALE DATA BASE.]

Subdivision 1. [ESTABLISHMENT.] The health care analysis unit shall establish a large-scale data base for a limited number of health conditions. This initiative must meet the requirements of this section.

Subd. 2. [SPECIFIC HEALTH CONDITIONS.] (a) The data must be collected for specific health conditions, rather than specific procedures, types of health care providers, or services. The health care analysis unit shall designate up to eight specific health conditions for which data shall be collected during the first year of operation. For subsequent years, data may be collected for up to six additional specific health conditions. The number of specific conditions for which data is collected is subject to the availability of appropriations.

(b) The initiative must emphasize conditions that account for significant total costs, when considering both the frequency of a condition and the unit cost of treatment. The initial emphasis must be on the study of conditions commonly treated in hospitals on an inpatient or outpatient basis, or in freestanding outpatient surgical centers. As improved data collection and evaluation techniques are incorporated, this emphasis shall be expanded to include entire episodes of care for a given condition, whether or not treatment includes use of a hospital or a freestanding outpatient surgical center.

Subd. 3. [INFORMATION TO BE COLLECTED.] The data collected must include information on health outcomes, including information on mortality, patient functional status and quality of life, symptoms, and patient satisfaction. The data collected must include information necessary to measure and make adjustments for differences in the severity of patient condition across different health care providers, and may include data obtained directly from the patient or from patient medical records. The data must be collected in a manner that allows comparisons to be made between providers, health plan companies, public programs, and other entities.

Subd. 4. [DATA COLLECTION AND REVIEW.] Data collection for any one condition must continue for a sufficient time to permit adequate analysis, feedback to providers, and monitoring for changes in practice patterns. The health care analysis unit shall annually review all specific health conditions for which data is being collected, in order to determine if data collection for that condition should be continued.

Subd. 5. [USE OF EXISTING DATA BASES.] (a) The health care analysis unit shall negotiate with private sector organizations currently collecting data on specific health conditions of interest to the unit, in order to obtain required data in a cost-effective manner and minimize administrative costs. The unit shall attempt to establish linkages between the large scale data base established by the unit and existing private sector data bases and shall consider and implement methods to streamline data collection in order to reduce public and private sector administrative costs.

(b) The health care analysis unit shall use existing public sector data bases, such as those existing for medical assistance and Medicare, to the greatest extent possible. The unit shall establish linkages between existing public sector data bases and consider and implement methods to streamline public sector data collection in order to reduce public and private sector administrative costs.

Sec. 3. [144.7065] [ANALYSIS AND USE OF DATA COLLECTED THROUGH THE LARGE-SCALE DATA BASE.]

Subdivision 1. [DATA ANALYSIS.] The health care analysis unit shall analyze the data collected on specific health conditions using existing medical practice parameters and newly researched medical practice parameters, including those established through the medical effectiveness studies of the federal government. The unit may also use the data collected to develop new practice parameters, or refine existing practice parameters, and may encourage or coordinate private sector research efforts designed to develop or refine practice parameters.

Subd. 2. [EDUCATIONAL EFFORTS.] The health care analysis unit shall maintain and improve the quality of health care in Minnesota by providing medical practitioners in the state with information about practice parameters and medical practice style. The unit shall disseminate medical parameters for specific medical conditions, and the research findings on which these parameters are based, to all medical practitioners in the state who diagnose or treat the medical condition.

Subd. 3. [PEER REVIEWS.] The unit may require peer reviews for specific medical conditions for which medical practice in all or part of the state deviates from practice parameters. The unit may also require peer reviews for specific medical conditions for which there are large variations in treatment method or frequency of treatment in all or part of the state. Peer reviews may be required for all medical practitioners statewide, or limited to medical practitioners in specific areas of the state. The peer reviews shall determine if the procedures conducted by medical practitioners are medically necessary and appropriate. If a medical practitioner's practice style does not change and the practitioner continues to perform procedures that are medically inappropriate, even after educational efforts by the review panel, the panel may report the practitioner to the appropriate professional licensing board.

Sec. 4. [144.7067] [SURVEY RESEARCH.]

The health care analysis unit shall conduct periodic surveys to accomplish the data and research goals listed in section 1. These surveys shall include, but are not limited to:

(1) surveys of enrollee satisfaction with health plans and health care providers;

(2) surveys to monitor changes over time in financial and geographic access and sources of health coverage;

(3) surveys of health service prices, especially for services less commonly covered by health insurance, or for which patients commonly face significant out-of-pocket expenses;

(4) surveys of health plan prices, especially for health plans sold on a community-rated or table-rated basis; and

(5) surveys of new procedures and treatments performed by health care providers, as a basis for considering changes in the benefits provided by state health coverage programs.

Sec. 5. [144.7069] [TECHNICAL ASSISTANCE FOR PURCHASERS.]

The health care analysis unit shall provide technical assistance to health plan and health care purchasers. The unit shall collect information about:

(1) premiums, benefit levels, managed care procedures, health care outcomes, and other features of popular health plans and health plan companies; and

(2) prices, outcomes, provider experience, and other information for services less commonly covered by insurance or for which patients commonly face significant out-of-pocket expenses.

The commissioner shall publicize this information in an easily understandable format.

Sec. 6. Minnesota Statutes 1990, section 147.091, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS LISTED.] The board may refuse to grant a license or may impose disciplinary action as described in section 147.141 against any physician. The following conduct is prohibited and is grounds for disciplinary action:

(a) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such requirements.

(b) Obtaining a license by fraud or cheating, or attempting to subvert the licensing examination process. Conduct which subverts or attempts to subvert the licensing examination process includes, but is not limited to: (1) conduct which violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination; (2) conduct which violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or (3) impersonating an exam-

inee or permitting an impersonator to take the examination on one's own behalf.

(c) Conviction, during the previous five years, of a felony reasonably related to the practice of medicine or osteopathy. Conviction as used in this subdivision shall include a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon.

(d) Revocation, suspension, restriction, limitation, or other disciplinary action against the person's medical license in another state or jurisdiction, failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction, or having been refused a license by any other state or jurisdiction.

(e) Advertising which is false or misleading, which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by another physician.

(f) Violating a rule promulgated by the board or an order of the board, a state, or federal law which relates to the practice of medicine, or in part regulates the practice of medicine including without limitation sections 148A.02, 609.344, and 609.345, or a state or federal narcotics or controlled substance law.

(g) Engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare or safety of a patient; or medical practice which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(h) Failure to supervise a physician's assistant or failure to supervise a physician under any agreement with the board.

(i) Aiding or abetting an unlicensed person in the practice of medicine, except that it is not a violation of this paragraph for a physician to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of that person's license or registration or delegated authority.

(j) Adjudication as mentally incompetent, mentally ill or mentally retarded, or as a chemically dependent person, a person dangerous to the public, or a person who has a psychopathic personality by a

court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board orders otherwise.

(k) Engaging in unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established. Unprofessional conduct shall also include the performance of procedures that are judged by a peer review panel as medically inappropriate and in conflict with established medical practice parameters.

(l) Inability to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills.

(m) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.

(n) Failure by a doctor of osteopathy to identify the school of healing in the professional use of the doctor's name by one of the following terms: osteopathic physician and surgeon, doctor of osteopathy, or D.O.

(o) Improper management of medical records, including failure to maintain adequate medical records, to comply with a patient's request made pursuant to section 144.335 or to furnish a medical record or report required by law.

(p) Fee splitting, including without limitation:

(1) paying, offering to pay, receiving, or agreeing to receive, a commission, rebate, or remuneration, directly or indirectly, primarily for the referral of patients or the prescription of drugs or devices;

(2) *dividing fees* with another physician or a professional corporation, unless the division is in proportion to the services provided and the responsibility assumed by each professional and the physician has disclosed the terms of the division;

(3) referring a patient to any health care provider as defined in section 144.335 in which the referring physician has a significant financial interest unless the physician has disclosed the physician's own financial interest; and

(4) dispensing for profit any drug or device, unless the physician has disclosed the physician's own profit interest.

The physician must make the disclosures required in this clause in advance and in writing to the patient and must include in the disclosure a statement that the patient is free to choose a different health care provider. This clause does not apply to the distribution of revenues from a partnership, group practice, nonprofit corporation, or professional corporation to its partners, shareholders, members, or employees if the revenues consist only of fees for services performed by the physician or under a physician's direct supervision, or to the division or distribution of prepaid or capitated health care premiums, or fee-for-service withhold amounts paid under contracts established under other state law.

(q) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.

(r) Becoming addicted or habituated to a drug or intoxicant.

(s) Prescribing a drug or device for other than medically accepted therapeutic or experimental or investigative purposes authorized by a state or federal agency or referring a patient to any health care provider as defined in section 144.335 for services or tests not medically indicated at the time of referral.

(t) Engaging in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior which is seductive or sexually demeaning to a patient.

(u) Failure to make reports as required by section 147.111 or to cooperate with an investigation of the board as required by section 147.131.

Sec. 7. [STUDY OF ADMINISTRATIVE COSTS.]

The health care analysis unit shall study costs and requirements incurred by health plan companies and health care providers that are related to the collection and submission of information to the state and federal government, insurers, and other third parties. The unit shall recommend to the commissioner by January 1, 1993, any reforms that may reduce these costs without compromising the purposes for which the information is collected.

Sec. 8. [APPROPRIATION.]

\$..... is appropriated from the general fund to the commissioner of health, for the biennium ending June 30, 1993, to establish a health care analysis unit and implement the initiatives required by sections 1 to 7.

ARTICLE 5
OUTCOMES-BASED PILOT PROJECT

Section 1. [144.7071] [LEGISLATIVE INTENT AND FINDINGS.]

The legislature finds that the use of health care practice guidelines combined with an outcomes-based approach to health care management offers unique opportunities to avoid unnecessary and ineffective health care by providing consumers, providers, and payors with necessary information and incentives to identify and purchase health care that works. The savings that could be realized through the implementation of such a system on a statewide basis, as well as the improvement in the quality of care being provided, makes the goal of providing affordable, quality health care to all the citizens of the state much easier to attain.

Therefore, the legislature finds it to be appropriate and desirable to conduct an innovative pilot project to design, implement, administer, and evaluate an outcomes-based model of health care management, incorporating practice guidelines.

The cost savings realized by the project will be used to periodically expand the project to include more participants, providers, and care delivered under guidelines. The ultimate goal of the project will be to generate sufficient cost savings to expand the project to include all citizens of the state who do not have health care coverage.

Sec. 2. [144.7073] [CONSUMERS' HEALTH IMPROVEMENT PLAN PILOT PROJECT.]

Subdivision 1. [INITIAL PROJECT AREA.] The commissioner of health shall select an area or areas of the state in which to initiate the consumers' health improvement plan pilot project according to the following criteria:

(a) The initial pilot project area or areas shall include sufficient numbers of health care providers practicing in sufficient numbers of health care specialties to ensure full access to all necessary, effective health care by pilot project participants.

(b) The initial pilot project area or areas shall be of sufficient size to include as residents at least 15,000 uninsured persons and at least 25,000 persons insured under existing programs of public or private health insurance.

The commissioner shall supervise all aspects of the project.

Subd. 2. [SELECTION OF ADMINISTRATOR.] The commissioner shall select an administrator for the project by competitive

bid. The administrator must have demonstrated experience in at least the following areas:

- (1) health care management;
- (2) claims administration;
- (3) the management of health care information systems;
- (4) the use of practice guidelines within an outcomes-based management system; and
- (5) the direct provision of health care.

Subd. 3. [ADMINISTRATOR'S DUTIES.] The administrator shall consult regularly with the health care analysis unit, established in article 4, in carrying out the duties assigned in this subdivision. The administrator's duties are as follows:

(a) Establish a process for the initial approval, revision, and addition of practice guidelines which are submitted by each provider's professional association, and by the health care analysis unit established in article 4, for use by providers participating in the pilot project. The practice guidelines to be implemented in the pilot project are those objective findings or circumstances that when present document that the initiation of health care is necessary to preserve or improve health. All guidelines implemented must be supported by medical or health literature citations from appropriately controlled studies so as to minimize unnecessary, unproven or ineffective care.

(b) Adopt a provider fee schedule and negotiate hospital and other health service and supply contracts, including but not limited to contracts for drugs and medical equipment, in which fees for services and supplies are equivalent to those prevailing under other local third-party payers, except that to the extent possible, reimbursement shall be linked to providers' success in achieving the objective of the pilot project to identify and deliver necessary and effective health care.

(c) Establish system requirements for an outcomes-based management system incorporating practice guidelines for use in the pilot project. System requirements shall be broad enough to allow use of more than one brand or variety of software or hardware provided that they meet the compatibility objectives of this subdivision. System requirements shall include the following:

(1) The software selected shall allow for direct, automated inputting of all information collected in connection with the delivery of health care, including, but not limited to, history and examination

data and data relating to clinical and functional status and satisfaction with care.

(2) The software shall allow participating providers to precertify participants for treatment on the basis of health need; and, once treatment has been rendered, to measure outcome against the cost of care.

(3) System hardware and software shall be capable of being operated from participating providers offices; and, to the extent practicable, shall emphasize on-site health care management by providers.

(4) The system shall include a report function to allow both providers and consumers access to individual data, which shall be nonpublic and private, concerning both the consumers' course of treatment and summary data concerning the comparative outcomes of treatment in similar cases, which shall be public.

(d) Establish and maintain the Minnesota health outcomes database as follows:

(1) determine uniform specifications for the collection, transmission, and maintenance of health outcomes data for the pilot project; and

(2) conduct studies and research on the following subjects:

(i) new and revised practice guidelines to be used in connection with the pilot project;

(ii) the comparative effectiveness of alternative modes of treatment, medical equipment, and drugs;

(iii) the relative satisfaction of participants with their care, determined with reference to both provider and mode of treatment;

(iv) the cost versus the effectiveness of health care treatments; and

(v) the impact on cost and effectiveness of health care of the management techniques and administrative interventions used in the pilot project.

(e) Issue rules relating to the administration of the pilot project. At a minimum, the rules must provide that:

(1) any licensed provider who agrees to render care subject to approved practice guidelines and who agrees to implement the

project's outcomes-based management system may participate in the pilot project; and

(2) initially, participation by pilot project providers is limited to those maintaining offices within 30 miles of the pilot project area or areas. The administrator may also designate providers from outside this area to assure that participants have full access to covered health care. Additional providers will be added as the project expands.

(f) Establish appropriate financial incentives and disincentives designed to further the purposes of the project, including the application or waiver of copayments and deductibles.

(g) Establish appropriate eligibility, enrollment, and payment provisions consistent with the purposes of the project.

Subd. 4. [PARTICIPATION.] (a) All persons residing in the pilot project area who do not have health care coverage are eligible to participate in the project.

(b) All persons covered under state-subsidized health programs who reside in the pilot project area shall be required to participate in the pilot project to the extent that they seek care for which there are approved providers providing care subject to approved guidelines.

(c) Any of the following privately insured persons may receive care rendered subject to practice guidelines by pilot project providers, if they live in the pilot project area and they and their insurer consent to their participation, and agree to share data relating to cost and outcome with the pilot project administrator:

(1) persons covered by self-insured plans; and

(2) persons covered by health plans purchased from private carriers.

Subd. 5. [COVERAGE FOR HEALTH CARE FOR PILOT PROJECT PARTICIPANTS.] (a) The administrator shall determine basic health care coverage for persons who do not have health care coverage. That coverage shall include:

(1) care that is necessary and effective, as determined by reference to approved practice guidelines and validated by measurement of outcomes;

(2) care, including preventive care, determined by the administrator to be necessary, and for which there exists sufficient study or

research data to support a finding that the care is necessary and effective; and

(3) other care determined by the administrator to be covered, but for which there is insufficient study or research data to support a finding of necessity or effectiveness.

(b) Coverage for persons enrolled in state-subsidized health programs shall be that which is set forth in their benefits agreements:

(1) except that for care of proven effectiveness delivered subject to approved guidelines, such coverage, including choice of provider, shall be limited to care obtained from participating providers;

(2) except that coverage shall be supplemented with preventive care as defined by the Guidelines of the United States Task Force on Preventive Care to the extent it is necessary and effective; and

(3) a waiver of federal regulations shall be requested with respect to coverage mandated by federal law whenever care is provided under guidelines or standards by pilot project providers.

(c) Coverage for persons enrolled in private health plans directed to pilot project participating providers by their carriers shall be that set forth in their benefits agreements:

(1) provided, however, that this coverage may be limited to care rendered subject to practice guidelines; and

(2) provided further that preventive care from pilot project providers shall be made available to the extent it is necessary and effective care.

(d) The administrator shall take such steps as may be reasonable and necessary to reconcile existing health coverage with care provided participants by pilot project providers. Any conflict between existing health coverage and pilot project guidelines shall be resolved in favor of the pilot project guidelines.

(e) Coverage for persons who do not otherwise have health care coverage and persons enrolled in state-subsidized health programs based upon benefits shall be converted to coverage based upon need and effectiveness at the earliest possible date.

(f) The administrator shall make every possible effort to eliminate barriers to access to health care determined to be both necessary and effective and take steps to eliminate access to health care not determined to be necessary and effective.

Subd. 6. [PROVIDER PANELS.] (a) The administrator shall appoint panels of providers who shall assist the administrator in determining what additional practice guidelines are needed and which existing ones need revising.

(b) These panels shall also advise the administrator about adding participants and providers during the course of the project to maximize the cost savings generated by the project and to expand its size and scope to the extent practicable.

(c) New and revised practice guidelines shall be implemented based on referred medical journals and published studies that conform to the requirements of controlled studies and the scientific method of inquiry and after consultation with the appropriate panel of providers.

Subd. 7. [PAYMENT OF CLAIMS AND FINANCIAL INCENTIVES PAID TO PILOT PROJECT PROVIDERS.] (a) Participating providers shall be paid on the basis of fee schedules, contracts, and to the extent they are cost effective, financial incentives established by the administrator.

(b) The administrator shall conduct periodic audits of pilot project providers office-based outcomes management systems to ensure that cost and effectiveness data is accurately reported and pilot project guidelines are adhered to.

Subd. 8. [GENERAL ADMINISTRATION.] The administrator shall establish a pilot project administrative office, hire staff and arrange working relationships with persons currently employed by the state of Minnesota in the administration of health coverage programs, initiate procedures designed to identify and recruit persons who do not have health care coverage, persons currently enrolled in state-subsidized health programs and privately insured persons for participation in the pilot project, determine and administer care and coverage for persons who do not have health care coverage participating in the pilot project and administer care provided other persons participating in the pilot project.

Subd. 9. [ASSISTANCE.] State departments, agencies, boards, and commissions shall provide the assistance the commissioner of health and the administrator require to design, implement, administer, and evaluate the pilot project. The evaluation shall include an estimate of the savings accrued by state financed health care programs due to the pilot project.

These departments, agencies, boards, and commissions shall work with the commissioner of health to ensure maximum participation by persons enrolled in health care programs under their supervision not only to further the purposes of the pilot project, but as an attempt to achieve significant cost savings in those programs.

Subd. 10. [REPORTS.] The commissioner shall, by the end of January of each year the pilot project is operating, provide a detailed report to the legislature. The report must include a review by the administrator of the:

- (1) the outcomes of care provided in the pilot project;
- (2) progress in implementing, expanding or revising practice guidelines for use in connection with all necessary and effective modes of treatment used in the pilot project;
- (3) actual improvements in quality of care achieved as a result of providing only care that is necessary and effective;
- (4) actual savings achieved as a result of rendering only necessary and effective care;
- (5) the impact of the pilot project's systems, technologies, and methods on all providers and other participants, health care, and the health care delivery system in general;
- (6) progress in eliminating barriers to access to necessary and effective care rendered participants enrolled in the pilot project; and
- (7) results likely to be achieved were the pilot project to be extended to include additional persons who do not have health care coverage and additional persons currently enrolled in state or employer financed health insurance programs.

The report may include suggestions for additional legislation or legislative changes needed to aid in the administration of the project.

In the report due January 1, 1993, and each subsequent year, the administrator shall make recommendations regarding any expansion of the project during the next year, including expanding the project area, the number of participants and providers, and the practice guidelines to be added, or the termination of the pilot project.

The costs of this expansion may not exceed the actual cost savings generated by the project.

Sec. 3. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of health for the purposes of section 2. The appropriation is available until expended.

Sec. 4. [REPEALER.]

This article is repealed July 1, 1996.

Delete the title and insert:

“A bill for an act relating to health; establishing a health benefit plan for small employers; establishing mechanisms for containing health care costs; requiring long-term goals for improving the health of Minnesotans; requiring a plan for health program consolidation; establishing a health care analysis unit and requiring data collection and research initiatives; establishing an outcomes-based pilot project; appropriating money; amending Minnesota Statutes 1990, section 147.091, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 62K; proposing coding for new law in Minnesota Statutes, chapter 144.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 100, A bill for an act relating to health; imposing an additional fee on classified drivers licenses; establishing the emergency medical services personnel account; establishing an incentive plan for ambulance service personnel; setting plan requirements; amending Minnesota Statutes 1990, section 171.06, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 353E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 171.06, is amended by adding a subdivision to read:

Subd. 2b. [FEES INCREASED.] The fees for classified drivers license and classified under 21 drivers licenses in subdivision 2 are increased by \$2. This increase does not apply to duplicate drivers licenses. The additional fees must be paid into the state treasury and credited to the emergency medical services personnel account established in section 2.

Sec. 2. Minnesota Statutes 1990, section 353D.01, is amended to read:

353D.01 [PUBLIC EMPLOYEES DEFINED CONTRIBUTION PLAN.]

Subdivision 1. [ESTABLISHMENT.] The public employees defined contribution plan is administered by the public employees retirement association under supervision of the association board of trustees. To assist it in governing the operations of the plan, the board may appoint an advisory committee of not more than nine members who are representative of the employers and employees who participate in the plan.

Subd. 1a. [EMERGENCY MEDICAL SERVICES PERSONNEL ACCOUNT.] A separate account is created in the general fund to be known as the emergency medical services personnel account. The account consists of all funds deposited in the general fund from the additional drivers license fee, and all funds forfeited under sections 9 and 10. Investment earnings on money in the account must be credited to the account.

Subd. 1b. [APPROPRIATION.] Money from the emergency medical services account is appropriated on January 1 each year to the public employees retirement association to fund the ambulance service personnel incentive program as provided in section 353D.031.

Subd. 2. [ELIGIBILITY.] (a) Except as provided in section 353D.11, eligibility to participate in the retirement plan is open to:

(1) an elected local government official of a governmental subdivision who elects to participate in the plan who is not a member of the public employees retirement association within the meaning of section 353.01, subdivision 7, and to;

(2) basic and advanced life support emergency medical service personnel employed by or providing services for any public ambulance service or privately operated ambulance service that receives an operating subsidy from a governmental entity that elects to participate; and

(3) a person who qualifies to have an ambulance service personnel incentive payment made on the person's behalf under section 353D.031.

(b) For purposes of this chapter, an elected local government official includes a person appointed to fill a vacancy in an elective office. Elected local government official does not include an elected county sheriff. Except as provided in section 353D.11, elected local government officials and first response personnel and emergency medical service personnel who are currently covered by a public or

private pension plan because of their employment or provision of services are not eligible to participate in the plan.

Sec. 3. Minnesota Statutes 1990, section 353D.02, is amended to read:

353D.02 [ELECTION OF COVERAGE.]

Eligible (a) Elected local government officials eligible under section 353D.01, subdivision 2, paragraph (a), clause (1), may elect to participate in the plan after being elected or appointed to a public office by filing an application to participate on a form prescribed by the executive director of the association. Participation begins on the first day of the month after the application is received in the association's office or on the date when the term of office commences, whichever date is later. An election to participate in the plan is irrevocable during incumbency in office.

Each (b) For personnel eligible under section 353D.01, subdivision 2, paragraph (a), clause (2), a public ambulance service or privately operated ambulance service that receives an operating subsidy from a governmental entity with eligible personnel may elect to participate in the plan. If a service elects to participate, its eligible personnel may elect to participate or to decline to participate. An individual's election must be made within 30 days of the service's election to participate or 30 days of the date on which the individual was employed by the service or began to provide service for it, whichever date is later. An election by a service or an individual is irrevocable.

(c) A person eligible under section 353D.01, subdivision 2, paragraph (a), clause (3), may elect to participate in the plan. The person must elect to participate or decline to participate by June 30, 1994, or by June 30 of the fiscal year after June 30, 1994, which the person first becomes qualified to have an ambulance service personnel incentive payment made on the person's behalf under section 353D.031.

Sec. 4. [353D.021] [PUBLIC EMPLOYEES RETIREMENT ASSOCIATION TO PROVIDE PLAN INFORMATION TO CERTAIN AMBULANCE ATTENDANTS.]

The public employees retirement association shall undertake all practical efforts to inform ambulance attendants, ambulance drivers, and ambulance service medical directors on an ongoing basis about the ambulance service personnel incentive program and their eligibility to elect to participate in this plan. The commissioner of health and the executive director of the state board of investment shall provide all reasonable assistance to the public employees retirement association in preparing relevant information on the incentive program and the plan.

Sec. 5. Minnesota Statutes 1990, section 353D.03, is amended to read:

353D.03 [FUNDING OF PLAN.]

(a) An eligible elected local government official eligible under section 353D.01, subdivision 2, paragraph (a), clause (1), who elects to participate in the public employees defined contribution plan shall contribute an amount equal to five percent of salary as defined in section 353.01, subdivision 10. A participating elected local government official's governmental subdivision shall contribute a matching amount.

(b) A public ambulance service or privately operated ambulance service that receives an operating subsidy from a governmental entity that elects to participate in the plan shall fund benefits for its qualified personnel eligible under section 353D.01, subdivision 2, paragraph (a), clause (2), who individually elect to participate, except that personnel who are paid for their services may elect to make member contributions in an amount not to exceed the service's contribution on their behalf. Ambulance service contributions on behalf of salaried employees must be a fixed percentage of salary. An ambulance service making contributions for volunteer or largely uncompensated personnel may assign a unit value for each call or each period of alert duty for the purpose of calculating ambulance service contributions. ambulance service contributions. An ambulance service with personnel for whom funding is provided under the paragraph that has ambulance attendants, ambulance drivers, and ambulance service medical directors qualified to have an ambulance service personnel incentive payment made on the person's behalf under section 353D.031 may discontinue that funding if the ambulance service has given its participating personnel at least 18 months notice of its intent to discontinue its funding of the plan.

Sec. 6. [353D.031] [AMBULANCE SERVICE PERSONNEL INCENTIVE PROGRAM.]

Subdivision 1. [ADMINISTRATION.] The money credited in the emergency medical services personnel account must be allocated annually by the executive director of the public employees retirement association.

Subd. 2. [ELIGIBILITY FOR ALLOCATION.] (a) The money credited in the emergency medical services personnel account must be annually allocated on the basis of the number of qualified personnel and their credited service during the previous year ending June 30.

(b) The amount of revenue paid to the emergency medical services account since the effective date of this section or the date of the last

allocation, whichever applies, plus any net investment income credited to the account, must be determined.

(c) The number of qualified personnel must be determined. Qualified personnel are ambulance attendants, ambulance drivers, and ambulance service medical directors who:

(1) are employed by or serving an ambulance service that is licensed as such by the state of Minnesota;

(2) perform all or a predominant portion of services in Minnesota or on behalf of Minnesota residents, as certified by the chief administrative officer of the ambulance service;

(3) are currently certified by the department of health as an ambulance attendant, ambulance driver, or ambulance service medical director and are certified as active by the chief administrative officer of the ambulance service;

(4) for the year in question, would be considered a volunteer attendant under section 144.8091, subdivision 2, except that the salary limit is \$3,000 for calendar year 1992, and is \$3,000 multiplied by the cumulative percentage increase in the national consumer price index for all urban wage earners published by the federal Department of Labor since December 31, 1992;

(5) for an ambulance service medical director, meets the salary limit set forth in clause (4) based only on the person's hourly stipends or salary for service as a medical director; and

(6) has credit for no more than 20 years of service.

(d) The amount of credited service by qualified personnel in the form of units must be determined. A year of service by a qualified person after the person elects to participate in the plan, or after January 1, 1992, whichever is later, is equal to two units. If a qualified person has service that would have qualified before the date of election of participation or January 1, 1992, whichever is later, the person must receive an additional one-fifth of a unit per year of that service for a maximum of five years, except that the person cannot receive credit for any year in which contributions were made by an ambulance service on the person's behalf under sections 353D.03 and 353D.04.

Subd. 3. [ALLOCATION.] The money available for allocation must be divided by the total number of units associated with qualified personnel to determine the dollar value of a unit. A qualified person is entitled to have deposited on the person's behalf in the person's individual account an amount equal to the dollar

value of a unit multiplied by the person's number of units credited for that year under subdivision 2, paragraph (d).

Sec. 7. Minnesota Statutes 1990, section 353D.05, is amended to read:

353D.05 [INVESTMENT OF FUNDS.]

Subdivision 1. [INVESTMENT.] Employing unit contributions under section 353D.03 and ambulance service personnel incentive allocation under section 353D.031, after the deduction of an amount for administrative expenses, and individual participant contributions must be remitted to the state board of investment for investment in the Minnesota supplemental investment fund established by section 11A.17.

Subd. 2. [INVESTMENT OPTIONS.] (a) An individual participant may elect to purchase shares in the income share account, the growth share account, the money market account, the bond market account, the guaranteed return account, or the common stock index account established by section 11A.17, or a combination of those accounts. The participant may elect to purchase shares in a combination of those accounts by specifying the percentage of the total contributions and ambulance service personnel incentive allocation to be used to purchase shares in each of the accounts.

(b) Twice in a calendar year, a participant may indicate in writing a choice of options for subsequent purchases of shares. After a choice is made, until the participant makes a different written indication, the executive director of the association shall purchase shares in the supplemental investment fund or funds specified by the participant. If no initial option is indicated by a participant, the executive director shall invest all contributions made by or on behalf of a participant in the income share account. A choice of investment options is effective no later than the first pay date occurring more than 30 days after receipt of the written choice of options.

(c) One month before the start of a new guaranteed investment contract, a participant may elect to transfer all or a portion of the participant's shares previously purchased in the income share, growth share, common stock index, bond market, or money market accounts to the new guaranteed investment contract in the guaranteed return account. If a partial transfer is made, a minimum of \$200 must be transferred and a minimum balance of \$200 must remain in the previously selected investment options. Upon expiration of a guaranteed investment contract, the participant's shares attributable to that contract must be transferred to a new guaranteed investment contract unless the executive director is otherwise directed by the participant. Shares in the guaranteed return account may not be withdrawn from the fund or transferred to another account until the guaranteed investment contract has expired,

unless the participant qualifies for a benefit payment under section 353D.07.

(d) Twice in a calendar year, a participant or former participant may also change the investment options selected for all or a portion of the individual's previously purchased shares in accounts other than the guaranteed return account. If a partial transfer of previously purchased shares is selected, a minimum of \$200 must be transferred and a minimum balance of \$200 must remain in the previously selected investment option. A change under this paragraph is effective as soon as cash flow to an account permits, but not later than six months from the requested change.

Subd. 3. [ADMINISTRATIVE EXPENSES.] The public employees retirement association may deduct an amount, ~~set annually by the executive director of the association, but not to exceed two percent of the employing unit contributions to the plan,~~ to defray the expenses of the association in administering the plan. The amount must be set annually by the executive director of the association, but not to exceed two percent of the total amount of the employing unit contributions to the plan and the ambulance service personnel incentive allocation received by the plan.

Sec. 8. [353D.051] [VESTING FOR INCENTIVE ASSOCIATIONS.]

(a) Sixty months of service credit, accumulated after the date on which the person elects to participate in the plan, are required for vesting of retirement benefits under section 353D.07, other than on account of death, that are derived from ambulance service personnel incentive allocations under section 353D.031. These 60 months must be accumulated within 120 months of the first month of service credit earned after the date on which the person elects to participate in the plan. No minimum period of service is required for vesting of benefits under section 353D.07, on account of death, that are derived from ambulance service personnel incentive allocations under section 353D.031, once the person has elected to participate in the plan. Upon completion of 60 months of service under the plan with one or more participating ambulance services, a participant terminating active service is entitled to receive the value of the participant's individual account as provided in section 353D.07.

(b) Amounts derived from ambulance service personnel incentive allocations under section 353D.031 that are credited to a person's account are forfeited at the end of the 120th month after the first month of service credit earned after the date on which the person elects to participate in the plan, if the person does not have 60 months of service credit at that time. Funds forfeited must be added to the emergency medical services personnel account for the subsequent January 1 allocation under section 353D.031.

Sec. 9. Minnesota Statutes 1990, section 353D.06, is amended to read:

353D.06 [REPORTING.]

The executive director of the public employees retirement association shall prescribe the reporting forms required from employing units and the election forms required from participants. Reporting forms must contain names, identification numbers, amount of contribution by and on behalf of each participant, and such other data as is required to keep an accurate record of the account value of each participant and to determine eligibility for aid allocations of ambulance service personnel incentive amounts under section 353D.031.

In the event an ambulance service fails to provide required information within 60 days after the public employees retirement association sends the service a notice that the information is overdue, its members forfeit the service units credited and its members are not entitled to the ambulance service personnel incentive amount allocated for that year. Ambulance services that provide fraudulent information are subject to criminal prosecution.

Sec. 10. [353D.091][FEDERAL REQUIREMENTS.]

Subdivision 1. [PLAN TAX QUALIFICATION AND STATUS.] The public employees retirement association shall seek a determination from the Internal Revenue Service regarding the tax qualification status of the incentive program and from the United States Department of Labor regarding whether the incentive program must comply with federal Employee Retirement Income Security Act (ERISA) requirements.

Subd. 2. [REPORT TO LEGISLATURE.] The executive director shall immediately report the results of each determination to the chairs of the senate governmental operations committee, house governmental operations committee, and legislative commission on pensions and retirement.

Subd. 3. [IMPLEMENTATION DELAY.] The association shall not credit participants with service units nor transfer money from the emergency medical services personnel account under section 353D.031, subdivision 1, into individual accounts unless written notification is received from (1) the Internal Revenue Service that implementation of the incentive program does not jeopardize the tax-exempt status of the defined contribution plan or a public pension plan under section 356.30, subdivision 3, and (2) the United States Department of Labor that the incentive program need not comply with federal ERISA requirements, including any requirements for tax-deferred treatment of contributions and interest earned on contributions.

Subd. 4. [RULES AND POLICIES.] If the incentive program receives favorable determinations from both the Internal Revenue Service and the United States Department of Labor, the association shall formulate and adopt rules or policies in accordance with the restrictions and standards of the Internal Revenue Code and rules and regulations of the Internal Revenue Service.

Sec. 11. [EFFECTIVE DATE.]

If the requirements under section 11 are met by June, 1992, sections 1 to 5 and 9 are effective July 1, 1992, and section 6 is effective January 1, 1993. If not, sections 1 to 10 are inoperative."

Delete the title and insert:

"A bill for an act relating to health; imposing an additional fee on classified drivers licenses; establishing the emergency medical services personnel account; establishing an incentive plan for ambulance service personnel; setting plan requirements; amending Minnesota Statutes 1990, sections 171.06, by adding a subdivision; 353D.01; 353D.02; 353D.03; 353D.05; and 353D.06; proposing coding for new law in Minnesota Statutes, chapter 353D."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 218, A bill for an act relating to occupations and professions; requiring residential building contractors, remodelers, and specialty contractors to be licensed by the state; establishing a builders state advisory council; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 45.027, subdivision 1, is amended to read:

Subdivision 1. [GENERAL POWERS.] In connection with the administration of chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98, the commissioner of commerce may:

(1) make public or private investigations within or without this state as the commissioner considers necessary to determine whether any person has violated or is about to violate chapters 45 to 83, 309, and 332, sections 326.83 to 326.98, or any rule or order under those chapters, or to aid in the enforcement of chapters 45 to 83, 309, and 332, sections 326.83 to 326.98, or in the prescribing of rules or forms under those chapters;

(2) require or permit any person to file a statement in writing, under oath or otherwise as the commissioner determines, as to all the facts and circumstances concerning the matter being investigated;

(3) hold hearings, upon reasonable notice, in respect to any matter arising out of the administration of chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98;

(4) conduct investigations and hold hearings for the purpose of compiling information with a view to recommending changes in chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98, to the legislature;

(5) examine the books, accounts, records, and files of every licensee under chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98, and of every person who is engaged in any activity regulated under chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98; the commissioner or a designated representative shall have free access during normal business hours to the offices and places of business of the person, and to all books, accounts, papers, records, files, safes, and vaults maintained in the place of business;

(6) publish information which is contained in any order issued by the commissioner; and

(7) require any person subject to chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98, to report all sales or transactions that are regulated under chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98. The reports must be made within ten days after the commissioner has ordered the report. The report is accessible only to the respondent and other governmental agencies unless otherwise ordered by a court of competent jurisdiction.

Sec. 2. Minnesota Statutes 1990, section 45.027, subdivision 2, is amended to read:

Subd. 2. [POWER TO COMPEL PRODUCTION OF EVIDENCE.] For the purpose of any investigation, hearing, or proceeding under chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98, the commissioner or a designated representative may administer oaths and affirmations, subpoena witnesses, compel their attendance, take

evidence, and require the production of books, papers, correspondence, memoranda, agreements, or other documents or records that the commissioner considers relevant or material to the inquiry.

Sec. 3. Minnesota Statutes 1990, section 45.027, subdivision 5, is amended to read:

Subd. 5. [LEGAL ACTIONS; INJUNCTIONS; CEASE AND DESIST ORDERS.] Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of chapters 45 to 83, 309, and 332, sections 326.83 to 326.98, or any rule or order adopted under those chapters, the commissioner has the following powers: (1) the commissioner may bring an action in the name of the state in the district court of the appropriate county to enjoin the acts or practices and to enforce compliance with chapters 45 to 83, 309, and 332, sections 326.83 to 326.98, or any rule or order adopted or issued under those chapters, or the commissioner may refer the matter to the attorney general or the county attorney of the appropriate county. Upon a proper showing, a permanent or temporary injunction, restraining order, or other appropriate relief must be granted; (2) the commissioner may issue and cause to be served upon the person an order requiring the person to cease and desist from violations of chapters 45 to 83, 309, and 332, sections 326.83 to 326.98, or any rule or order adopted or issued under those chapters. The order must be calculated to give reasonable notice of the rights of the person to request a hearing and must state the reasons for the entry of the order. A hearing must be held not later than seven days after the request for the hearing is received by the commissioner, unless the person requesting the hearing and the department of commerce agree the hearing be scheduled after the seven-day period. After the hearing and within 20 days after receiving the administrative law judge's report, the commissioner shall issue a further order vacating the cease and desist order or making it permanent as the facts require. If no hearing is requested within 30 days of service of the order, the order will become final and will remain in effect until it is modified or vacated by the commissioner. Unless otherwise provided, all hearings must be conducted in accordance with chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person is in default, and the proceeding may be determined against that person upon consideration of the cease and desist order, the allegations of which may be considered to be true. The commissioner may adopt rules of procedure concerning all proceedings conducted under this subdivision.

Sec. 4. Minnesota Statutes 1990, section 45.027, subdivision 6, is amended to read:

Subd. 6. [VIOLATIONS AND PENALTIES.] The commissioner may impose a civil penalty not to exceed \$2,000 per violation upon

a person who violates chapters 45 to 83, 309, and 332, and sections 326.83 to 326.98, unless a different penalty is specified.

Sec. 5. Minnesota Statutes 1990, section 45.027, subdivision 7, is amended to read:

Subd. 7. [ACTIONS AGAINST LICENSEES.] In addition to any other actions authorized by this section, the commissioner may, by order, deny, suspend, or revoke the authority or license of a person subject to chapters 45 to 83, 155A, 309, or 332, or sections 326.83 to 326.98, or censure that person if the commissioner finds that:

(1) the order is in the public interest; and

(2) the person has violated chapters 45 to 83, 155A, 309, or 332, or sections 326.83 to 326.98.

Sec. 6. Minnesota Statutes 1990, section 45.027, subdivision 8, is amended to read:

Subd. 8. [STOP ORDER.] In addition to any other actions authorized by this section, the commissioner may issue a stop order denying effectiveness to or suspending or revoking any registration subject to chapters 45 to 83, 309, or 332, or sections 326.83 to 326.98.

RESIDENTIAL CONTRACTORS

Sec. 7. [326.83] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 7 to 22.

Subd. 2. [COMMISSIONER.] “Commissioner” means the commissioner of commerce.

Subd. 3. [COUNCIL.] “Council” means the builders state advisory council.

Subd. 4. [LICENSEE.] “Licensee” means a residential building contractor, remodeler, or specialty contractor licensed under sections 7 to 22.

Subd. 5. [MECHANICAL CONTRACTOR.] “Mechanical contractor” means a person, sole proprietor, partnership, joint venture, corporation, or other organization which is in the business of erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, process piping, plumbing, fire protection, refrigeration systems,

incinerators or other miscellaneous heat-producing appliance, piping, or equipment or appliances associated with those systems.

Subd. 6. [PUBLIC MEMBER.] “Public member” means a person who is not, and never was, a residential builder, remodeler, or specialty contractor or the spouse of such person, or a person who has no, or never has had a material financial interest in acting as a residential building contractor, remodeler, or specialty contractor or a directly related activity.

Subd. 7. [REMODELER.] “Remodeler” means a person in the business of contracting or offering to contract to improve existing residential real estate. A remodeler has two or more special skills.

Subd. 8. [RESIDENTIAL BUILDING CONTRACTOR.] “Residential building contractor” means a person in the business of building residential real estate or of contracting or offering to contract to improve residential real estate.

Subd. 9. [RESIDENTIAL REAL ESTATE.] “Residential real estate” means a new or existing building constructed for habitation by one to four families, and includes detached garages.

Subd. 10. [SPECIALTY CONTRACTOR.] “Specialty contractor” means a person other than a residential building contractor, remodeler, or material supplier, in the business of contracting or offering to contract to make part of an improvement to residential real estate, including roofing.

Sec. 8. [326.84] [LICENSING REQUIREMENTS.]

Subdivision 1. [PERSONS REQUIRED TO BE LICENSED.] Except as provided in subdivision 3, no person may engage in the work of a residential building contractor, remodeler, or specialty contractor for compensation without a valid license issued by the commissioner. The commissioner shall determine which types of one-skill competency or single special skill groups must be licensed as specialty contractors.

Subd. 2. [PERSONS CONSIDERED LICENSED.] Residential building contractors, remodelers, and specialty contractors are considered licensed if the following requirements are met:

- (1) for a sole proprietorship, the proprietor is licensed;
- (2) for a partnership, a general partner is licensed; and

(3) for a corporation, a chief executive officer, responsible managing employee, or qualifying person in Minnesota designated by the corporation is licensed. “Responsible managing employee” or “qual-

ifying person" means an employee who is regularly employed by the corporation and is actively engaged in the classification of work for which the responsible managing employee qualifies on behalf of the corporation. A person may act in the capacity of the qualifying party for one additional corporation if one of the following conditions exist:

(i) there is a common ownership of at least 25 percent of each licensed corporation for which the person acts in a qualifying capacity; or

(ii) one corporation is a subsidiary of another corporation for which the same person acts in a qualifying capacity. "Subsidiary" as used in this section means a corporation of which at least 25 percent is owned by the parent corporation.

Subd. 3. [EXCEPTIONS.] The license requirement does not apply to:

(1) an employee of a licensee performing work for the licensee;

(2) a material person, manufacturer, or retailer furnishing finished products, materials, or articles of merchandise who does not install or attach the items;

(3) an owner or owners of residential real estate who improve the residential real estate or who build or improve a structure on the residential real estate and who do the work themselves or jointly with the owner's own employees or agents;

(4) an architect or engineer engaging in professional practice as defined in chapter 326;

(5) a person engaging in any project by one or more contracts, for which the aggregate contract price, including labor, materials, installation, and all other items, is less than \$1,500;

(6) a residential building contractor, remodeler, or specialty contractor licensed by the city of St. Paul or the city of Minneapolis and who is performing work within the legal boundaries of one of those municipalities. The two cities shall adopt and administer the competency tests for the residential building contractors and remodelers established in section 13 within six months of the effective date of the rules establishing the examinations. The commissioner may by rule establish a procedure for the city of Minneapolis and the city of St. Paul to administer this licensing program on a contract basis;

(7) a mechanical contractor, plumber, or electrician;

(8) a person doing excavating for the installation of an on-site sewage treatment system;

(9) all specialty contractors that were required to be licensed by the state before the effective date of sections 7 to 22; and

(10) specialty contractors that are not required to be licensed, as determined by the commissioner.

Sec. 9. [326.85] [ADVISORY COUNCIL.]

Subdivision 1. [BUILDERS STATE ADVISORY COUNCIL.] The commissioner shall appoint seven persons to the builders state advisory council. At least three members of the council must reside in greater Minnesota, as defined in section 1160.02, subdivision 5. At least one member of the council must be a residential building contractor, one a remodeler, one a specialty contractor, one a representative of the commissioner, one a local building official, and one a public member.

Subd. 2. [MEMBERSHIP TERMS.] The membership terms, compensation, removal, and filling of vacancies of the council are as provided in section 15.059.

Subd. 3. [DUTIES.] The council shall advise the commissioner on matters related to sections 7 to 22.

Sec. 10. [326.86] [FEES.]

Subdivision 1. [LICENSING FEE.] The commissioner shall establish licensing fees for residential building contractors, remodelers, and specialty contractors. The fees must be limited to the cost of license administration and enforcement and must be placed in a separate account in the general fund. The amount necessary to administer and enforce sections 7 to 22 is appropriated to the commissioner from the separate account.

Subd. 2. [LOCAL SURCHARGE.] A local government unit may place a surcharge in an amount no greater than \$5 on each building permit that requires a licensed residential building contractor, remodeler, or specialty contractor for the purpose of license verification. The local government may verify a license by telephone or facsimile machine.

Sec. 11. [326.87] [CONTINUING EDUCATION.]

Subdivision 1. [STANDARDS.] The commissioner, in consultation with the council, may adopt standards for continuing education requirements and course approval. Except for the course content, the standards must be consistent with the standards established for real estate agents and other professions licensed by the department of commerce.

Subd. 2. [HOURS.] A licensee of a general residential contractor or remodeler must provide proof of completion of 15 hours for each two-year license period. A specialty contractor must complete five hours for each two-year license period. Continuing real estate hours and continuing general residential contractor or remodeler hours must be granted for the same course if it meets the guidelines for an approved course in each license program.

Sec. 12. [326.88] [TEMPORARY LICENSES.]

Subdivision 1. [APPLICATION AND ISSUANCE.] Residential building contractors and remodelers must apply for a category one temporary license from the commissioner within 180 days of the effective date of sections 7 to 22. The commissioner must issue category one and two temporary licenses as provided in subdivisions 2 and 3.

Subd. 2. [CATEGORY ONE LICENSE.] A category one temporary license must be:

(1) in effect for no more than two years after the effective date of sections 7 to 22;

(2) issued no later than two years after the effective date of sections 7 to 22; and

(3) issued only upon proof satisfactory to the commissioner of at least two years of education or prior experience in the area for which the license is applied.

Subd. 3. [CATEGORY TWO LICENSE.] A category two temporary license must be issued to residential building contractors, remodelers, or specialty contractors if the person who obtained a license under section 8, subdivision 2, clause (2) or (3), leaves the partnership or corporation because of death, disability, retirement, or position change. A category two temporary license expires after one year and may not be renewed.

Sec. 13. [326.89] [APPLICATION AND EXAMINATION.]

Subdivision 1. [FORM.] An applicant for a license under sections 7 to 22 must submit an application to the commissioner, under oath, on a form prescribed by the commissioner. Within 30 days of receiving all required application information, the commissioner must act on the license request. If one of the categories in the application does not apply, the applicant must state the reason. The commissioner may refuse to issue a license if the application is not complete or contains unsatisfactory information.

Subd. 2. [CONTENTS.] The application must include the following information regarding the applicant:

- (1) Minnesota workers' compensation insurance account number;
- (2) employment insurance account number;
- (3) type of license requested;
- (4) name and address of the applicant if the applicant is a sole proprietorship; name and address of each partner if the applicant is a partnership; or name and address of each of the corporate officers, directors, and all shareholders holding more than five percent of the outstanding stock in the corporation;
- (5) whether the applicant has ever been licensed in any other state and has had a professional or vocational license refused, suspended, or revoked;
- (6) whether the applicant or any of its corporate or partnership directors, officers, limited or general partners, managers, or all shareholders holding more than five percent of the outstanding stock of the corporation has been convicted of a crime that either related directly to the business for which the license is sought or involved fraud, misrepresentation, or misuse of funds; has suffered a judgment in a civil action involving fraud, misrepresentation, negligence, or breach of contract, or conversion within the ten years prior to the submission of the application; or has had any government license or permit suspended or revoked as a result of an action brought by a federal, state, or local governmental unit or agency in this or any other state;
- (7) the applicant's education and experience as they relate to the requested type of license; and
- (8) the applicant's business history for the past five years and whether the applicant has ever filed for bankruptcy or protection from creditors or has any unsatisfied judgments against the applicant.

The commissioner may require further information as the commissioner deems appropriate to administer the provisions and further the purposes of this chapter.

Subd. 3. [EXAMINATION.] All individual applicants must satisfactorily complete a written examination for the type of license requested. The commissioner may establish the examination qualifications, including related education experience and education, the examination procedure, and the examination for each licensing

group. The examination must include at a minimum the following areas:

(1) appropriate knowledge of technical terms commonly used and the knowledge of reference materials and code books to be used for technical information; and

(2) understanding of the general principles of business management and other pertinent state laws.

Each examination must be designed for the specified type of license requested. The council shall advise the commissioner on the grading, monitoring, and updating of examinations.

Subd. 4. [COMPETENCY SKILLS.] The commissioner shall, in consultation with the council, determine the competency skills and installation knowledge required for the licensing of specialty contractors.

Sec. 14. [326.90] [LOCAL LICENSE PROHIBITED.]

Except as provided in section 8, subdivision 3, clause (6), a political subdivision may not require a residential building contractor, remodeler, or specialty contractor to also be licensed under any ordinance, law, rule, or regulation of the political subdivision. This section does not prohibit charges for building permits or other charges not directly related to licensure.

Sec. 15. [326.91] [DENIAL, SUSPENSION, OR REVOCATION OF LICENSES.]

Subdivision 1. [CAUSE.] The commissioner may by order deny, suspend, or revoke any license or may censure a licensee if the commissioner finds that the order is in the public interest, and that the applicant or licensee:

(1) has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(2) has engaged in a fraudulent, deceptive, or dishonest practice;

(3) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the business;

(4) has failed to reasonably supervise employees, agents, subcontractors, or salespersons, or has performed negligently or in breach of contract, so as to cause injury or harm to the public;

(5) has violated or failed to comply with any provision of sections 7 to 22 or any rule or order under sections 7 to 22;

(6) has been shown to be incompetent, untrustworthy, or financially irresponsible;

(7) has been convicted of a violation of the state building code;

(8) has failed to use the proceeds of any payment made to the licensee for the construction of, or any improvement to, residential real estate, as defined in section 326.83, for the payment of labor, skill, material, and machinery contributed to such construction or improvement, knowing that the cost of any such labor performed, or skill, material, or machinery furnished for such improvement remains unpaid; or

(9) has not furnished to the person making such payment either a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for such improvement, or a payment bond in the basic amount of the contract price for such improvement conditioned for the prompt payment to any person or persons entitled thereto.

Subd. 2. [ADMINISTRATIVE ACTION.] Section 45.027 applies to any action taken by the commissioner in connection with the administration of sections 7 to 22.

Sec. 16. [326.92] [PENALTIES.]

Subdivision 1. [MISDEMEANOR.] A person required to be licensed under sections 7 to 22, who performs unlicensed work as a residential building contractor, remodeler, or specialty contractor, is guilty of a misdemeanor.

Subd. 2. [LIEN RIGHTS.] An unlicensed person who knowingly violates sections 7 to 22 has no right to claim a lien under section 514.01 and the lien is void. Nothing in this section affects the lien rights of material suppliers and licensed contractors to the extent provided by law.

Subd. 3. [COMMISSIONER ACTION.] The commissioner may bring actions, including cease and desist actions, against a licensed or unlicensed residential building contractor, remodeler, or specialty contractor to protect the public health, safety, and welfare.

Sec. 17. [326.93] [SERVICE OF PROCESS; NONRESIDENT LICENSING.]

Subdivision 1. [LICENSE.] A nonresident of Minnesota may be licensed as a residential building contractor, remodeler, or specialty

contractor upon compliance with all the provisions of sections 7 to 22.

Subd. 2. [SERVICE OF PROCESS.] Service of process upon a person performing work in the state of a type that would require a license under sections 7 to 22 may be made as provided in section 45.028.

Sec. 18. [326.94] [RECOVERY FUND; INSURANCE.]

Subdivision 1. [RECOVERY FUND.] In addition to any other fees, each applicant shall pay a fee to the residential recovery fund. The residential recovery fund is created in the state treasury and must be administered by the commissioner in the manner provided by section 82.34 with the following exceptions:

(1) that the commissioner shall set appropriate fees for each license category for the initial license and for the renewal of licenses and may establish a fee scale based on the licensee's gross annual receipts;

(2) that the sole purpose of this fund is to compensate persons aggrieved by fraudulent, deceptive, or dishonest practices by licensees of this section; and

(3) that the sum of the unpaid judgment per claimant or transaction excluding attorney fees shall not exceed \$10,000 and that nothing may obligate the fund for more than \$50,000 per licensee per year.

Subd. 2. [INSURANCE.] Residential building contractors, remodelers, and specialty contractors must have public liability insurance with limits of at least \$100,000 per occurrence and \$10,000 property damage insurance. The commissioner may increase the minimum amount of insurance required based on the type of license and the annual gross receipts of the licensee.

Sec. 19. [326.95] [LICENSE NUMBER; ADVERTISING.]

Subdivision 1. [LICENSE NUMBER MUST BE DISPLAYED.] The license number of a licensee must be placed on all building permits and building permit applications made to or issued by the state or a political subdivision. In jurisdictions that have not adopted the state building code, the license number must be placed on the site plan review or zoning permit. License numbers must be on all business cards and all contracts to perform work for which a license is required.

Subd. 2. [ADVERTISING.] The license number of a licensee must appear in any display advertising by that licensee.

Subd. 3. [CONTRACTS.] Contracts entered into by a licensee must state that the person is licensed and must state the license number.

Subd. 4. [NOTICES.] License numbers must appear on each notice under section 514.11, and each statement under section 514.08.

Sec. 20. [326.96] [PUBLIC EDUCATION.]

The commissioner may develop materials and programs to educate the public concerning licensing requirements and methods for reporting unlicensed contracting activity.

Sec. 21. [326.97] [LICENSE RENEWAL.]

Subdivision 1. [APPROVAL.] Licensees whose applications have been properly and timely filed and who have not received notice of denial of renewal within 30 days are considered to have been approved for renewal and may continue to transact business whether or not the renewed license has been received. Application for renewal of a license is required every two years after the initial issuance. Applications are timely if received or postmarked by December 15 of the year prior to the renewal year. Applications must be made on a form approved by the commissioner.

Subd. 2. [FAILURE TO APPLY.] A person who has failed to make a timely application for renewal of a license by January 1 of the renewal year is unlicensed until the license has been issued by the commissioner and is received by the applicant.

Subd. 3. [REEXAMINATION NOT REQUIRED.] An examination is not required for the renewal of a license, except that a licensee who has failed to renew a license for two years must retake the examination.

Sec. 22. [326.98] [RULES.]

The commissioner may adopt rules to administer and enforce sections 7 to 22.

Sec. 23. [APPROPRIATION.]

§..... is appropriated to the commissioner of commerce from the general fund to administer sections 7 to 22."

Amend the title as follows:

Page 1, line 6, after "money;" insert "amending Minnesota Statutes 1990, section 45.027, subdivisions 1, 2, 5, 6, 7, and 8;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 248, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water or natural wetlands in Anoka county.

Reported the same back with the following amendments:

Page 1, line 7, after "282.018," insert "subdivision 1,"

Page 2, delete lines 6 to 19

Page 2, delete lines 27 to 36

Page 3, delete lines 1 to 5

Page 3, delete lines 13 to 25

Page 3, delete lines 29 to 36

Page 4, delete lines 1 to 7

Page 4, delete lines 19 to 31

Page 4, delete lines 35 and 36

Page 5, delete lines 1 to 36

Page 6, delete lines 1 and 2

Page 6, line 3, delete "(8)" and insert "(7)"

Page 6, line 11, delete "(9)" and insert "(8)"

Page 6, line 16, delete "(10)" and insert "(9)"

Page 6, after line 21, insert:

"Sec. 2. [SALE OF TAX-FORFEITED LAND; ANOKA COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 282.018, subdivision 1, Anoka county may sell the tax-forfeited land bordering public water or natural wetlands that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The land described in this section may be sold to the state for natural resource purposes or to the public. The commissioner of natural resources may exercise the option to purchase the land for the state until one year after the effective date of this section. Thereafter, the land may be offered for public sale under Minnesota Statutes, chapter 282. The conveyance must be in a form approved by the attorney general.

(c) The land that may be sold is described as:

Government Lot 1, Section 30, Township 34, Range 23 West, Anoka County, Minnesota.

(d) The county has determined that the county's land management interests would best be served if the land were sold as provided under this section."

Page 6, line 23, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Ogren from the Committee on Taxes to which was referred:

H. F. No. 279, A bill for an act relating to the environment; authorizing the city of Hopkins to issue bonds to pay for environmental response costs at a landfill; authorizing the city to impose a solid waste collection surcharge; authorizing a landfill cleanup assessment against property; authorizing a service charge; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 473.845, subdivision 3, is amended to read:

Subd. 3. [EXPENDITURES FROM THE FUND.] Money in the fund may only be appropriated to the agency for expenditure for:

(1) reasonable and necessary expenses for closure and postclosure care of a mixed municipal solid waste disposal facility in the metropolitan area for a 20-year period after closure, if the agency determines that the operator or owner will not take the necessary actions requested by the agency for closure and postclosure in the manner and within the time requested;

(2) reasonable and necessary response and postclosure costs at a mixed municipal solid waste disposal facility in the metropolitan area that has been closed for 20 years in compliance with the closure and postclosure rules of the agency; or

(3) reasonable and necessary response costs resulting from county actions required under section 473.833, subdivision 2a, when those actions are done under the supervision of the agency; or

(4) reimbursement to a local government unit for costs incurred over \$400,000 under a work plan approved by the commissioner of the agency to remediate methane at a closed disposal facility owned by the local government unit.

Sec. 2. [DEFINITIONS.]

For the purposes of this act, the following terms have the meaning given them.

(a) "City" means the city of Hopkins.

(b) "Landfill" means the approximately 26 acre landfill site owned by the city in the northwest quarter of the southwest quarter of Section 25, Township 117, North Range 22 West, Hennepin county.

(c) "Release" has the meaning given it in Minnesota Statutes, section 115B.02, subdivision 15.

(d) "Response" has the meaning given it in Minnesota Statutes, section 115B.02, subdivision 18.

Sec. 3. [BONDS; LOANS.]

Subdivision 1. [BONDS.] (a) The city may issue bonds as provided in this subdivision after making the findings in this paragraph. The city must find:

(1) costs have been or will be incurred to respond to releases from the landfill, including methane releases and releases into the groundwater;

(2) other responsible parties have not provided funds to cover the costs of responding to the releases;

(3) the public health and welfare or the environment will be endangered by allowing the releases to continue;

(4) the response is consistent with orders and directives from the commissioner of the Minnesota pollution control agency; and

(5) the issuance of bonds is deemed necessary by the city to pay for response costs.

(b) The city may authorize by resolution the issuance of bonds in an amount which together with any previous bonds issued under this section, does not exceed \$5,000,000 to pay any costs incurred or to be incurred by the city to respond to releases, to conduct closure and postclosure care, to remediate the landfill and any immediately adjacent property, and to refund outstanding bonds issued for these purposes.

(c) The city may pledge to the payment of the bonds and the interest on the bonds, its full faith, credit, and taxing powers, or the revenues from the landfill cleanup assessment and the service charge authorized by this act.

(d) The proceeds of the bonds may be used in part to establish a reserve as a further security for the payment of their principal and interest when due and to pay credit enhancement fees.

(e) Bonds issued under this section may be sold at public or private sale upon conditions that the city determines. An election is not required to authorize the issuance of bonds under this section and bonds or obligations issued under this act shall not be included in computing the net debt of the city under Minnesota Statutes, chapter 475. Expenses for response costs that are payable through the bonding authority granted in this act are not current expenses of the city under Minnesota Statutes, section 475.52. Except as otherwise provided in this section, the bonds must be issued and sold as provided in Minnesota Statutes, chapter 475.

Subd. 2. [LOANS IN ANTICIPATION OF BONDS.] After authorizing bonds in accordance with this act, the city may borrow to provide money immediately that is required for the bond purpose. The city shall decide the terms of the loans by resolution. The loans must be evidenced by negotiable notes due in not more than 24 months from the date of the loan payable to the order of the lender or to bearer, to be repaid with interest from the proceeds of the bonds when the bonds are issued and delivered to the bond purchasers. The city may enter into loan and related agreements, both before and after issuing the obligations, with persons, firms, public or private

corporations, federal or state agencies, and governmental units under terms and conditions the city considers appropriate. A governmental unit in the state may make or purchase the loans. Minnesota Statutes, chapter 475, does not apply to the loans and the loans may be made without advertisement.

Sec. 4. [REVENUE MECHANISMS.]

Subdivision 1. [AUTHORITY.] (a) The city may, by ordinance, impose the landfill cleanup assessment as provided in subdivision 2 to pay the costs specified in this subdivision. If revenue from the landfill cleanup assessment is insufficient for payment of those costs, the city may levy a service charge as provided in subdivision 3 for the remaining amount necessary.

The costs which can be paid from the assessment authorized in subdivision 2 and the service charge authorized in subdivision 3 include:

(1) the costs of principal and interest on bonds or other obligations issued under section 3 until the bonds or other obligations are repaid; and

(2) the costs incurred or to be incurred to respond to releases, closure, and postclosure care of the landfill until June 30, 1996.

(b) The city shall not budget more than \$400,000 per year from the combination of assessments and service charges. Any amount received in excess of \$400,000 in one year shall be subtracted from the total of the assessments and service charges allowed to be imposed for the next year.

(c) After June 30, 1996, the city shall not budget from the total of the assessments and service charges more than the annual amount needed to pay principal and interest on the bonds issued under section 3. The city's authority to impose assessments and service charges under this act expires on final payment of the principal and interest on the bonds, except that any funds remaining may be placed in the general fund of the city.

Subd. 2. [LANDFILL CLEANUP ASSESSMENT.] (a) The city may impose an assessment against the property classes established by the city under paragraph (b). The landfill cleanup assessment must be determined by the city and certified to the county auditor by January 1 of each year. The assessment must be extended on the assessment rolls of the county for the year in which the assessment is filed, and shall be enforced and collected in the same manner provided for real estate taxes. The assessments, if not paid, become delinquent in January of the following year and are subject to the same penalties and at the same rate of interest as delinquent real

estate taxes. Assessments imposed under this subdivision are exempt from the determination of the city's levy limitation under Minnesota Statutes, chapter 275.

(b) For the purposes of this subdivision, the city shall classify, by ordinance, real property within the corporate limits of the city according to the type of solid waste generation on or from the property. Property exempt from taxation by the state and political subdivisions and other governmental units must also be included in the classification. Classifications must include, but are not limited to, commercial, industrial, single family residential, and multifamily residential property. Rates and charges for the assessment may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of solid waste generation.

Subd. 3. [SERVICE CHARGE.] The city may levy a service charge computed upon the net tax capacity of all the taxable property in the city, not to exceed the remaining amount necessary as provided in subdivision 1. Service charges based on the net tax capacity may be payable and collected at the same time and in the same manner as provided for payment and collection of ad valorem taxes. Service charges imposed under this act are not included in computations under Minnesota Statutes, section 469.177, chapter 473F, or any other law that applies to general ad valorem levies.

Sec. 5. [DOES NOT AFFECT LIABILITY.]

This act does not affect the liability of persons for costs or damages associated with releases from the landfill and does not affect the city's right to pursue responsible parties or indemnification from any party for costs or damage associated with the landfill.

This act does not affect the city's liability under Minnesota Statutes, section 115B.04, subdivision 4.

Sec. 6. [COST RECOVERY; USE OF PROCEEDS.]

The city shall seek reimbursement of the costs covered by this act under any applicable insurance contract and shall seek to recover its costs from persons liable for releases from the landfill under Minnesota Statutes, section 115B.04.

The city must first use amounts recovered under this section to pay the administrative and legal expenses of the city that are incurred under this act and then to pay the principal and interest on the bonds authorized in section 3 and if there remains any excess after retirement of the bonds, the city must apply it to property tax relief.

Sec. 7. [APPROPRIATION.]

\$..... is appropriated from the metropolitan landfill contingency action trust fund to the commissioner of the pollution control agency to be available until June 30, 1993, for the purpose of reimbursing the city for costs incurred over \$400,000 under a work plan approved by the commissioner to remediate methane at the landfill.

The maximum amount for which the city may bond under section 3, subdivision 1, paragraph (b), is reduced by the amount of the appropriation in this section.

Sec. 8. [EFFECTIVE DATE.]

This act is effective the day following final enactment, except that if the service charges are imposed in section 4, subdivision 3, they cannot be levied on property before the 1991 levy, payable in 1992."

Delete the title and insert:

"A bill for an act relating to the environment; adding a purpose for expenditure from the metropolitan landfill contingency action trust fund; authorizing the city of Hopkins to issue bonds to pay for environmental response costs at a landfill; authorizing a landfill cleanup assessment against property; authorizing a service charge; appropriating money; amending Minnesota Statutes 1990, section 473.845, subdivision 3."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 303, A bill for an act relating to waste management; making changes to state and local government responsibility and authority for waste management; placing emphasis on waste reduction and recycling; adjusting waste facility siting processes; amending Minnesota Statutes 1990, sections 16B.122, subdivision 2; 16B.61, subdivision 3a; 115A.02; 115A.03, subdivision 17a; 115A.06, subdivision 2; 115A.14, subdivision 4; 115A.15, subdivisions 7 and 9; 115A.151; 115A.411, subdivision 1; 115A.46, subdivision 1, and by adding a subdivision; 115A.49; 115A.53; 115A.551, subdivisions 1 and 4; 115A.552, subdivisions 1, 2, and by adding a subdivision; 115A.554; 115A.557, subdivision 4; 115A.64, subdivi-

sion 2; 115A.67; 115A.83; 115A.84, subdivision 2; 115A.86, subdivision 5, and by adding a subdivision; 115A.882; 115A.9162, subdivision 2; 115A.919; 115A.923, subdivisions 1 and 1a; 115A.931; 115A.94, subdivision 4; 115A.9561; 115A.96, subdivision 6; 115B.04, subdivision 4; 115B.22, subdivision 8; 116.07, subdivision 4j; 325E.042, subdivision 2; 325E.115, subdivision 1; 325E.1151, subdivision 3; 400.08, subdivision 1; 473.803, subdivision 2; 473.811, subdivisions 1, 3, and 5; 473.823, subdivision 5; 473.845, subdivision 4; 473.848, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 115A; 325E; and 473; repealing Minnesota Statutes 1990, sections 325E.045; and 473.844, subdivision 3; Laws 1989, chapter 325, section 72, subdivision 2.

Reported the same back with the following amendments:

Page 10, line 28, delete "ensure, in cooperation with" and insert "encourage"

Page 10, line 30, delete ", that" and insert "to provide"

Page 10, line 31, delete "are available to all" and insert "for"

Page 17, line 12, delete "and"

Page 17, line 13, delete "and" and insert a comma and after "date" insert "and time" and after "delivery" insert ", and the name of the waste collector that delivered the waste to the facility"

Page 17, line 26, delete "while the vehicle is in transit or"

Page 18, line 11, delete everything before "a" and delete "or" and insert "and"

Page 18, line 12, delete "to" and insert "shall"

Page 18, line 13, delete "a" and insert "the same" and delete "beyond"

Page 18, line 14, after "that" insert "is"

Page 26, after line 10, insert:

"Sec. 45. [116.90] [REFUSE DERIVED FUEL.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Minor modification" means a physical or operational change that does not increase the rated energy production capacity of a solid fuel fired boiler and which does not involve capital costs in excess of 20 percent of a new solid fuel fired boiler having the same rated capacity.

(c) "Refuse derived fuel" means a product resulting from the processing of mixed municipal solid waste in a manner that reduces the quantity of noncombustible material present in the waste, reduces the size of waste components through shredding or other mechanical means, and produces a fuel suitable for combustion in existing or new solid fuel fired boilers.

(d) "Solid fuel fired boiler" means a device that is designed to combust solid fuel, including but not limited to wood, coal, biomass, or lignite to produce steam or heat water.

Subd. 2. [USE OF REFUSE DERIVED FUEL.] Existing or new solid fuel fired boilers may utilize refuse derived fuel in an amount up to 30 percent by weight of the fuel feed stream under the following conditions:

(1) utilization of refuse derived fuel involves no modification or only minor modification to the solid fuel fired boiler;

(2) utilization of refuse derived fuel does not cause a violation of emissions limitations or ambient air quality standards applicable to the solid fuel fired boiler; and

(3) the solid fuel fired boiler has a valid permit to operate."

Page 27, line 16, delete "PURCHASE AND" and insert "RECYCLING OR REUSE REQUIRED.]"

Page 27, delete lines 17 to 36, and insert:

"Major appliances must be recycled or reused. Each county shall ensure that its residents have the opportunity to recycle used major appliances. For the purposes of this section, recycling includes:

(1) the removal of capacitors that may contain PCBs;

(2) the removal of ballasts that may contain PCBs;

(3) the removal of chlorofluorocarbon refrigerant gas; and

(4) the recycling or reuse of the metals."

Page 28, delete lines 1 and 2

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 28, after the first semicolon insert "116;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 354, A bill for an act relating to natural resources; providing a deadline for the legislative task force on minerals to submit its report; extending the availability of its appropriation.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Ogren from the Committee on Taxes to which was referred:

H. F. No. 390, A bill for an act relating to taxation; providing that certain nonprofit organizations that provide athletic programs qualify for a sales tax exemption on their purchases; amending Minnesota Statutes 1990, section 297A.25, subdivision 16.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [TEMPORARY SALES TAX EXEMPTION FOR NON-PROFIT ATHLETIC ORGANIZATION.]

The gross receipts from the sale of tangible personal property and the storage, use, or other consumption of such property, and the gross receipts from the sale of meals and lodging, to a nonprofit educational organization that conducts athletic programs for children and adults who are persons with mental retardation or related conditions, are exempt from the taxes imposed under Minnesota Statutes, sections 297A.01 to 297A.44. Sales exempted by this

section include sales pursuant to section 297A.01, subdivision 3, paragraphs (d) and (f). The exemption applies only to property, meals, and lodging purchased for use in the performance of the educational function of the organization. To qualify under this section, an organization must meet the organizational and operational tests that apply to nonprofit organizations under Minnesota Statutes, section 297A.25, subdivision 16.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for sales occurring after May 5, 1989, and before August 15, 1991."

Delete the title and insert:

"A bill for an act relating to taxation; providing that certain nonprofit organizations that provide athletic programs qualify for a sales tax exemption on their purchases."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 406, A bill for an act relating to employees; providing for a wage protection program; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 426, A bill for an act relating to education; providing a two-year tuition exemption to Minnesota veterans of the Persian Gulf war; proposing coding for new law in Minnesota Statutes, chapter 135A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 197.447, is amended to read:

197.447 [VETERAN, DEFINED.]

The word “veteran” as used in Minnesota Statutes, except in sections 136C.13, 196.21, 197.971, and 243.251, means a citizen of the United States or a resident alien who has been separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or by reason of disability incurred while serving on active duty, or who has active military service certified under section 401, Public Law Number 95-202, or as specified by Code of Federal Regulations, title 38. The active military service must be certified by the United States Secretary of Defense as active military service and a discharge under honorable conditions must be issued by the Secretary.

Sec. 2. [197.753] [PERSIAN GULF CONFLICT; VETERANS' TUITION GRANT PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] A tuition grant program is established under the commissioner of veterans affairs for veterans who served in the Persian Gulf conflict.

Subd. 2. [VETERAN ELIGIBILITY.] A veteran is eligible to be considered for this grant if the commissioner finds that the applicant:

(1) is a veteran who served in the active military service in a place, time, and manner to become eligible for the Southwest Asia Service Medal;

(2) was a Minnesota resident at the time of induction into the armed forces and for the six months immediately preceding induction;

(3) has been reverted to state status or discharged from active military service under honorable conditions; and

(4) is enrolled or has been accepted for enrollment at any of the following public or private Minnesota post-secondary educational institutions; the University of Minnesota, a state university, a community college, a technical college, or any other college or university accredited by the north central association of colleges and secondary schools, a law school approved by the supreme court, a nursing school approved by the state board of nursing, or a trade, business, or vocational school approved by the state department of

education, or a theological seminary, for any course which the veteran or survivor may elect.

Subd. 3. [SURVIVOR ELIGIBILITY.] Eligibility for the grant shall also apply to the surviving spouse and children of a veteran who is deceased or listed as missing in action by the United States Department of Defense providing that:

(1) the veteran became missing in action or died from service-related causes which arose during the period of time in which the veteran became eligible for the Southwest Asia Service Medal; and

(2) the missing or deceased veteran was a Minnesota resident at the time of induction into the armed forces and for the six months immediately preceding induction; or

(3) the surviving spouse or child was a Minnesota resident at the time of the veteran's induction into the armed forces and for the six months immediately preceding induction.

Subd. 4. [AMOUNT OF GRANT.] For eligible veterans, as defined under subdivision 2, the amount of the grant shall be \$1,000. In the case of an eligible spouse or child of a deceased veteran, as defined under subdivision 3, the amount of the grant shall be \$2,000. Benefits under this section shall be provided only once to each eligible person.

Subd. 5. [SATISFACTORY PROGRESS REQUIRED.] An application for the grant shall be accompanied by proof of satisfactory completion of 15 quarter credit hours of instruction or the equivalent and proof of continuing registration at a qualifying institution of higher education, as defined in subdivision 2.

Subd. 6. [IMPLEMENTATION.] The commissioner of veterans affairs shall issue criteria for documentation of service, and shall develop procedures for implementing this section.

Subd. 7. [EFFECT ON STATE GRANTS.] The grant provided under this section shall not be considered in determining eligibility for a grant under sections 136A.095 to 136A.132.

Sec. 3. [197.754] [TIME LIMIT ON USING BENEFITS.]

Eligible veterans shall have ten years from the date of their last discharge or release from active duty, and eligible survivors shall have until July 1, 2000, or until their 25th birthday, whichever is later, within which to apply for the grant specified in section 2.

Sec. 4. [APPROPRIATION.]

\$..... is appropriated for fiscal year 1992, and \$..... is appropriated for fiscal year 1993 from the general fund to the commissioner of veterans affairs for any tuition grant provided under section 2. The unencumbered balance remaining from the first year does not cancel, but is available for the second year.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective July 1, 1991."

Delete the title and insert:

"A bill for an act relating to education; providing tuition grants for Gulf war veterans and their survivors; appropriating money; amending Minnesota Statutes 1990, section 197.447; proposing coding for new law in Minnesota Statutes, chapter 197."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 446, A bill for an act relating to natural resources; Eurasian water milfoil; changing the watercraft surcharge; placing the surcharge in a dedicated account; providing for informational materials; providing for a pilot program; restricting new public access; amending Minnesota Statutes 1990, sections 86B.415, subdivisions 7 and 9; 103G.617, subdivision 3, and by adding subdivisions.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 447, A bill for an act relating to education; establishing a scholarship program; specifying conditions; providing for funding through special collegiate license plates; removing some responsibilities from higher education coordinating board and transferring others to the commissioner of education; amending Minnesota Statutes 1990, sections 135A.05; 135A.06, subdivisions 2, 3, and 5;

135A.08; 135A.10, subdivision 1; 135A.15; 136A.02, subdivision 5; 136A.04, subdivision 1; and 290.01, subdivision 19b; proposing coding for new law in Minnesota Statutes, chapters 125; 126; 135A; and 168; repealing Minnesota Statutes 1990, sections 136A.02, subdivision 6; 136A.04, subdivision 2; 136A.041; 136A.043; 136A.044; 136A.85; 136A.86; 136A.87; and 136A.88.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [135A.30] [MINNESOTA ACADEMIC EXCELLENCE SCHOLARSHIP.]

Subdivision 1. [CREATION.] The Minnesota academic excellence scholarship program is created to reward students who have demonstrated outstanding ability, achievement and potential in one of the following subjects: English/creative writing, fine arts, foreign language, math, science, or social science.

Subd. 2. [ELIGIBILITY.] To be eligible to receive a scholarship under this section, a student must:

(1) graduate from a Minnesota public or nonpublic high school in the academic year in which the scholarship is awarded;

(2) successfully complete a college preparatory curriculum and demonstrate outstanding ability, achievement and potential in one of the specified subjects;

(3) be admitted to enroll full time in a baccalaureate degree-granting program at the University of Minnesota or of a Minnesota state university, or at Minnesota private, baccalaureate degree-granting college or university; and

(4) pursue studies in the subject for which the award is made.

Subd. 3. [SELECTION OF RECIPIENTS.] The governing board of an eligible institution shall determine, in consultation with its campuses, application dates and procedures, criteria to be considered, and methods of selecting students to receive scholarships. A campus, with the approval of its governing board, may award a scholarship in any of the specified fields of study (1) in which the campus offers a program that is of the quality and rigor to meet the needs of the talented student, and (2) that is pertinent to the mission of the campus.

Subd. 4. [AMOUNT OF SCHOLARSHIP.] The amount of the scholarship must be (1) at public institutions, the cost of tuition and

fees for full-time attendance for one academic year, or (2) at private institutions, an amount equal to the lesser of the actual tuition and fees charged by the institution or the tuition and fees in comparable public institutions. Scholarships awarded under this section must not be considered in determining a student's financial need as provided in section 136A.101, subdivision 5.

Subd. 5. [RENEWALS.] The scholarship shall be renewed yearly, for up to three additional academic years, if the student (1) maintains full-time enrollment with a grade point average of at least 3.0 on a four point scale; (2) pursues studies and continues to demonstrate outstanding ability, achievement and potential in the field for which the award was made; and (3) is achieving satisfactory progress toward a degree.

Subd. 6. [NUMBER OF AWARDS.] The number of scholarships awarded each year shall be determined by the amount of money available in the scholarship account, as provided in section 168.129, subdivision 6, that is credited to a post-secondary institution or system through sales of its license plates. The number of new awards must be determined after subtracting the actual and projected amount necessary for renewals.

Subd. 7. [DISTRIBUTION AMONG CAMPUSES.] Post-secondary systems with more than one campus shall allocate at least three-fourths of the revenue available from the sale of license plates proportionately to the campuses to which the revenue is attributable. The board annually shall determine the distribution of the remaining portion among the campuses, after consideration of special needs or circumstances.

Sec. 2. [168.129] [SPECIAL COLLEGIATE LICENSE PLATES.]

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] The commissioner of public safety shall issue special collegiate license plates to an applicant who (1) is an owner or joint owner of a passenger automobile, pickup truck, or van, (2) pays a fee determined by the commissioner to cover the costs of handling and manufacturing the plates, (3) pays the registration tax required under section 168.12, (4) pays the fees required under this chapter, (5) contributes at least \$100 to the scholarship account established in subdivision 6, and (6) complies with laws and rules governing registration and licensing of vehicles and drivers.

Subd. 2. [DESIGN.] After consultation with each participating college, university or post-secondary system, the commissioner shall design the special collegiate plates.

A participating college or university shall estimate annually the number of plates needed and inform the commissioner by a date determined by the commissioner.

Subd. 3. [NO REFUND.] Contributions under this section must not be refunded.

Subd. 4. [PLATE TRANSFERS.] Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger vehicle, pickup, or van owned or jointly owned by the person to whom the special plates were issued.

Subd. 5. [FEES CREDITED.] The fees collected under this section must be deposited to the state treasury and credited to the highway user tax distribution fund. Fees collected under this section do not include the contributions collected for the scholarship account.

Subd. 6. [SCHOLARSHIP ACCOUNT.] A scholarship account is created in the general fund. Except for one percent that may be retained by the commissioner of public safety for administrative costs, all contributions received under this section must be deposited by the commissioner in the scholarship account. Money in the scholarship account is appropriated to the governing board of the institution to which they are attributable, as provided in subdivision 7.

Subd. 7. [RECORD.] The commissioner shall maintain a record of the number of license plates issued for each post-secondary institution or system in order to determine the amount of scholarship funds available to that institution or system.

Sec. 3. Minnesota Statutes 1990, section 290.01, subdivision 19b, is amended to read:

Subd. 19b. [SUBTRACTIONS FROM FEDERAL TAXABLE INCOME.] For individuals, estates, and trusts, there shall be subtracted from federal taxable income:

(1) interest income on obligations of any authority, commission, or instrumentality of the United States to the extent includable in taxable income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) if included in federal taxable income, the amount of any overpayment of income tax to Minnesota or to any other state, for any previous taxable year, whether the amount is received as a refund or as a credit to another taxable year's income tax liability;

(3) the amount paid to others not to exceed \$650 for each dependent in grades kindergarten to 6 and \$1,000 for each dependent in grades 7 to 12, for tuition, textbooks, and transportation of each dependent in attending an elementary or secondary school situated in Minnesota, North Dakota, South Dakota, Iowa, or

Wisconsin, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, which is not operated for profit, and which adheres to the provisions of the Civil Rights Act of 1964 and chapter 363. As used in this clause, "textbooks" includes books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state. "Textbooks" does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to instill such tenets, doctrines, or worship, nor does it include books or materials for, or transportation to, extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or similar programs. In order to qualify for the subtraction under this clause the taxpayer must elect to itemize deductions under section 63(e) of the Internal Revenue Code;

(4) to the extent included in federal taxable income, distributions from a qualified governmental pension plan, an individual retirement account, simplified employee pension, or qualified plan covering a self-employed person that represent a return of contributions that were included in Minnesota gross income in the taxable year for which the contributions were made but were deducted or were not included in the computation of federal adjusted gross income. The distribution shall be allocated first to return of contributions until the contributions included in Minnesota gross income have been exhausted. This subtraction applies only to contributions made in a taxable year prior to 1985;

(5) income as provided under section 290.0802;

(6) the amount of unrecovered accelerated cost recovery system deductions allowed under subdivision 19g; ~~and~~

(7) to the extent included in federal adjusted gross income, income realized on disposition of property exempt from tax under section 290.491; and

(8) to the extent not deducted in computing federal taxable income, the amount of a contribution under section 168.129.

Sec. 4. [GOVERNING BOARD DUTIES.]

The board of regents of the University of Minnesota, the state university board, and the governing boards of eligible private colleges and universities are requested to cooperate with the higher education coordinating board, public and nonpublic Minnesota high schools, and school districts to publicize the availability of the scholarships and to identify qualified students.

Sec. 5. [EFFECTIVE DATES.]

Subdivision 1. Section 1 is effective for high school graduates beginning in the 1991-1992 school year.

Subd. 2. Sections 2 and 3 are effective for vehicle registrations after June 30, 1991."

Delete the title and insert:

"A bill for an act relating to education; establishing a scholarship program; providing for funding through special collegiate license plates; appropriating money; amending Minnesota Statutes 1990, section 290.01, subdivision 19b; proposing coding for new law in Minnesota Statutes, chapters 135A and 168."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 478, A bill for an act relating to elections; changing requirement of absentee ballot applications for deer hunters; clarifying uses to be made of lists of registered voters; requiring commissioner of health to report deaths to secretary of state; authorizing facsimile applications for absentee ballots; requiring notarized affidavits of candidacy; changing time for issuance of certificates of election; changing certain deadlines and language of a disclaimer; changing procedures for hospital district elections; amending Minnesota Statutes 1990, sections 97A.485, subdivision 1a; 201.091, subdivisions 1 and 4; 201.13, subdivision 1; 203B.04, subdivision 1; 204B.09, subdivision 1; 204C.40, subdivision 2; 205.16, subdivision 4; 205A.07, subdivision 3; 211B.04; and 447.32, subdivisions 2, 3, and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 97A.485, subdivision 1a, is amended to read:

Subd. 1a. [DEER LICENSE; ABSENTEE BALLOT APPLICATION.] The commissioner shall ~~include with every license~~ have

available for persons purchasing licenses to take deer with firearms or by archery, sold or issued during a general election year, an application for an absentee ballots and a voter registration card ballot. The commissioner shall obtain absentee ballot application forms from the secretary of state.

Sec. 2. [135A.16] [PROVISIONS TO FACILITATE VOTING.]

Subdivision 1. [IDENTIFICATION CARDS.] All post-secondary institutions that enroll students accepting state or federal financial aid may provide every full-time student a student identification card that contains the enrolling student's photograph and name.

Subd. 2. [RESIDENTIAL HOUSING LIST.] All post-secondary institutions that enroll students accepting state or federal financial aid may prepare a current list of students enrolled in the institution and residing in the institution's housing or within ten miles of the institution's campus. The list shall include each student's current address. The list shall be certified and sent to the appropriate county auditor or auditors for use in election day registration as provided under section 201.061, subdivision 3.

Sec. 3. Minnesota Statutes 1990, section 200.02, is amended by adding a subdivision to read:

Subd. 21. [LOCAL ELECTION OFFICIAL.] "Local election official" means the municipal clerk or principal officer charged with duties relating to elections.

Sec. 4. Minnesota Statutes 1990, section 201.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION DAY REGISTRATION.] An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) showing a drivers driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) showing any document approved by the secretary of state as proper identification; or

(3) showing one of the following:

(i) a current valid student identification card from a post-secondary educational institution in Minnesota, if a list of students from

that institution has been prepared under section 135A.16 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or

(4) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration card.

Sec. 5. Minnesota Statutes 1990, section 201.091, subdivision 1, is amended to read:

Subdivision 1. [MASTER LIST.] Each county auditor shall prepare and maintain a current list of registered voters in each precinct in the county which is known as the master list. The master list must be created by entering each completed voter registration card received by the county auditor into the statewide registration system. It must show the name, residence address, and date of birth of each voter registered in the precinct. The information contained in the master list may only be made available to ~~election~~ public officials for purposes related to election administration, ~~to the state court administrator for jury selection, and in response to public officials authorized to carry out a law enforcement duties inquiry concerning a violation of or failure to comply with any criminal statute or state or local tax statute.~~

Sec. 6. Minnesota Statutes 1990, section 201.091, subdivision 4, is amended to read:

Subd. 4. [PUBLIC INFORMATION LISTS.] The county auditor shall make available for inspection a public information list which must contain the name, address, and voting history of each registered voter in the county. The telephone number must be included on the list if provided by the voter. The public information list may also include information on voting districts. The county auditor may adopt reasonable rules governing access to the list. No individual inspecting the public information list shall tamper with or alter it in any manner. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforce-

ment. The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or in response to a law enforcement inquiry from a public official concerning a failure to comply with any criminal statute or any state or local tax statute.

Before inspecting the public information list or obtaining a list of voters or other information from the list, the individual shall provide identification to the public official having custody of the public information list and shall state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities, or law enforcement. Requests to examine or obtain information from the public information lists or the statewide registration system must be made and processed in the manner provided in the rules of the secretary of state.

Upon receipt of a written request and a copy of the court order, the secretary of state may withhold from the public information list the name of any registered voter placed under court-ordered protection.

Sec. 7. Minnesota Statutes 1990, section 201.13, subdivision 1, is amended to read:

Subdivision 1. ~~LOCAL REGISTRAR OF VITAL STATISTICS COMMISSIONER OF HEALTH, REPORTS OF DECEASED RESIDENTS.~~ The local registrar of vital statistics in each county or municipality commissioner of health shall report monthly to the county auditor secretary of state the name and, address, date of birth, and county of residence of each individual 18 years of age or older who has died while maintaining residence in that county or municipality Minnesota since the last previous report. The secretary of state shall determine if any of the persons listed in the report are registered to vote and shall prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants to "deceased" in the statewide registration system. Upon receipt of the report list, the county auditor shall remove from the files the original and duplicate registration cards of the voters reported to be deceased and make the appropriate changes in the data base of the central statewide registration system.

Sec. 8. [201.1611] ~~POST-SECONDARY INSTITUTION VOTER REGISTRATION.~~

Subdivision 1. [FORMS.] All post-secondary institutions that enroll students accepting state or federal financial aid shall provide voter registration forms to each student upon payment of tuition, fees, and activities funds at the commencement of fall quarter. The forms must contain spaces for the information required in section 201.071, subdivision 1, and applicable rules of the secretary of state. The institutions may request these forms from the secretary of state.

Subd. 2. [STUDENT VOTER REGISTRATION.] Upon registration or receipt of payment of fees, students must be asked if they want to register to vote at the same time. A copy of each completed voter registration form must be sent to the county auditor of the county in which the voter maintains residence or to the secretary of state as soon as possible. All completed voter registration forms must be forwarded to the county auditor within five days and in no case later than 21 days before the general election.

Sec. 9. Minnesota Statutes 1990, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION PROCEDURES.] Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

(a) the county auditor of the county where the applicant maintains residence; or

(b) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be accepted if it is signed and dated by the applicant, contains the applicant's residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device, at the discretion of the auditor or clerk.

Sec. 10. Minnesota Statutes 1990, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.] Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period. Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer. Candidates for presidential electors may file petitions on or before the state primary day. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing. Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 11. Minnesota Statutes 1990, section 204B.16, subdivision 6, is amended to read:

Subd. 6. [PUBLIC FACILITIES.] Every statutory city, home rule charter city, county, town, school district, and other public agency, including the University of Minnesota and other public colleges and universities, shall make their facilities, including parking, available for the holding of city, county, state, and federal elections, subject to the approval of the local election official. A charge for the use of the facilities may be imposed in an amount that does not exceed the lowest amount charged to any public or private group.

Sec. 12. Minnesota Statutes 1990, section 204B.16, is amended by adding a subdivision to read:

Subd. 7. [APPROPRIATE FACILITIES.] The facilities provided in accordance with subdivision 6 shall be sufficient in size to accommodate all election activities and the requirements of subdivision 5. The space must be separated from other activities within the building. The local election official may approve space in two connecting rooms for registration and balloting activities. Except in the event of an emergency making the approved space unusable, the public facility may not move the election from the space approved by the local election official without prior approval. In addition to the requirements of subdivision 5, the public facility must make remaining parking spaces not in use for regularly scheduled activities available for voters.

Sec. 13. Minnesota Statutes 1990, section 204B.32, is amended to read:

204B.32 [ELECTION EXPENSES; PAYMENT.]

Subdivision 1. [PAYMENT.] (a) The secretary of state shall pay the compensation for presidential electors, the cost of printing the pink paper ballots, and all necessary expenses incurred by the secretary of state in connection with elections.

(b) The counties shall pay the compensation prescribed in section 204B.31, clauses (b) and (c), the cost of printing the canary ballots, the white ballots, the pink ballots when machines are used, the state partisan primary ballots, and the state and county nonpartisan primary ballots, all necessary expenses incurred by county auditors in connection with elections, and the expenses of special county elections.

(c) Subject to subdivision 2, the municipalities shall pay the compensation prescribed for election judges and sergeants at arms, the cost of printing the municipal ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of

the municipal clerks in connection with elections, except special county elections.

(d) The school districts shall pay the compensation prescribed for election judges and sergeants-at-arms, the cost of printing the school district ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of the school district clerks in connection with school district elections not held in conjunction with state elections. When school district elections are held in conjunction with state elections, the school district shall pay the costs of printing the school district ballots, providing ballot boxes and all necessary expenses of the school district clerk.

All disbursements under this section shall be presented, audited, and paid as in the case of other public expenses.

Subd. 2. [ALLOCATION OF COSTS.] Municipalities or counties may allocate the costs of conducting elections to school districts for payment of their proportionate share of such expenses for elections held at the same time as the regular municipal or county primary and general election. Allocated costs include expenses for election equipment and supplies; polling locations; personnel (including election judge compensation and the portion of salaries of election administrative and technical employees attributable to the preparation and conduct of the election); transportation related to the conduct of the election; required election notices and newspaper publication of election information; communications devices; and postage (including mailings to election judges and for absentee voter applications and ballots).

Sec. 14. Minnesota Statutes 1990, section 204B.35, is amended by adding a subdivision to read:

Subd. 5. [COMBINED LOCAL ELECTIONS.] Municipalities shall determine the voting method in combined local elections when other election jurisdictions located wholly or partially within the municipality schedule elections on the same date as the regular municipal primary or general election.

Sec. 15. Minnesota Statutes 1990, section 204C.19, subdivision 2, is amended to read:

Subd. 2. [BALLOTS; ORDER OF COUNTING.] Except as otherwise provided in this subdivision, the ballot boxes shall be opened, the votes counted, and the total declared one box at a time in the following order: the white box, the pink box, the canary box, the light green box, the blue box, the buff box, the goldenrod box, the gray box, and then the other kinds of ballots voted at the election. If enough election judges are available to provide counting teams of four or more election judges for each box, more than one box may be opened and counted at the same time. The election judges on each

counting team shall be evenly divided between the major political parties. The numbers entered on the summary sheet shall not be considered final until the ballots in all the boxes have been counted and corrections have been made if ballots have been deposited in the wrong boxes.

Sec. 16. Minnesota Statutes 1990, section 204C.40, subdivision 2, is amended to read:

Subd. 2. [TIME OF ISSUANCE; CERTAIN OFFICES.] No certificate of election shall be issued until ~~12 days~~ seven days after the canvassing board has declared the result of the election. In case of a contest, an election certificate shall not be issued until a court of proper jurisdiction has finally determined the contest. This subdivision shall not apply to candidates elected to the office of state senator or representative.

Sec. 17. Minnesota Statutes 1990, section 205.07, subdivision 1, is amended to read:

Subdivision 1. [DATE.] The municipal general election in each statutory city shall be held on the first Tuesday after the first Monday in November in every even-numbered year; ~~except that.~~ Notwithstanding any provision of law to the contrary and subject to the provisions of this section, the governing body of a statutory city may, by ordinance passed at a regular meeting held before September 1 of any year, elect to hold the election on the first Tuesday after the first Monday in November in each odd-numbered year. A city which was a village on January 1, 1974 and before that date provided for a system of biennial elections in the odd-numbered year shall continue to hold its elections in that year until changed in accordance with this section. When a city changes its elections from one year to another, and does not provide for the expiration of terms by ordinance, the term of an incumbent expiring at a time when no municipal election is held in the months immediately prior to expiration is extended until the date for taking office following the next scheduled municipal election. If the change results in having three council members to be elected at a succeeding election, the two individuals receiving the highest vote shall serve for terms of four years and the individual receiving the third highest number of votes shall serve for a term of two years. To provide an orderly transition to the odd or even year election plan, the governing body of the city may adopt supplementary ordinances regulating initial elections and officers to be chosen at the elections and shortening or lengthening the terms of incumbents and those elected at the initial election so as to conform as soon as possible to the regular schedule provided in section 412.02, subdivision 1. Whenever the time of the municipal election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date. Thereafter the municipal general election shall be held on the first Tuesday after the first Monday in November in each

odd-numbered or even-numbered year until the ordinance is revoked and notification of the change is made.

Sec. 18. Minnesota Statutes 1990, section 205.07, is amended by adding a subdivision to read:

Subd. 3. [EFFECT OF ORDINANCE; REFERENDUM.] An ordinance changing the year of the municipal election is effective 240 days after passage and publication or at a later date fixed in the ordinance. Within 180 days after passage and publication of the ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. The petition shall be signed by eligible voters equal in number to ten percent of the total number of votes cast in the city at the last municipal general election. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by a majority of the voters voting on the question at a general or special election held at least 60 days after submission of the petition. If the petition is filed, the governing body may reconsider its action in adopting the ordinance.

Sec. 19. Minnesota Statutes 1990, section 205.16, subdivision 4, is amended to read:

Subd. 4. [NOTICE TO AUDITOR.] At least 30 45 days prior to every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election and the offices and questions to be voted on at the election.

Sec. 20. Minnesota Statutes 1990, section 205A.07, subdivision 3, is amended to read:

Subd. 3. [NOTICE TO AUDITOR.] At least 30 45 days prior to every school district election, the school district clerk shall provide a written notice to the county auditor of each county in which the school district is located. The notice must include the date of the election and the offices and questions to be voted on at the election.

Sec. 21. Minnesota Statutes 1990, section 447.32, subdivision 2, is amended to read:

Subd. 2. [ELECTIONS.] Except as provided in this chapter, the Minnesota election law applies to hospital district elections, as far as practicable. Regular elections must be held in each hospital district at the same time, in the same election precincts, and at the same polling places as general elections of state and county officers. Alternatively, the hospital board may by resolution fix a date for an election, not later than December 7 just before the expiration of board members' terms. It may establish the whole district as a single election precinct or establish two or more different election precincts and polling places for the elections. If there is more than one

precinct, the boundaries of the election precincts and the locations of the polling places must be defined in the notice of election, either in full or by reference to a description or map on file in the office of the clerk.

Special elections may be called by the hospital board at any time to vote on any matter required by law to be submitted to the voters. A special election may not be conducted either during the 30 days before and the 30 days after the state primary or state general election, or during the 20 days before and the 20 days after the regularly scheduled election of any municipality wholly or partially within the hospital district. Special elections must be held within the election precinct or precincts and at the polling place or places designated by the board. In the case of the first election of officers of a new district, precincts and polling places must be set by the governing body of the most populous city or town included in the district.

Advisory ballots may be submitted by the hospital board on any question it wishes, concerning the affairs of the district, but only at a regular election or at a special election required for another purpose.

Sec. 22. Minnesota Statutes 1990, section 447.32, subdivision 3, is amended to read:

Subd. 3. [ELECTION NOTICES.] At least two weeks before the first day to file affidavits of candidacy, the clerk of the district shall publish a notice stating the first and last day on which affidavits of candidacy may be filed, the places for filing the affidavits and the closing time of the last day for filing. The clerk shall post a similar notice in at least one conspicuous place in each city and town in the district at least ten days before the first day to file affidavits of candidacy.

The notice of each election must be posted in at least one public and conspicuous place within each city and town included in the district at least ten days before the election. It must be published in the official newspaper of the district or, if a paper has not been designated, in a legal newspaper having general circulation within the district, at least ~~one week~~ two weeks before the election. Failure to give notice does not invalidate the election of an officer of the district. A voter may contest a hospital district election in accordance with chapter 209. Chapter 209 applies to hospital district elections.

Sec. 23. Minnesota Statutes 1990, section 447.32, subdivision 4, is amended to read:

Subd. 4. [CANDIDATES; BALLOTS; CERTIFYING ELECTION.] A person who wants to be a candidate for the hospital board shall file

an application to be placed on the ballot as a candidate affidavit of candidacy for the election either as member at large or as a member representing the city or town where the candidate resides. The application affidavit of candidacy must be filed with the city or town clerk not more than 60 or less than 45 days ten weeks nor less than eight weeks before the election. Applications The city or town clerk must be forwarded immediately forward the affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town immediately after the last day of the filing period. A candidate may withdraw from the election by filing an affidavit of withdrawal with the clerk of the district no later than 12:00 p.m. on the day after the last day to file affidavits of candidacy.

Voting must be by secret ballot. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers. Ballots must contain the names of the proposed candidates for each office, the length of the term of each office, and an additional blank space for the insertion of another name by the voter. The ballots must be marked and initialed by at least two judges as official ballots and used exclusively at the election. Any proposition to be voted on may be printed on the ballot provided for the election of officers or on a different ballot. The hospital board may also authorize the use of voting machines subject to chapter 206. Enough election judges may be appointed to receive the votes at each polling place. They may be paid by the district at a rate set by the board. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass.

After canvassing the election, the board shall issue a certificate of election to the candidate who received the largest number of votes cast for each office. The clerk shall deliver the certificate to the person entitled to it in person or by certified mail. Each person certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective if made before the board acts to fill the vacancy.

Sec. 24. [EFFECTIVE DATE.]

Sections 17 and 18 are effective the day following final enactment and apply to all ordinances passed within 180 days prior to the day following final enactment."

Delete the title and insert:

"A bill for an act relating to elections; changing requirement of absentee ballot applications for deer hunters; facilitating voting by certain students; defining certain terms; providing for use of certain

facilities for elections; clarifying uses to be made of lists of registered voters; requiring commissioner of health to report deaths to secretary of state; authorizing facsimile applications for absentee ballots; requiring notarized affidavits of candidacy; providing for voting methods in combined local elections; providing order of counting gray box ballots; changing time for issuance of certificates of election; clarifying effect of changing the year of municipal elections; changing certain deadlines; changing procedures for hospital district elections; amending Minnesota Statutes 1990, sections 97A.485, subdivision 1a; 200.02, by adding a subdivision; 201.061, subdivision 3; 201.091, subdivisions 1 and 4; 201.13, subdivision 1; 203B.04, subdivision 1; 204B.09, subdivision 1; 204B.16, subdivision 6, and by adding a subdivision; 204B.32; 204B.35, by adding a subdivision; 204C.19, subdivision 2; 204C.40, subdivision 2; 205.07, subdivision 1, and by adding a subdivision; 205.16, subdivision 4; 205A.07, subdivision 3; and 447.32, subdivisions 2, 3, and 4; proposing coding for new law in Minnesota Statutes, chapters 135A and 201."

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 525, A bill for an act relating to insurance; regulating claim denial; requiring chemical dependency claim reviewers to meet certain qualifications; requiring insurers to file an annual report on evaluations with the commissioner of commerce; amending Minnesota Statutes 1990, section 72A.201, subdivision 8.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 527, A bill for an act relating to health; creating a limited exception to the moratorium on licensure of new nursing home beds; allowing a licensed, but not medical assistance certified, facility to upgrade beds from boarding care beds to nursing home beds; amending Minnesota Statutes 1990, section 144A.071, subdivision 3.

Reported the same back with the following amendments:

Page 5, line 23, delete everything after "facility" and insert "with an addendum to its provider agreement effective beginning July 1, 1983,"

Page 5, line 24, delete everything before "if"

Amend the title as follows:

Page 1, line 4, delete everything after "a"

Page 1, line 5, delete "certified," and after "facility" insert "with an addendum to its provider agreement"

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 543, A bill for an act relating to human services; providing rule 12 funding for a dispersed apartment pilot program for persons with mental illness.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [FUNDING FOR PILOT PROGRAM.]

The commissioner of human services shall authorize Olmsted county to use \$496,000 of the funds allocated to the county for the biennium ending June 30, 1993, under Minnesota Statutes, section 245.73, and administered under Minnesota Rules, parts 9535.2000 to 9535.3000. The commissioner shall allocate this grant money to Olmsted county and the local housing and redevelopment authority for enhanced community support services provided to persons with mental illness through the dispersed apartment pilot program.

Sec. 2. [GOODHUE COUNTY PILOT PROJECT.]

The commissioner of human services shall authorize Goodhue county to use \$61,640 of the funds allocated to the county for the biennium ending June 30, 1993, under Minnesota Statutes, section

245.73 and Minnesota Rules, parts 9535.2000 to 9535.3000, to provide supportive housing services for persons who are chronically mentally ill.

Sec. 3. [FILLMORE COUNTY PILOT PROJECT.]

The commissioner of human services shall authorize Fillmore county to use \$18,760 of the funds allocated to the county for the biennium ending June 30, 1993, under Minnesota Statutes, section 245.73 and Minnesota Rules, parts 9535.2000 to 9535.3000, to provide supportive housing services for persons who are chronically mentally ill."

Delete the title and insert:

"A bill for an act relating to human services; providing funding for various pilot projects."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 556, A bill for an act relating to veterans; changing certain requirements for appointment of county veterans service officers; amending Minnesota Statutes 1990, section 197.60, subdivision 2, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 578, A bill for an act relating to Dakota county; permitting cities and towns to transfer assessment review duties to the county; proposing coding for new law in Minnesota Statutes, chapter 383D.

Reported the same back with the following amendments:

Page 1, line 17, after the period insert “The county assessor shall attend each meeting of the county board of equalization at which public testimony is to be taken.”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 609, A bill for an act relating to veterans; authorizing the veterans homes board to rent certain facilities; authorizing expenditures of money; amending Minnesota Statutes 1990, section 198.003.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 617, A bill for an act relating to agriculture; authorizing expense reimbursement for the Minnesota education in agriculture council; appropriating money; amending Minnesota Statutes 1990, section 126.113, subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1990, section 126.113, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The Minnesota education in agriculture leadership council is established to promote education about agriculture.”

Page 1, line 22, after “agriculture” insert “leadership”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "agriculture" insert "leadership"

Page 1, line 5, delete "subdivision" and insert "subdivisions 1 and"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 620, A bill for an act relating to state lands; authorizing the sale of certain land in Cook county.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 648, A bill for an act relating to veterans; providing for establishment of a veterans home in Fergus Falls; proposing coding for new law in Minnesota Statutes, chapter 198.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 710, A bill for an act relating to economic development; authorizing the establishment of rural development zones; proposing coding for new law in Minnesota Statutes, chapter 469.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 722, A bill for an act relating to the military; clarifying language about certain money appropriated for land acquisition; amending Minnesota Statutes 1990, section 190.25, subdivision 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 744, A bill for an act relating to the environment; petrofund; amending Minnesota Statutes 1990, sections 115C.09, subdivisions 1, 2, 3, and 5; 116.46, subdivision 7; 116.491, subdivision 1; and 116.50; proposing coding for new law in Minnesota Statutes, chapter 115C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [103I.222] [USE OF POLYVINYL CHLORIDE.]

The department shall adopt emergency rules within six months, and permanent rules within one year, of the effective date of this section designed to allow use of flush threaded polyvinyl chloride casing and screens used for leak detection and monitoring wells at underground or aboveground petroleum storage tank sites.

Sec. 2. Minnesota Statutes 1990, section 115C.07, subdivision 3, is amended to read:

Subd. 3. [RULES.] (a) The board shall adopt rules regarding its practices and procedures, the form and procedure for applications for compensation from the fund, procedures for investigation of claims and specifying the costs that are eligible for reimbursement from the fund.

(b) The board may adopt emergency rules under this subdivision for one year after June 4, 1987.

(c) The board shall adopt emergency rules within four months of the effective date of this section, and permanent rules within one year of the effective date of this section, designed to ensure that

costs submitted to the board for reimbursement are reasonable. The rules shall include a requirement that persons taking corrective action solicit competitive bids, based on unit service costs, except in circumstances where the board determines that such solicitation is not feasible.

(d) The board shall adopt rules requiring training of environmental consultants and contractors.

Sec. 3. Minnesota Statutes 1990, section 115C.09, subdivision 1, is amended to read:

Subdivision 1. [REIMBURSABLE COSTS.] (a) The board shall provide partial reimbursement to eligible responsible persons for reimbursable costs incurred after June 4, 1987.

(b) The following costs are reimbursable for purposes of this section:

(1) corrective action costs incurred by the responsible person, except the costs related to the physical removal of a tank; ~~and~~

(2) costs that the responsible person is legally obligated to pay as damages to third parties for bodily injury or property damage caused by a release if the responsible person's liability for the costs has been established by a court order or a consent decree; and

(3) up to 180 days worth of interest costs, incurred after the effective date of this section, associated with the financing of corrective action. Interest costs are not eligible for reimbursement to the extent they exceed two percentage points above the adjusted prime rate charged by banks, as defined in section 270.75, subdivision 5, at the time the financing contract was executed.

(c) A cost for liability to a third party is incurred by the responsible person when an order or consent decree establishing the liability is entered. Except as provided in this paragraph, reimbursement may not be made for costs of liability to third parties until all eligible corrective action costs have been reimbursed. If a corrective action is expected to continue in operation for more than one year after it has been fully constructed or installed, the board may estimate the future expense of completing the corrective action and, after subtracting this estimate from the total reimbursement available under subdivision 3, reimburse the costs for liability to third parties. The total reimbursement may not exceed the limit set forth in subdivision 3.

Sec. 4. Minnesota Statutes 1990, section 115C.09, subdivision 2, is amended to read:

Subd. 2. [RESPONSIBLE PERSON ELIGIBILITY.] (a) A responsible person who has incurred reimbursable costs after June 4, 1987, in response to a release, may apply to the board for partial reimbursement under subdivision 3 and rules adopted by the board. The board may consider applications for reimbursement after the commissioner has approved a design for corrective action that the commissioner determines will adequately address the release. The board may also consider applications when the corrective action has been fully constructed or installed and periodically afterward as the corrective action continues operation. at the following stages:

(1) after the commissioner approves a plan for corrective action related to soil contamination;

(2) after the commissioner determines that the corrective action plan described in clause (1) has been fully constructed or installed;

(3) after the commissioner approves a comprehensive plan for corrective action that will adequately address the entire release, including groundwater contamination if necessary;

(4) after the commissioner determines that the corrective action necessary to adequately address the release has been fully constructed or installed; and

(5) periodically afterward as the corrective action continues operation, but no more frequently than four times per 12-month period unless the application is for more than \$2,000 in reimbursement.

(b) The commissioner shall review a plan, and provide an approval or disapproval to the responsible person and the board, within 60 days in the case of a plan submitted under paragraph (a), clause (1), and within 120 days in the case of a plan submitted under paragraph (a), clause (3), or the commissioner shall explain to the board why additional time is necessary. The board shall consider a complete application within 60 days of submission of the application under paragraph (a), clauses (1) and (2), and within 120 days of submission of the application under paragraph (a), clauses (3) and (4), or the board shall explain for the record why additional time is necessary. For purposes of the preceding sentence, board consideration of an application is timely if it occurs at the regularly scheduled meeting following the deadline. Board staff may review applications submitted to the board simultaneous to the commissioner's consideration of the appropriateness of the corrective action, but the board may not act on the application until after the commissioner's approval is received.

~~(b) (c) A reimbursement may not be made unless the board determines that the commissioner has determined that the corrective action has, or when completed will have, adequately addressed~~

the release was appropriate in terms of protecting public health, welfare, and the environment.

(e) The board shall reduce the amount of reimbursement to be made under this section if it finds that the responsible person has not complied with one or more of the following requirements:

(1) at the time of the release the tank was in substantial compliance with state and federal rules and regulations applicable to the tank, including rules or regulations relating to financial responsibility;

(2) the agency was given notice of the release as required by section 115.061;

(3) the responsible person, to the extent possible, fully cooperated with the agency in responding to the release; and

(4) if the responsible person is an operator, the person exercised due care with regard to operation of the tank, including maintaining inventory control procedures.

(d) The reimbursement shall be reduced as much as 100 percent for failure by the responsible person to comply with the requirements in paragraph (e), clauses (1) to (4). In determining the amount of the reimbursement reduction, the board shall consider:

(1) the likely environmental impact of the noncompliance;

(2) whether the noncompliance was negligent, knowing, or willful;

(3) the deterrent effect of the award reduction on other tank owners and operators; and

(4) the amount of reimbursement reduction recommended by the commissioner.

Sec. 5. Minnesota Statutes 1990, section 115C.09, subdivision 3, is amended to read:

Subd. 3. [REIMBURSEMENT.] (a) The board shall reimburse a responsible person who is eligible under subdivision 2 from the account for 90 percent of the portion of the total reimbursable costs or \$1,000,000, whichever is less. Not more than \$1,000,000 may be reimbursed for costs associated with a single release, regardless of the number of persons eligible for reimbursement, and not more than \$2,000,000 may be reimbursed for costs associated with a single tank facility.

(b) A reimbursement may not be made from the account under *this subdivision until the board has determined that the costs for which reimbursement is requested were actually incurred and were reasonable.*

(c) Money in the account is appropriated to the board to make reimbursements under this section. A reimbursement to a state agency must be credited to the appropriation account or accounts from which the reimbursed costs were paid.

(d) The board shall reduce the amount of reimbursement to be made under this section if it finds that the responsible person has not complied with one or more of the following requirements:

(1) at the time of the release the tank was in substantial compliance with state and federal rules and regulations applicable to the tank, including rules or regulations relating to financial responsibility;

(2) the agency was given notice of the release as required by section 115.061;

(3) the responsible person, to the extent possible, fully cooperated with the agency in responding to the release; and

(4) if the responsible person is an operator, the person exercised due care with regard to operation of the tank, including maintaining inventory control procedures.

(e) The reimbursement shall be reduced as much as 100 percent for failure by the responsible person to comply with the requirements in paragraph (d), clauses (1) to (4). In determining the amount of the reimbursement reduction, the board shall consider:

(1) the likely environmental impact of the noncompliance;

(2) whether the noncompliance was negligent, knowing, or willful;

(3) the deterrent effect of the award reduction on other tank owners and operators; and

(4) the amount of reimbursement reduction recommended by the commissioner.

(f) A responsible person may assign the right to receive reimbursement to each lender, who advanced funds to pay the costs of the corrective action, or to each contractor, who provided corrective action services. An assignment must be made by filing with the board a document, in a form prescribed by the board, indicating the identity of the responsible person, the identity of the assignee, the

dollar amount of the assignment and the location of the corrective action. An assignment signed by the responsible person is valid unless terminated by filing a termination with the board, in a form prescribed by the board, which must include the written concurrence of the assignee. The board shall maintain an index of assignments filed under this paragraph. The board shall pay the reimbursement to the responsible person and to one or more assignees by a multiparty check. The board has no liability to a responsible person for a payment under an assignment meeting the requirements of this paragraph.

Sec. 6. Minnesota Statutes 1990, section 115C.09, subdivision 3b, is amended to read:

Subd. 3b. [VOLUNTEER ELIGIBILITY.] (a) Notwithstanding subdivisions 1 to 3, a person may apply to the board for partial reimbursement under subdivision 3 who:

(1) is not a responsible person under section 115C.02;

(2) holds legal or equitable title to the property where a release occurred; and

(3) incurs reimbursable costs on or after May 23, 1989.

(b) A person eligible for reimbursement under this subdivision must, to the maximum extent possible, comply with the same conditions and requirements of reimbursement as those imposed by this section on a responsible person.

(c) The board may reduce the reimbursement to a person eligible under this subdivision if the person acquired legal or equitable title to the property from a responsible person who failed to comply with the provisions of subdivision 2 3, paragraph ~~(e)~~ (d).

Sec. 7. Minnesota Statutes 1990, section 115C.09, subdivision 5, is amended to read:

Subd. 5. [RETURN OF REIMBURSEMENT.] (a) The board may demand the complete or partial return of any reimbursement made under this section if the ~~responsible person~~ applicant for reimbursement:

(1) misrepresents or omits a fact relevant to a determination made by the board or the commissioner under this section; ~~or~~

(2) fails to complete corrective action that the commissioner determined at the time of the reimbursement to be necessary to adequately address the release, unless the reimbursement was made under subdivision 3a; or

(3) fails to reimburse a person for agreed-to amounts for corrective actions taken in response to a request by the applicant.

(b) If a reimbursement under this subdivision is not returned upon demand by the board, the board may recover the reimbursement, with administrative and legal expenses, in a civil action in district court brought by the attorney general against the ~~responsible person applicant~~. If the board's demand for return of the reimbursement is based on willful actions of the ~~responsible person applicant~~, the ~~responsible person applicant~~ shall also forfeit and pay to the state a civil penalty, in an amount to be determined by the court, of not more than the full amount of the reimbursement.

Sec. 8. Minnesota Statutes 1990, section 115C.09, is amended by adding a subdivision to read:

Subd. 6. [CONSULTANT AND CONTRACTOR FRAUD.] If a person, with intent to defraud, issues an invoice or other demand for payment with knowledge that it is false in whole or in part, and with knowledge that it is being submitted to the board for reimbursement:

(1) that person shall be considered to have presented a false claim to a public body under section 609.465; and

(2) the board may demand that the person return any money received as a result of a reimbursement made on the basis of the false invoice or other demand for payment. If the money is not returned upon demand by the board, the board may recover the money, with administrative and legal expenses, in a civil action in district court brought by the attorney general against the person. The person shall also forfeit and pay to the state a civil penalty, in an amount to be determined by the court, of not more than the full amount of the money received by the person on the basis of the false invoice or other demand for payment.

Sec. 9. Minnesota Statutes 1990, section 115C.09, is amended by adding a subdivision to read:

Subd. 7. [DUTY TO PROVIDE INFORMATION.] A person who submits an application to the board for reimbursement, or who has issued invoices or other demands for payment which are the basis of an application, shall furnish to the board copies of any financial records which the board requests and which are relevant to determining the validity of the costs listed in the application, or shall make the financial records reasonably available to the board for inspection and auditing.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective on the day following final enactment, except for section 4, subdivision 2, paragraph (b), which is effective on October 1, 1991."

Delete the title and insert:

"A bill for an act relating to the environment; petrofund; amending Minnesota Statutes 1990, sections 115C.07, subdivision 3; 115C.09, subdivisions 1, 2, 3, 3b, 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 103I."

With the recommendation that when so amended the bill pass.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 756, A bill for an act relating to labor; establishing rights and duties in relation to union organization; providing that certain acts are an unfair labor practice; proposing penalties; amending Minnesota Statutes 1990, section 179.12; 179A.07, by adding a subdivision; and 179A.13, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 767, A bill for an act relating to the environment; regulating the distribution of copies of reports to the legislature; requiring public entities to conform to certain printing requirements; amending Minnesota Statutes 1990, sections 3.195, subdivision 1; and 16B.122; repealing Minnesota Statutes 1990, section 16B.125.

Reported the same back with the following amendments:

Page 1, line 15, strike "ten" and insert "six"

Page 2, line 3, after the period insert "Distribution of a report to legislative committee or commission members during a committee or commission hearing is not prohibited by this paragraph."

(c) A report or publication produced by a public entity may not be sent to both the home address and the office address of a representative or senator unless mailing to both addresses is requested by the representative or senator.

Page 2, line 4, delete “(c)” and insert “(d)” and after “publications,” insert “periodicals,”

Page 2, line 31, after “is” insert “primarily composed of soy ink or other”

Page 3, line 4, after “colors” insert “; excluding pastel colors”

Page 3, line 7, delete “standard” and after “inks” insert “; standard or processed,”

Page 3, line 9, after “staples” insert “and bind documents by methods that do not use glue” and delete “and”

Page 3, line 10, before the period insert “; and”

(8) produce reports, publications, and periodicals that are readily recyclable within the state resources recovery program”

Page 3, line 11, delete the colon

Page 3, line 12, delete “(1)”

Page 3, line 13, delete “; and” and insert a period

Page 3, delete lines 14 to 15

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 796, A bill for an act relating to motor fuels; authorizing commissioner of public safety to make and administer interstate fuel tax agreements; imposing decal fee on interstate motor carriers; amending Minnesota Statutes 1990, section 168.187, subdivisions 17 and 26; proposing coding for new law in Minnesota Statutes, chapter 296; repealing Minnesota Statutes 1990, section 296.17, subdivision 9a.

Reported the same back with the following amendments:

Page 4, line 9, delete "general" and insert "trunk highway"

Page 4, line 17, delete "department" and insert "commissioner"

Page 4, line 18, after the period insert "Decal fees paid to the commissioner under this subdivision must be deposited in the trunk highway fund."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 843, A bill for an act relating to waste; Western Lake Superior sanitary district; amending the definition of solid waste; changing the date for adoption of a budget; amending Minnesota Statutes 1990, sections 458D.02, subdivision 18; and 458D.08.

Reported the same back with the following amendments:

Page 1, line 16, strike everything after the first comma

Page 1, line 17, strike "community activities,"

Page 1, line 19, before "rock" insert "or"

Page 1, line 20, strike the comma and delete "sewage sludge;" and strike "solids" and insert "; sewage sludge; solid"

Page 1, line 23, strike "waste" and insert "wastewater" and strike the comma

Page 1, line 25, after the second comma insert "and"

Page 2, line 1, delete the first comma and insert a semicolon and delete "other"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 860, A bill for an act relating to economic development; providing funding for the Red River trade corridor project; appropriating money.

Reported the same back with the following amendments:

Page 1, line 8, delete “regents of the University of Minnesota” and insert “commissioner of trade and economic development”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 870, A bill for an act relating to retirement; Duluth police consolidation account in the public employees police and fire fund; authorizing certain survivors to elect alternative benefit coverage.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [353A.081] [PUBLIC EMPLOYEES RETIREMENT ASSOCIATION POLICE AND FIRE CONSOLIDATION ACCOUNT COVERAGE ELECTION AUTHORITY.]

Subdivision 1. [ENTITLEMENT.] In addition to coverage selection periods in Minnesota Statutes, section 353A.08, subdivision 3, the surviving spouse of a member of a public employee retirement association consolidation account who is killed in the line of duty is eligible to make an election of coverage indicated in subdivision 2. If there is no surviving spouse, the legal guardian of the oldest dependent child under the age of 18 is eligible to make an election of coverage under subdivision 2. If the oldest dependent child is age 18 to 23 and is enrolled full time in an accredited post-secondary educational institution for at least five of the 12 months immediately preceding the death of the member, this dependent child is eligible to make the election.

Subd. 2. [ELECTION OF COVERAGE.] Individuals eligible under subdivision 1 may elect, on a form prescribed by the executive

director of the public employees retirement association, to have survivor benefits calculated under the relevant provisions of the public employees police and fire fund benefit plan or to have survivor benefits calculated under the relief association benefit plan. The relevant provisions of the public employee police and fire fund benefit plan for the person electing that benefit coverage are the relevant provisions of the public employee police and fire fund benefit plan applicable to survivor benefits, including participation in the Minnesota postretirement investment fund.

If the election results in an increased benefit amount to the surviving spouse eligible under subdivision 1, or to eligible children if there is no surviving spouse, the increased benefit accrues as of the date on which the survivor benefits payable to the survivors from the consolidation account were first paid. The back payment of any increase in prior benefit amounts, plus any postretirement adjustments payable under Minnesota Statutes, section 356.41, if applicable, is payable as soon as practicable after the effective date of the election.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to retirement; public employees retirement fund police and fire consolidation accounts; permitting survivors of account members killed in the line of duty to elect coverage; proposing coding for new law in Minnesota Statutes, chapter 353A."

With the recommendation that when so amended the bill pass.

The report was adopted.

Beginch from the Committee on Labor-Management Relations to which was referred:

H. F. No. 871, A bill for an act relating to employment; board of electricity; clarifying definitions; providing for a complaint committee; clarifying and adding duties of the board; providing penalties; amending Minnesota Statutes 1990, sections 326.01, subdivisions 2, 3, 4, 5, 6, 6a, and by adding subdivisions; 326.241, subdivision 2, and by adding a subdivision; 326.242, subdivisions 1, 2, 3, 4, 5, 6, 9, and by adding subdivisions; 326.244, subdivision 4, and by adding a subdivision; and 326.246.

Reported the same back with the following amendments:

Page 13, line 18, after the period insert "The board shall hold the hearing within five working days of the licensee's request for hearing."

Page 15, line 34, delete "(a)"

Page 16, delete lines 15 to 21

Page 17, after line 24, insert:

"Sec. 31. Minnesota Statutes 1990, section 326.244, subdivision 5, is amended to read:

Subd. 5. [EXEMPTIONS FROM INSPECTIONS.] Installations, materials, or equipment shall not be subject to inspection under sections 326.241 to 326.248:

1. When owned or leased, operated and maintained by any employer whose maintenance electricians are exempt from licensing under sections 326.241 to 326.248, while performing electrical maintenance work only as defined by board rule; or

2. When owned or leased, and operated and maintained by any electric, communications or railway utility or telephone company in the exercise of its utility or telephone function; and

(i) are used exclusively for the generations, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence, and do not have as a principal function the consumption or use of electric current by or for the benefit of any person other than such utility or telephone company; and

(ii) are generally accessible only to employees of such utility or telephone company or persons acting under its control or direction; and

(iii) are not on the load side of the meter; or

3. When used in the street lighting operations of an electric utility; or

4. When used as outdoor area lights which are owned and operated by an electric utility and which are connected directly to its distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction; or

5. When the installation, material, and equipment are alarm or communication systems laid out, installed, or maintained within residential units not larger than a duplex; or

6. When the installation, material, and equipment are in facilities subject to the jurisdiction of the federal Mine Safety and Health Act."

Page 18, line 18, delete "or"

Page 18, delete lines 19 and 20

Page 18, line 21, delete everything before the semicolon

Reorder the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 914, A bill for an act relating to state lands; authorizing Otter Tail county to return donated state land to the donor's heir.

Reported the same back with the following amendments:

Page 2, after line 25, insert:

"Sec. 2. Minnesota Statutes 1990, section 282.018, subdivision 1, is amended to read:

Subdivision 1. [PROPERTY ON OR ADJACENT TO PUBLIC WATERS.] (a) All land which is the property of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether the land is held in trust for taxing districts, and which borders on or is adjacent to meandered lakes and other public waters and watercourses, and the live timber growing or being thereon, is hereby withdrawn from sale except as hereinafter provided. The authority having jurisdiction over the timber on any such lands may sell the timber as otherwise provided by law for cutting and removal

under such conditions as the authority may prescribe in accordance with approved, sustained yield forestry practices. The authority having jurisdiction over the timber shall reserve such timber and impose such conditions as the authority deems necessary for the protection of watersheds, wildlife habitat, shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on federal lands.

(b) Of all tax-forfeited land bordering on or adjacent to meandered lakes and other public waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary high-water mark being the waterside boundary thereof, and the land side boundary thereof being a line drawn parallel to the ordinary high-water mark and two rods distant landward therefrom, hereby is reserved for public travel thereon, and whatever the conformation of the shore line or conditions require, the authority having jurisdiction over such lands shall reserve a wider strip for such purposes.

(c) Any tract or parcel of land which has 50 feet or less of waterfront may be sold by the authority having jurisdiction over the land, in the manner otherwise provided by law for the sale of such lands, if the authority determines that it is in the public interest to do so. If the authority having jurisdiction over the land is not the commissioner of natural resources, the land may not be offered for sale without the prior approval of the commissioner of natural resources.

(d) Any tract or parcel of land which has 51 feet or more of waterfront, and for which the authority having jurisdiction over the land proposes legislation to permit its sale, must be submitted per description by the authority to the commissioner of natural resources by November 1 of each year. The commissioner must evaluate the land and its public benefits, and recommend the appropriate disposition of the land to the chairs of the house and senate environment and natural resources committees within two years after the November 1 notification. Upon mutual consent between the authority having jurisdiction over the land and the commissioner, a tract or parcel of land may be sold or otherwise disposed of according to this section before the commissioner's recommendation if an emergency situation exists. The commissioner's recommended disposition of the land may include sale to a private party, acquisition by the department of natural resources for public purposes, and cooperative management agreements with, or transfer to, another unit of government."

Amend the title as follows:

Page 1, line 3, before the period insert “; requiring that description

of certain tax-forfeited land bordering public water be submitted to commissioner of natural resources before proposing legislation to permit conveyance of the land; amending Minnesota Statutes 1990, section 282.018, subdivision 1”

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 921, A bill for an act relating to education; permitting school district employees to be reimbursed for the costs of defending against criminal charges; amending Minnesota Statutes 1990, section 123.35, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 18, after “approved” insert “or disapproved”

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 931, A bill for an act relating to commerce; restraint of trade; providing an evidentiary presumption in resale price maintenance cases; proposing coding for new law in Minnesota Statutes, chapter 325D.

Reported the same back with the following amendments:

Page 1, line 20, delete “APPLICATION;”

Page 1, delete lines 21 and 22 and insert “Section 1 is effective the day following final enactment.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 958, A bill for an act relating to agriculture; providing for development of aquaculture; amending Minnesota Statutes 1990, section 17.49; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1990, sections 17.491; and 17.492.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [17.46] [SHORT TITLE.]

Sections 1 to 10 may be cited as the “aquaculture development act.”

Sec. 2. [17.47] [FINDINGS; POLICY.]

The legislature finds that aquaculture provides a consistent source of quality food, employment opportunities, enhanced commercial and recreational fishing, agricultural diversification, and an improved balance of trade.

The legislature finds that many areas of the state of Minnesota are environmentally and economically suitable for aquaculture development.

The legislature finds that aquaculture should be considered a branch of the agricultural industry of the state for purposes of any laws that apply to or provide for the advancement, benefit, or protection of the agricultural industry within the state, and therefore the legislature encourages the promotion of aquacultural activities, programs, and development with the same status as other agricultural activities, programs, and development within the state.

It is the policy of this state to encourage environmentally sound development and expansion of the state's aquaculture industry.

Sec. 3. [17.48] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 1 to 10.

Subd. 2. [AQUACULTURE] “Aquaculture” means the culture of private aquatic life for consumption or sale.

Subd. 3. [AQUATIC FARM.] “Aquatic farm” means a facility used for the purpose of culturing private aquatic life in waters, including but not limited to, human-made ponds, vats, tanks, raceways, and other indoor or outdoor facilities for which the aquatic farmer owns or otherwise has complete control of trespass over the surrounding land.

Subd. 4. [AQUATIC FARMER.] “Aquatic farmer” means an individual who practices aquaculture.

Subd. 5. [COMMISSIONER.] “Commissioner” means the commissioner of agriculture.

Subd. 6. [DEPARTMENT.] “Department” means the department of agriculture.

Subd. 7. [PRIVATE AQUATIC LIFE.] “Private aquatic life” means fish, shellfish, mollusks, crustaceans, and any other aquatic animals cultured within an aquatic farm.

Sec. 4. Minnesota Statutes 1990, section 17.49, is amended to read:

17.49 [AQUACULTURE PROGRAM AND PROMOTION.]

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner shall establish and promote a program ~~for the commercial raising of fish in fish farms~~ of aquaculture in consultation with an advisory committee consisting of the University of Minnesota, the commissioner of natural resources, the commissioner of agriculture, the commissioner of trade and economic development, the commissioner of the state planning agency, representatives of the private fish ~~raising~~ aquaculture industry, and the chairs of the environment and natural resources committees of the house of representatives and senate.

Subd. 2. [COORDINATION.] Aquaculture programs in the state must be coordinated through the commissioner of agriculture. The commissioner of agriculture shall direct the development of aquaculture in the state. Aquaculture research, projects, and demonstrations must be reported to the commissioner before state appropriations for the research, projects, and demonstrations are encumbered. The commissioner shall maintain a data base of aquaculture research, demonstrations, and other related information pertaining to aquaculture in the state.

Subd. 2a. [DEVELOPMENT PROGRAM.] The commissioner may establish a Minnesota aquaculture development and aid program that may include support for applied research, demonstration,

financing, marketing, promotion, broodstock development, and other services.

Subd. 3. [REPORT.] The commissioner shall prepare an annual report on the amount of fish and aquaculture products consumed produced in the state, where the products were produced, the opportunities in the state for aquaculture development, and impediments to Minnesota development of aquaculture.

Sec. 5. [17.493] [PRIVATE AQUATIC LIFE.]

Notwithstanding sections 97A.015 and 97A.025, private aquatic life is private property and is considered "property of another" as that term is defined in section 609.52, subdivision 1, paragraph (8). The unpermitted taking of private aquatic life is considered "theft" as that term is defined in section 609.52, subdivision 2, and is subject to the penalties of section 609.52, subdivision 3.

Sec. 6. [17.494] [AQUACULTURE PERMITS; RULES.]

The department of agriculture shall act as permit or license coordinator for aquatic farmers and shall assist aquatic farmers in obtaining licenses or permits.

By July 1, 1992, any state agency issuing multiple permits or licenses for aquaculture shall consolidate those permits or licenses required for each aquatic farm location to expedite the permitting process. The department of natural resources' transportation permits are exempted from this requirement. State agencies shall adopt rules or commissioner's orders which set forth permit and license requirements, approval timelines, and establish standards for compliance with permit or licensing requirements.

Nothing in this section shall be interpreted to modify any agency's regulatory authority over aquaculture production.

Sec. 7. [17.495] [APPEAL PROCEDURES.]

If a state agency refuses to grant a license or permit to an aquatic farmer, it shall provide the aquatic farmer with a written notice specifying the reasons for refusal.

An aquatic farmer may contest a state agency's adverse determination of the license or permit application to an administrative law judge as provided in sections 14.57 to 14.69. Notwithstanding section 14.61, the decision of the administrative law judge is appealable to the court of appeals under the provisions of sections 14.63 to 14.69.

Sec. 8. [17.496] [QUARANTINE FACILITY; RULES.]

The commissioner of natural resources shall establish rules, in consultation with the commissioner of agriculture and the aquaculture advisory committee established under section 17.49, subdivision 1, for the construction and operation of a quarantine station for fish eggs presently requiring quarantine, as well as disposition of fish from such facility by July 1, 1992. Fish held in a quarantine station that are determined to be disease free under the procedures developed by the commissioner of natural resources may be bought, sold, or transported.

Sec. 9. [17.497] [EXOTIC SPECIES IMPORTATION; RULES.]

The commissioner of natural resources shall establish rules, in consultation with the commissioner of agriculture and the aquaculture advisory committee established under section 17.49, subdivision 1, for approving or rejecting importation of "exotic" or genetically altered aquatic species, to protect the integrity of the natural ecosystem and provide aquatic farmers with information that may affect business decisions.

Sec. 10. [17.498] [BEST AVAILABLE TECHNOLOGY; BEST MANAGEMENT PRACTICES.]

After consultation with the commissioners of agriculture and natural resources, the pollution control agency shall initiate rulemaking by October 1, 1991, to develop water quality permit requirements for aquaculture facilities under Minnesota Rules, chapter 7050. The requirements shall be based upon a consideration of best available technology and best management practices that are capable of preventing and minimizing degradation of waters of the state, considering economic factors, availability, technical feasibility, effectiveness, and environmental effects. The rulemaking shall consider, among other things, classes, types, sizes, and categories of aquaculture facilities as water quality requirements are established.

Sec. 11. Minnesota Statutes 1990, section 500.24, subdivision 3, is amended to read:

Subd. 3. [FARMING AND OWNERSHIP OF AGRICULTURAL LAND BY CORPORATIONS RESTRICTED.] No corporation, pension or investment fund, or limited partnership shall engage in farming; nor shall any corporation, pension or investment fund, or limited partnership, directly or indirectly, own, acquire, or otherwise obtain an interest, whether legal, beneficial or otherwise, in any title to real estate used for farming or capable of being used for farming in this state. Provided, however, that the restrictions in this subdivision do not apply to corporations or partnerships in clause (b) and do not apply to corporations, limited partnerships, and pension or investment funds that record its name and the particular exception under clauses (a) to (r) under which the agricultural land is

owned or farmed, have a *conservation plan* prepared for the agricultural land, report as required under subdivision 4, and satisfy one of the following conditions under clauses (a) to (r):

(a) A bona fide encumbrance taken for purposes of security;

(b) A family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership as defined in subdivision 2 or a general partnership;

(c) Agricultural land and land capable of being used for farming owned by a corporation as of May 20, 1973, or a pension or investment fund as of May 12, 1981, including the normal expansion of such ownership at a rate not to exceed 20 percent of the amount of land owned as of May 20, 1973, or, in the case of a pension or investment fund, as of May 12, 1981, measured in acres, in any five-year period, and including additional ownership reasonably necessary to meet the requirements of pollution control rules;

(d) Agricultural land operated for research or experimental purposes with the approval of the commissioner of agriculture, provided that any commercial sales from the operation must be incidental to the research or experimental objectives of the corporation. A corporation, limited partnership, or pension or investment fund seeking to operate agricultural land for research or experimental purposes must submit to the commissioner a prospectus or proposal of the intended method of operation, containing information required by the commissioner including a copy of any operational contract with individual participants, prior to initial approval of an operation. A corporation, limited partnership, or pension or investment fund operating agricultural land for research or experimental purposes prior to May 1, 1988, must comply with all requirements of this clause except the requirement for initial approval of the project;

(e) Agricultural land operated by a corporation or limited partnership for the purpose of raising breeding stock, including embryos, for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod;

(f) Agricultural land and land capable of being used for farming leased by a corporation or limited partnership in an amount, measured in acres, not to exceed the acreage under lease to such corporation as of May 20, 1973, or to the limited partnership as of May 1, 1988, and the additional acreage required for normal expansion at a rate not to exceed 20 percent of the amount of land leased as of May 20, 1973, for a corporation or May 1, 1988, for a limited partnership in any five-year period, and the additional acreage reasonably necessary to meet the requirements of pollution control rules;

(g) Agricultural land when acquired as a gift (either by grant or a

devise) by an educational, religious, or charitable nonprofit corporation or by a pension or investment fund or limited partnership; provided that all lands so acquired by a pension or investment fund, and all lands so acquired by a corporation or limited partnership which are not operated for research or experimental purposes, or are not operated for the purpose of raising breeding stock for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod must be disposed of within ten years after acquiring title thereto;

(h) Agricultural land acquired by a pension or investment fund or a corporation other than a family farm corporation or authorized farm corporation, as defined in subdivision 2, or a limited partnership other than a family farm partnership or authorized farm partnership as defined in subdivision 2, for which the corporation or limited partnership has documented plans to use and subsequently uses the land within six years from the date of purchase for a specific nonfarming purpose, or if the land is zoned nonagricultural, or if the land is located within an incorporated area. A pension or investment fund or a corporation or limited partnership may hold such agricultural land in such acreage as may be necessary to its nonfarm business operation; provided, however, that pending the development of agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm unit, a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership, or except when controlled through ownership, options, leaseholds, or other agreements by a corporation which has entered into an agreement with the United States of America pursuant to the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1968, United States Code, title 42, sections 3901 to 3914) as amended, or a subsidiary or assign of such a corporation;

(i) Agricultural lands acquired by a pension or investment fund or a corporation or limited partnership by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, however, that all lands so acquired be disposed of within ten years after acquiring the title if acquired before May 1, 1988, and five years after acquiring the title if acquired on or after May 1, 1988, acquiring the title thereto, and further provided that the land so acquired shall not be used for farming during the ten-year or five-year period except under a lease to a family farm unit, a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership. The aforementioned ten-year or five-year limitation period shall be deemed a covenant running with the title to the land against any pension or investment fund or corporate or limited partnership grantee or assignee or the successor of such pension or investment fund or corporation or limited partnership. Notwithstanding the five-year divestiture requirement under this clause, a financial institution may continue to

own the agricultural land if the agricultural land is leased to the immediately preceding former owner, but must divest of the agricultural land within the ten-year period;

(j) Agricultural land acquired by a corporation regulated under the provisions of Minnesota Statutes 1974, chapter 216B, for purposes described in that chapter or by an electric generation or transmission cooperative for use in its business, provided, however, that such land may not be used for farming except under lease to a family farm unit, a family farm corporation, or a family farm partnership;

(k) Agricultural land, either leased or owned, totaling no more than 2,700 acres, acquired after May 20, 1973, for the purpose of replacing or expanding asparagus growing operations, provided that such corporation had established 2,000 acres of asparagus production;

(l) All agricultural land or land capable of being used for farming which was owned or leased by an authorized farm corporation as defined in Minnesota Statutes 1974, section 500.24, subdivision 1, clause (d), but which does not qualify as an authorized farm corporation as defined in subdivision 2, clause (d);

(m) A corporation formed primarily for religious purposes whose sole income is derived from agriculture;

(n) Agricultural land owned or leased by a corporation prior to August 1, 1975, which was exempted from the restriction of this subdivision under the provisions of Laws 1973, chapter 427, including normal expansion of such ownership or leasehold interest to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1975, in any five-year period and the additional ownership reasonably necessary to meet requirements of pollution control rules;

(o) Agricultural land owned or leased by a corporation prior to August 1, 1978, including normal expansion of such ownership or leasehold interest, to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1978, and the additional ownership reasonably necessary to meet requirements of pollution control rules, provided that nothing herein shall reduce any exemption contained under the provisions of Laws 1975, chapter 324, section 1, subdivision 2;

(p) An interest in the title to agricultural land acquired by a pension fund or family trust established by the owners of a family farm, authorized farm corporation or family farm corporation, but limited to the farm on which one or more of those owners or shareholders have resided or have been actively engaged in farming as required by subdivision 2, clause (b), (c), or (d);

(q) Agricultural land owned by a nursing home located in a city with a population, according to the state demographer's 1985 estimate, between 900 and 1,000, in a county with a population, according to the state demographer's 1985 estimate, between 18,000 and 19,000, if the land was given to the nursing home as a gift with the expectation that it would not be sold during the donor's lifetime. This exemption is available until July 1, 1995;

(r) The acreage of agricultural land and land capable of being used for farming owned and recorded by an authorized farm corporation as defined in Minnesota Statutes 1986, section 500.24, subdivision 2, paragraph (d), or a limited partnership as of May 1, 1988, including the normal expansion of the ownership at a rate not to exceed 20 percent of the land owned and recorded as of May 1, 1988, measured in acres, in any five-year period, and including additional ownership reasonably necessary to meet the requirements of pollution control rules;

(s) Agricultural land owned or leased as a necessary part of an "aquatic farm" as that term is defined by section 3, subdivision 3.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 11 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; providing for development of aquaculture; amending Minnesota Statutes 1990, sections 17.49; and 500.24, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 17."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 980, A bill for an act relating to the legislature; authorizing joint legislative commissions to issue subpoenas; amending Minnesota Statutes 1990, section 3.153.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1004, A bill for an act relating to economic development; increasing the limit on issuance of certain bonds; amending Minnesota Statutes 1990, section 446A.12, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1006, A bill for an act relating to state lands; transferring state land to the city of Moose Lake.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1020, A bill for an act relating to state parks; authorizing handicapped permits for display on handicapped vehicle identifying certificates; amending Minnesota Statutes 1990, section 85.053, subdivisions 2 and 7.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1044, A bill for an act relating to retirement; authorizing

purchase of military service credit by a certain teachers retirement association member.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [TEACHER’S MILITARY SERVICE CREDIT.]

Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, section 354.094, a member of the teachers retirement association who was born May 23, 1936, and who is employed by independent school district No. 833 may purchase allowable service credit for a one-year period of involuntary extension of military active duty performed after June 30, 1984, and before July 1, 1985, and not previously credited to the member.

Subd. 2. [PURCHASE PAYMENT AMOUNT.] To purchase service credit under subdivision 1, there must be paid to the teachers retirement association an amount equal to the present value, on the date of payment, of the amount of the additional retirement annuity that would be obtained by the purchase. Present value shall be calculated using the preretirement interest rate specified in Minnesota Statutes, section 356.215, subdivision 4d, and the mortality table adopted for the fund and assuming continuous future service as a member of the association until retirement at the minimum age for normal retirement or retirement with an annuity unreduced for early retirement, are met with the additional service credit purchased. The calculation shall also assume future salary history that includes annual salary increases at the rate specified in Minnesota Statutes, section 356.315, subdivision 4d. The member must establish proof of the service for which the purchase of service credit is requested in the manner prescribed by the executive director of the teachers retirement association.

Subd. 3. [PAYMENT; CREDITING SERVICE.] Payment must be made in one lump sum. Allowable service may be credited only after receipt of full payment by the executive director.

Subd. 4. [OPTIONAL EMPLOYER PARTIAL PAYMENT.] Payment must be made by the member. However, the current or former employer of the member, may in its discretion, pay all or any portion of the payment amount that exceeds an amount equal to the employee contribution rates in effect or required during the period of military service, applied to the actual salary rates in effect after the period of military service, plus interest at the rate of six percent a year compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1050, A bill for an act relating to state government; requiring certain notice of proposed executive reorganization orders; amending Minnesota Statutes 1990, section 16B.37, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1055, A bill for an act relating to jobs and training; requiring the commissioner of jobs and training to contract for the provision of comprehensive adjustment-to-blindness training services; amending Minnesota Statutes 1990, section 248.07, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 14, after "Services" insert "available"

Page 1, line 20, delete "fully" and after "available" insert ", when in the best interest of the client,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 1072, A bill for an act relating to energy; removing requirement for foundation insulation; providing for energy audits of rental property; providing less favorable tax treatment of rental

property that is in substantial noncompliance with energy code standards; providing a credit for energy conservation expenditures on rental property; requiring landlords to disclose certain energy information to prospective tenants; amending Minnesota Statutes 1990, sections 216C.27, subdivision 3; 216C.31; 273.1316, subdivisions 2, 5, and 8; 290.06, by adding a subdivision; and 504.22, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 24, delete "two" and insert "three"

Page 2, line 27, before the period insert "if the rental unit is individually metered for heating utility purposes and the occupant is directly responsible for paying the heating utility bill"

Page 2, line 35, delete "must be treated as current operating"

Page 2, delete line 36

Page 3, line 1, delete everything before the period and insert "shall be considered conservation improvement program expenses under section 216B.241. The commission shall allow a utility to recover energy audit expenses under this section"

Page 3, line 24, after "housing" insert "if the rental unit is individually metered for heating utility purposes and the occupant is directly responsible for paying the heating utility bill"

Page 6, line 26, after "a" insert "high efficiency" and delete "burner"

Page 6, line 28, after the semicolon insert "a high efficiency water heater;"

Page 9, line 1, after "tenant" insert "if the rental unit is individually metered for heating utility purposes and the occupant is directly responsible for paying the heating utility bill"

Page 9, line 6, delete "two" and insert "three"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1081, A bill for an act relating to natural resources; modifying the uses of state parks working capital account funds; amending Minnesota Statutes 1990, section 85.22, subdivisions 1 and 2a.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1082, A bill for an act relating to natural resources; modifying certain provisions regarding special receipts of the department of natural resources; amending Minnesota Statutes 1990, section 84.0855.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1109, A bill for an act relating to economic development; creating Advantage Minnesota, Inc.; requiring a study; appropriating money for matching funds; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [116J.693] [ADVANTAGE MINNESOTA, INC.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] Advantage Minnesota, Inc. is established as a nonprofit public corporation under chapter 317A and is subject to the provisions of that chapter. The corporation is not a state agency. The purpose of the corporation is to market the economic development potential of the state in order to enhance the state's economic growth. Advantage Minnesota, Inc. objectives are to encourage businesses to remain in the state and

promote in-state expansion of current and new Minnesota employers and businesses.

Subd. 2. [BOARD OF DIRECTORS.] Advantage Minnesota, Inc. shall be governed by a board of directors consisting of members of organizations that have been certified by the commissioner under section 2, clause 1, including Minnesota business and industry and labor organizations; the governor or a designee; the commissioner; and the majority and minority leaders of the senate and the speaker of the house of representatives and the minority leader or their designees. Meetings of the board are subject to section 471.705.

Subd. 3. [EXECUTIVE COMMITTEE; EMPLOYEES.] (a) The board of directors, by resolution adopted by the affirmative vote of a majority of the directors, shall create an executive committee of ten members of the board including the commissioner, the vice-chair of the board of directors, and two members of the legislature. The executive director of the corporation shall be appointed by the board. The executive committee shall oversee the daily operations of the corporation.

(b) The executive committee is subject to section 471.705 except when security, trade secret, potential client lists, pending proposals, negotiations, employee matters, or labor relations information are discussed.

(c) The employees of the corporation are not state employees.

Subd. 4. [BYLAWS.] Bylaws of Advantage Minnesota, Inc. shall provide, at a minimum, for staggered terms of not less than four years for directors, for the removal of directors, and for vacancies on the board.

Subd. 5. [OTHER COMMITTEES.] The board of directors may, by resolution, create one or more committees, each consisting of five directors designated by the board of directors. The duties, responsibilities, and limitations of each committee shall be outlined in the resolution creating such committees.

Subd. 6. [ARTICLES OF INCORPORATION.] The articles of incorporation of Advantage Minnesota, Inc. must be filed with the secretary of state under chapter 317A and must be consistent with this section.

Subd. 7. [AUDIT.] Advantage Minnesota, Inc. shall contract with a certified public accounting firm to perform a financial and compliance audit of the corporation in accordance with generally accepted accounting standards.

Subd. 8. [REPORT.] The commissioner shall submit an annual

report on the activities of Advantage Minnesota, Inc. by January 15 of each year to the appropriations, finance, and economic development committees of the legislature and to the governor. The report must include a description of the corporation's activities for the past year, a list of all contracts entered into by the corporation, and a financial report of revenues and expenditures of the corporation.

Sec. 2. [APPROPRIATION.]

\$...... is appropriated from the general fund in fiscal year 1992 and \$...... in fiscal year 1993 to the commissioner of economic development for grants to Advantage Minnesota, Inc. The funds are available only if matched on at least a one-to-one basis from other sources. The commissioner may release the funds only upon:

(1) certification that matching funds from each participating organization are available;

(2) review and approval of the bylaws and articles of incorporation of Advantage Minnesota, Inc. by the commissioner;

(3) appointment of the board of directors of Advantage Minnesota, Inc.; and

(4) review and approval by the commissioner of the proposed operations plan of Advantage Minnesota, Inc. for the biennium. The commissioner shall release money to the project after reviewing and determining it does not duplicate any other state programs."

Amend the title as follows:

Page 1, line 3, delete "study" and insert "report to the legislature"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 1112, A bill for an act relating to energy; allowing loans to be made to churches and community-based nonprofit organizations for energy conservation improvements; amending Minnesota Statutes 1990, sections 216B.241, subdivision 1; and 216C.37, subdivision 4.

Reported the same back with the following amendments:

Page 2, line 12, after "including" insert "religious organizations,"

Page 2, delete line 13

Page 2, line 14, delete "organization,"

Page 2, line 18, delete "an" and insert "religious organizations,"

Page 2, delete line 19

Page 3, line 11, delete "churches" and insert "religious organizations"

Page 3, line 12, delete everything before the period

Amend the title as follows:

Page 1, delete line 3 and insert "religious organizations"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1120, A bill for an act relating to natural resources; exotic species management; establishing an interagency committee on exotic species management; requiring a plan; providing for emergency rulemaking; amending Minnesota Statutes 1990, section 86B.415, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1149, A bill for an act relating to state government; administrative procedures; requiring agencies to notify members of the legislature of rulemaking proceedings; specifying the contents of the notice; amending Minnesota Statutes 1990, sections 14.14,

subdivision 1a; 14.16, subdivision 1; 14.22; 14.26; 14.30; 14.32, subdivision 1; and 14.365; proposing coding for new law in Minnesota Statutes, chapter 14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 14.14, subdivision 1a, is amended to read:

Subd. 1a. [NOTICE OF RULE HEARING.] Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule hearings. 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 agency shall also send a notice to members of the legislature which must include a citation to the statutory authority for the rule, a brief explanation of the purpose of the rule and how it carries out the intent of the legislature, and the name of the agency person to contact for a copy of the rule. If the rule amends existing rules, the explanation must describe the amendments. The mailed notice to persons on its list 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 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, 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.

Sec. 2. Minnesota Statutes 1990, 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. 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.

The agency shall give notice to all persons who requested to be informed and to all members of the legislature 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. 3. Minnesota Statutes 1990, section 14.22, is amended to read:

14.22 [NOTICE OF PROPOSED ADOPTION OF RULES.]

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 agency shall also send a notice to members of the legislature which must include a citation to the statutory authority for the rule, a brief explanation of the purpose of the rule and how it carries out the intent of the legislature, and the name of the agency person to contact for a copy of the rules. If the rule amends existing rules, the explanation must describe the amendments. The mailed notice to persons on the agency's list 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. 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. 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, and that the requester is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed;

(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 for review will be mailed to any person requesting to receive the notice.

Sec. 4. Minnesota Statutes 1990, section 14.30, is amended to read:

14.30 [NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULE.]

The proposed emergency rule shall be published with a notice of intent to adopt emergency rules in the State Register, and the same notice shall be mailed to all persons registered with the agency to receive notice of any rulemaking proceedings. The agency shall also send a notice to members of the legislature which must include a copy of the proposed rule, a citation to the authority for the rule, and a brief explanation of the purpose of the rule and how it carries out the intent of the legislature, and, if adopted pursuant to section 14.29, subdivision 1, why the adoption of the rule does not allow for compliance with sections 14.14 to 14.28. If the rule amends existing rules, the explanation must describe the amendments. The notice to persons on the agency's list shall include a statement advising the public that a free copy of the proposed rule is available on request from the agency 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 agency shall afford all interested persons an opportunity to submit data and views on the proposed emergency rule in writing.

Sec. 5. Minnesota Statutes 1990, 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. 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) a copy of the notice given to all members of the legislature;
- (2) copies of all publications in the State Register pertaining to the rule;
- (2) (3) all written petitions, requests, submissions, or comments received by the agency, the administrative law judge, or the attorney general pertaining to the rule;
- (3) (4) the statement of need and reasonableness for the rule, if any;
- (4) (5) the official transcript of the hearing if one was held, or the tape recording of the hearing if a transcript was not prepared;
- (5) (6) the report of the administrative law judge, if any;
- (6) (7) the rule in the form last submitted to the administrative law judge or first submitted to the attorney general;
- (7) (8) the attorney general's written statement of required modifications and of approval or disapproval, if any;
- (8) (9) any documents required by applicable rules of the office of administrative hearings or of the attorney general;
- (9) (10) the agency's order adopting the rule;
- (10) (11) the revisor's certificate approving the form of the rule;
and
- (11) (12) a copy of the adopted rule as filed with the secretary of state.

Sec. 6. [14.367] [NOTICE TO LEGISLATURE; ADEQUACY.]

The adequacy of the notice to members of the legislature under sections 14.14, subdivision 1a; 14.16, subdivision 1; 14.22; and 14.30; is not grounds for invalidation of a rule that is otherwise adopted in compliance with the rulemaking provisions of this chapter, nor is it grounds for disapproval under section 14.16, 14.26, or 14.32."

Delete the title and insert:

“A bill for an act relating to state government; administrative procedures; requiring agencies to notify members of the legislature of rulemaking proceedings; specifying the contents of the notice; amending Minnesota Statutes 1990, sections 14.14, subdivision 1a; 14.16, subdivision 1; 14.22; 14.30; and 14.365; proposing coding for new law in Minnesota Statutes, chapter 14.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1176, A bill for an act relating to waste; extending the date for incinerator ash to be considered special waste; amending Minnesota Statutes 1990, section 115A.97, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 16, delete “1993” and insert “1992”

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1182, A bill for an act relating to waters; acceptance of funds or property and acquisition of real property by the state board of water and soil resources; amending Minnesota Statutes 1990, section 103C.401, subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 1246, A bill for an act relating to energy; expanding conservation improvement programs; extending protection against

disconnection of residential utility customers during cold weather; improving energy efficiency by prohibiting incandescent lighting in certain exit signs; requiring applicants for certificates of need for large utility facilities to justify the use of nonrenewable rather than renewable energy; establishing energy conservation goals for state buildings; requiring a review of the state building code and energy standards; transferring the office of pipeline safety to the department of public service; making conforming amendments; prescribing penalties; appropriating money; amending Minnesota Statutes 1990, sections 16B.32; 16B.61, subdivision 3; 216B.095; 216B.16, subdivision 6b; 216B.241; 216B.243, by adding a subdivision; 216C.02, subdivision 1; 299F.011, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 216E; repealing Minnesota Statutes 1990, sections 16B.32, subdivision 2; and 299J.01 to 299J.18.

Reported the same back with the following amendments:

Page 7, line 4, before "needs" insert "conservation"

Page 10, after line 17, insert:

"Sec. 4. [REPORT; "CIP" PROGRAMS FOR STORED FUELS PROVIDERS.]

Not later than February 1, 1992, the commissioner of public service shall report to the energy policy committees of the senate and the house of representatives on proposals to include in conservation improvement programs providers of liquified petroleum gas (LPG or "propane") and fuel oil for residential heating.

Sec. 5. [216C.195] [ENERGY CODE AMENDMENTS; COMMERCIAL BUILDINGS.]

Subdivision 1. [COMMISSIONER TO ADOPT.] Not later than September 1, 1992, the commissioner of public service shall adopt amendments to the energy code portion of the Minnesota building code to implement energy efficient standards for new commercial buildings.

Subd. 2. [ADOPTION OF ASHRAE/IES 90.1 STANDARD.] The standards adopted under subdivision 1 must require energy efficiency at least as stringent as:

(1) the "minimum performance" standards for opaque building envelopes; and

(2) the January 1, 1992 standards for heating, ventilating and air

conditioning, and water heating as proposed in ASHRAE/IES standard 90.1.

Subd. 3. [LIGHTING STANDARDS.] The standards adopted under subdivision 1 must be at least as stringent as lighting standards for new federal buildings (for 1993) in Code of Federal Regulations, title 10, section 435.103."

Page 10, delete lines 20 to 36

Page 11, delete lines 1 to 23 and insert:

"Section 1. [216B.097] [COLD WEATHER RULE, COOPERATIVE AND MUNICIPAL UTILITIES.]

Subdivision 1. [APPLICATION; NOTICE TO RESIDENTIAL CUSTOMERS.] (a) A municipal utility or a cooperative electric association must not disconnect the utility service of a residential customer if the disconnection affects the primary heat source for the residential unit when the following conditions are met:

(1) the disconnection would occur during the period between October 15 and April 15;

(2) the customer has declared inability to pay on forms provided by the utility;

(3) the household income of the customer is less than 185 percent of the federal poverty level, as documented by the customer to the utility; and

(4) the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule.

(b) A municipal utility or a cooperative electric association must, between August 15 and October 15 of each year, notify all residential customers of the provisions of this section.

Subd. 2. [NOTICE TO RESIDENTIAL CUSTOMER FACING DISCONNECTION.] Before disconnecting service to a residential customer during the period between October 15 and April 15, a municipal utility or cooperative electric association must provide the following information to a customer:

(1) a notice of proposed disconnection;

(2) a statement explaining the customer's rights and responsibilities;

(3) a list of local energy assistance providers;

(4) forms on which to declare inability to pay; and

(5) a statement explaining available time payment plans and other opportunities to secure continued utility service.

Subd. 3. [RESTRICTIONS IF DISCONNECTION NECESSARY.]

(a) If a residential customer must be involuntarily disconnected between October 15 and April 15 for failure to comply with the provisions of subdivision 1, the disconnection must not occur on a Friday or on the day before a holiday. Further, the disconnection must not occur until at least 20 days after the notice required in subdivision 2 has been mailed to the customer or 15 days after the notice has been personally delivered to the customer.

(b) If a customer does not respond to a disconnection notice, the customer must not be disconnected until the utility investigates whether the residential unit is actually occupied. If the unit is found to be occupied, the utility must immediately inform the occupant of the provisions of this section. If the unit is unoccupied, the utility must give seven days written notice of the proposed disconnection to the local energy assistance provider before making a disconnection.

(c) If, prior to disconnection, a customer appeals a notice of involuntary disconnection, as provided by the utility's established appeal procedure, the utility must not disconnect until the appeal is resolved."

Page 16, delete lines 18 to 36

Delete pages 17 to 27

Delete the title and insert:

"A bill for an act relating to energy; expanding conservation improvement programs; extending protection against disconnection of residential utility customers during cold weather; improving energy efficiency by prohibiting incandescent lighting in certain exit signs; requiring applicants for certificates of need for large utility facilities to justify the use of nonrenewable rather than renewable energy; establishing energy conservation goals for state buildings; requiring a review of the state building code and energy standards; requiring a report to the legislature; making conforming amendments; prescribing penalties; appropriating money; amending Minnesota Statutes 1990, sections 16B.32; 16B.61, subdivision 3; 216B.16, subdivision 6b; 216B.241; 216B.243, by adding a subdivision; 216C.02, subdivision 1; 299F.011, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 216B

and 216C; repealing Minnesota Statutes 1990, section 16B.32, subdivision 2.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Regulated Industries.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1249, A bill for an act relating to the city of St. Paul; providing certain economic development authority.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1294, A bill for an act relating to agriculture; changing the commercial cannery assessment; amending Minnesota Statutes 1990, section 31.39.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1301, A bill for an act relating to the environment; providing for the Minnesota releaf program; creating an advisory task force; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 88.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1353, A bill for an act relating to economic development; establishing an international partnership program in the Minnesota trade office; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

S. F. No. 286, A bill for an act relating to cities of the first class; providing for the organization and powers of neighborhood revitalization policy boards; amending Minnesota Statutes 1990, section 469.1831, subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 248, 354, 390, 478, 525, 527, 556, 578, 609, 620, 722, 744, 756, 767, 843, 870, 871, 914, 921, 931, 980, 1006, 1020, 1044, 1050, 1055, 1112, 1149, 1176, 1182 and 1249 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 286 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Knickerbocker and Rodosovich introduced:

H. F. No. 1423, A bill for an act relating to local government; providing for the legislature to redistrict county commissioner

districts; amending Minnesota Statutes 1990, sections 375.025; and 375.056; repealing Minnesota Statutes 1990, section 375.025, subdivision 3.

The bill was read for the first time and referred to the Committee on Redistricting.

Stanius; Johnson, V.; Krinkie and Morrison introduced:

H. F. No. 1424, A bill for an act relating to game and fish; limiting moose licenses issued to any individual; amending Minnesota Statutes 1990, section 97B.501.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Bertram introduced:

H. F. No. 1425, A bill for an act relating to crimes; requiring county attorneys to prosecute traffic violations in towns and cities with populations of 500 people or less; amending Minnesota Statutes 1990, section 487.25, subdivision 10.

The bill was read for the first time and referred to the Committee on Judiciary.

Jefferson introduced:

H. F. No. 1426, A bill for an act relating to higher education; creating a minority community service career grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

The bill was read for the first time and referred to the Committee on Education.

Winter, Lourey, Welle and Farrell introduced:

H. F. No. 1427, A bill for an act relating to insurance; accident and health; regulating the payment of hospital claims; amending Minnesota Statutes 1990, section 72A.201, subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

McGuire; Battaglia; Johnson, V.; Munger and Lynch introduced:

H. F. No. 1428, A bill for an act relating to the environment; conforming permit fee requirements to the federal Clean Air Act; amending Minnesota Statutes 1990, section 116.07, subdivision 4d.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau, Rukavina, Vellenga, Jacobs and Jaros introduced:

H. F. No. 1429, A bill for an act relating to taxation; updating references to the Internal Revenue Code; modifying the computation of taxable income; increasing individual income tax rates; imposing the sales tax on services; amending Minnesota Statutes 1990, sections 290.01, subdivisions 19 and 19a; 290.06, subdivisions 2c and 2d, and by adding a subdivision; 290.067, subdivision 1; 290.92, subdivision 1; 297A.01, subdivision 3; 297A.14, by adding a subdivision; 297A.25, by adding a subdivision; and 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 297A.

The bill was read for the first time and referred to the Committee on Taxes.

Brown introduced:

H. F. No. 1430, A bill for an act relating to motor vehicles; requiring proof of appropriate endorsement or driver's license with motorcycle and motorized bicycle registrations; amending Minnesota Statutes 1990, section 168.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Brown, Steensma, Winter and Anderson, R., introduced:

H. F. No. 1431, A bill for an act relating to agriculture; prohibiting certain farming operations by corporations and limited partnerships; amending Minnesota Statutes 1990, section 500.24, subdivision 3.

The bill was read for the first time and referred to the Committee on Agriculture.

Hasskamp, Kinkel, Valento, Dempsey and Begich introduced:

H. F. No. 1432, A bill for an act relating to taxation; property; changing the commercial use requirements of certain seasonal recreational property; amending Minnesota Statutes 1990, section 273.13, subdivisions 22 and 25.

The bill was read for the first time and referred to the Committee on Commerce.

Begich introduced:

H. F. No. 1433, A bill for an act relating to employment; modifying the family leave law; amending Minnesota Statutes 1990, sections 181.940, subdivision 2; and 181.9413.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Carruthers, Pugh and Macklin introduced:

H. F. No. 1434, A bill for an act relating to courts; providing for the adoption of rules governing the right of access to court records; providing for rules prohibiting certain activities that restrict attorneys from representing claimants; proposing coding for new law in Minnesota Statutes, chapters 480 and 481.

The bill was read for the first time and referred to the Committee on Judiciary.

Orenstein, McEachern, Vanasek, Long and Haukoos introduced:

H. F. No. 1435, A bill for an act relating to higher education; creating the Minnesota board for higher education; merging the state university, community college, and technical college systems; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 136E.

The bill was read for the first time and referred to the Committee on Education.

Winter, Skoglund, Lourey, Welle and Blatz introduced:

H. F. No. 1436, A bill for an act relating to insurance; auto; requiring prompt billing for medical expenses; amending Minnesota Statutes 1990, section 65B.44, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 65B.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Stanius, Greenfield, Jennings, Blatz and Lynch introduced:

H. F. No. 1437, A bill for an act relating to human services; clarifying and establishing requirements for implementing the Minnesota family investment plan; amending Minnesota Statutes 1990, sections 256.031; 256.032; 256.033; 256.034; 256.035; and 256.036, subdivisions 1, 2, 4, and 5; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1990, sections 256.032, subdivisions 5 and 9; 256.035, subdivisions 6 and 7; 256.036, subdivision 10; Laws 1989, chapter 282, article 5, section 130.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield and Stanius introduced:

H. F. No. 1438, A bill for an act relating to the provision of mental health services and the regulation of unlicensed mental health practitioners; eliminating the office of social work and mental health boards; sunsetting the board of unlicensed mental health service providers; providing for an autonomous board of social work; providing for an autonomous board of marriage and family therapy; establishing the office of mental health practice; providing additional disciplinary remedies to the board of social work and the board of marriage and family therapy; appropriating money; amending Minnesota Statutes 1990, sections 144.335, subdivision 1; 148B.01, subdivision 7; 148B.03; 148B.04, subdivisions 3 and 4; 148B.05; 148B.06; 148B.07; 148B.08; 148B.09; 148B.11; 148B.12; 148B.13; 148B.15; 148B.17; 148B.18, subdivision 10; 148B.33, subdivision 1; 148B.38, subdivision 3; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148B; repealing Minnesota Statutes 1990, sections 148B.01, subdivisions 2, 5, and 6; 148B.02; 148B.16; 148B.171; 148B.40; 148B.41; 148B.42; 148B.43; 148B.44; 148B.45; 148B.46; 148B.47; and 148B.48.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield introduced:

H. F. No. 1439, A bill for an act relating to waste; clarifying the requirement that low-level radioactive waste be managed at licensed facilities; exempting certain operations from this requirement; amending Minnesota Statutes 1990, section 116C.852.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ozment and Macklin introduced:

H. F. No. 1440, A bill for an act relating to metropolitan government; requiring metropolitan council to conduct feasibility study on expanding present major metropolitan airport before designating final search area for a new major airport; amending Minnesota Statutes 1990, sections 473.155, subdivision 3; and 473.1551, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Milbert introduced:

H. F. No. 1441, A bill for an act relating to the practice of law; allowing the sole shareholder of a corporation to appear on behalf of the corporation in court; amending Minnesota Statutes 1990, section 481.02, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, I., and Carruthers introduced:

H. F. No. 1442, A bill for an act relating to transportation; creating a paratransit advisory council; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the first time and referred to the Committee on Transportation.

Murphy, by request, introduced:

H. F. No. 1443, A bill for an act relating to lawful gambling; allowing lessees to continue to conduct lawful gambling on premises on which gambling violations by others have occurred; amending Minnesota Statutes 1990, sections 299L.05; and 349.18, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Wagenius; Johnson, R.; Peterson and Blatz introduced:

H. F. No. 1444, A bill for an act relating to waste; prohibiting placement of rechargeable batteries and appliances in mixed municipal waste; imposing requirements on retailers and manufacturers of these products; requiring pilot programs for collection and proper management of used rechargeable batteries and appliances; amending Minnesota Statutes 1990, section 325E.125, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Runbeck introduced:

H. F. No. 1445, A bill for an act relating to taxation; exempting the city of Circle Pines from certain tax increment financing provisions.

The bill was read for the first time and referred to the Committee on Taxes.

McPherson, Gutknecht and Haukoos introduced:

H. F. No. 1446, A resolution memorializing the President and Congress to propose a constitutional amendment giving the Congress and the states specific power to prohibit the physical desecration of the American flag.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Thompson introduced:

H. F. No. 1447, A bill for an act relating to state building projects; requiring the commissioner of finance to issue bonds for a project authorized by the 1990 legislature.

The bill was read for the first time and referred to the Committee on Appropriations.

Wenzel introduced:

H. F. No. 1448, A bill for an act relating to elections; requiring that petitions to the supreme court be heard in person; amending Minnesota Statutes 1990, section 204B.44.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Seaberg, Swenson, Macklin and Vellenga introduced:

H. F. No. 1449, A bill for an act relating to criminal justice; requiring the commissioner of state planning to coordinate preparation of a criminal justice system impact statement and fiscal note for certain bills creating new crimes or enhancing penalties for existing crimes; requiring the sentencing guidelines commission to project increases in criminal justice system resource utilization due to new crimes or enhanced penalties; requiring the peace officer standards and training board, attorney general, state public defender, state court administrator, and commissioner of corrections to prepare resource impact statements; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Kalis and Dille introduced:

H. F. No. 1450, A bill for an act relating to agriculture; changing certain deadlines of the agricultural chemical response compensation board; amending Minnesota Statutes 1990, sections 18E.04, subdivision 5; and 18E.05, subdivision 3.

The bill was read for the first time and referred to the Committee on Agriculture.

Anderson, R., and Ogren introduced:

H. F. No. 1451, A bill for an act relating to taxation; property; providing a discount for earlier payment of property taxes; amending Minnesota Statutes 1990, sections 276.04, subdivision 2; and 290A.03, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 276.

The bill was read for the first time and referred to the Committee on Taxes.

Wenzel and Steensma introduced:

H. F. No. 1452, A bill for an act relating to agriculture; providing compensation for damage to farm crops or livestock by protected wild animals; appropriating money; amending Minnesota Statutes 1990,

section 3.736, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Agriculture.

Trimble introduced:

H. F. No. 1453, A bill for an act relating to waste; establishing priorities for municipal wastewater treatment funding under the state independent grants program; amending Minnesota Statutes 1990, sections 116.16, subdivisions 2, 5, and 9a; 116.162, subdivision 7; 116.18, subdivision 3a; 116.181, subdivisions 1 and 2; and 446A.06, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sparby, Jennings, McEachern and Scheid introduced:

H. F. No. 1454, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Jefferson and Rice introduced:

H. F. No. 1455, A bill for an act relating to the Minneapolis park and recreation board; providing for two members appointed by the Minneapolis park and recreation board on the Minneapolis reapportionment commission; establishing standards for park board redistricting.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Clark and Greenfield introduced:

H. F. No. 1456, A bill for an act relating to retirement; authorizing special school district No. 1, Minneapolis, to pay health insurance costs for certain retired teachers; amending Minnesota Statutes 1990, section 275.125, subdivision 6h.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Janezich, Begich, Battaglia, Rukavina and Solberg introduced:

H. F. No. 1457, A bill for an act relating to local government; permitting the city of Biwabik and the town of White to establish a joint east range economic development authority.

The bill was read for the first time and referred to the Committee on Economic Development.

Clark, Greenfield, Kinkel, Trimble and Tunheim introduced:

H. F. No. 1458, A bill for an act relating to aging; establishing an advisory task force to study issues of concern to Indian elders; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Milbert and Bishop introduced:

H. F. No. 1459, A bill for an act relating to motor vehicles; providing for certain indemnities in lease agreements; proposing coding for new law in Minnesota Statutes, chapter 168.

The bill was read for the first time and referred to the Committee on Commerce.

Segal and Garcia introduced:

H. F. No. 1460, A bill for an act relating to taxation; sales; exempting purchases by the department of jobs and training to provide services for the blind; amending Minnesota Statutes 1990, section 297A.25, subdivision 11.

The bill was read for the first time and referred to the Committee on Taxes.

Pugh and Morrison introduced:

H. F. No. 1461, A bill for an act relating to public finance; allocating authority to issue certain public debt; amending Minnesota Statutes 1990, section 474A.03.

The bill was read for the first time and referred to the Committee on Taxes.

Greenfield introduced:

H. F. No. 1462, A bill for an act relating to health; providing clarification of various laws relating to public health issues; providing penalties; amending Minnesota Statutes 1990, sections 115.71, subdivision 9, and by adding a subdivision; 145.43, subdivision 1a; 153A.15, by adding a subdivision; 153A.16; 153A.17; and 268.12, subdivision 12; proposing coding for new law in Minnesota Statutes, chapters 144; 147; and 176; repealing Minnesota Statutes 1990, sections 115.71, subdivision 7; 145.34; and 145.35.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Simoneau introduced:

H. F. No. 1463, A bill for an act relating to education; establishing the Minnesota board for community and technical colleges; merging the community college and technical college systems; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 136E.

The bill was read for the first time and referred to the Committee on Education.

Carlson, Orenstein, Dorn, Morrison and Limmer introduced:

H. F. No. 1464, A bill for an act relating to education; clarifying post-secondary systems' mission statements; requiring joint administrative appointments for certain technical and community colleges; establishing a post-secondary funding task force; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Committee on Education.

Pugh and Macklin introduced:

H. F. No. 1465, A bill for an act relating to government data practices; providing for the issuance of commissioner's opinions under the data practices act; proposing coding for new law in Minnesota Statutes, chapter 13.

The bill was read for the first time and referred to the Committee on Judiciary.

Hufnagle, Morrison and Skoglund introduced:

H. F. No. 1466, A bill for an act relating to taxation; repealing the fiscal disparities law; amending Minnesota Statutes 1990, sections 270.11, subdivision 2; 273.1398, subdivisions 1, 2, and 6; 275.011, subdivision 1; 275.07, subdivision 3; 415.16, subdivision 2; 428A.03, subdivision 1; 428A.05; 469.059, subdivision 13; 469.175, subdivision 3; 469.177, subdivision 3; 469.179; 473.167, subdivision 3; 473.249, subdivision 1; 473.446, subdivision 1; 473.711, subdivision 2; 477A.011, subdivisions 20, 25, 26, and 27; and 477A.013, subdivision 5; repealing Minnesota Statutes 1990, sections 273.1398, subdivision 2b; 473F.01 to 473F.03; and 473F.05 to 473F.13.

The bill was read for the first time and referred to the Committee on Taxes.

Carruthers introduced:

H. F. No. 1467, A bill for an act relating to insurance; prohibiting certain agreements; amending Minnesota Statutes 1990, section 60A.08, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Knickerbocker and Rodosovich introduced:

H. F. No. 1468, A bill for an act relating to elections; establishing additional standards for county and city redistricting plans regarding population equality, protection of minority populations, and preservation of communities of interest; amending Minnesota Statutes 1990, sections 205.84, subdivision 1; and 375.025, subdivision 1.

The bill was read for the first time and referred to the Committee on Redistricting.

Winter, Steensma and Olson, K., introduced:

H. F. No. 1469, A bill for an act relating to game and fish; providing an experimental open season for angling two weeks earlier in certain designated areas; amending Minnesota Statutes 1990, section 97C.395, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Trimble and Farrell introduced:

H. F. No. 1470, A bill for an act relating to taxation; providing an increased class rate for substandard commercial and industrial property; amending Minnesota Statutes 1990, section 273.13, subdivision 24; proposing coding for new law in Minnesota Statutes, chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Dorn; Pelowski; Johnson, R.; Goodno and Girard introduced:

H. F. No. 1471, A bill for an act relating to funds; authorizing the state university board to maintain a fund; clarifying the scope of university activity funds; amending Minnesota Statutes 1990, section 136.11, subdivisions 3, 5, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Limmer, Leppik, Abrams, Osthoff and Scheid introduced:

H. F. No. 1472, A bill for an act relating to municipal elections; changing the effective date of municipal ordinances affecting the year of an election; authorizing a referendum on the ordinance; amending Minnesota Statutes 1990, section 205.07, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Pugh, Wejcman and Macklin introduced:

H. F. No. 1473, A bill for an act relating to probate; authorizing the court to set aside certain transactions made prior to establish-

ment of a guardianship or conservatorship; amending Minnesota Statutes 1990, section 525.56, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Stanius; Johnson, V.; Kahn; Munger and Omann introduced:

H. F. No. 1474, A bill for an act relating to natural resources; amending certain provisions concerned with the management of fish and wildlife; increasing certain license fees; appropriating money; amending Minnesota Statutes 1990, sections 84.944, subdivision 2; 84.96, subdivision 5; 97A.075, subdivision 2; 97A.325, subdivision 2; 97A.435, subdivision 2; 97A.475, subdivisions 2, 3, and 7; 97A.485, subdivision 7; and 97B.801; repealing Minnesota Statutes 1990, section 97B.721.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Mariani, Jefferson, Jaros, Peterson and Goodno introduced:

H. F. No. 1475, A bill for an act relating to education; requiring post-secondary governing boards to report on cultural diversity.

The bill was read for the first time and referred to the Committee on Education.

Segal and Dawkins introduced:

H. F. No. 1476, A bill for an act relating to taxation; individual and corporate income; allowing a targeted jobs tax credit; amending Minnesota Statutes 1990, section 290.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Janezich, O'Connor and Rukavina introduced:

H. F. No. 1477, A bill for an act relating to retirement; teachers retirement association; permitting members to purchase credit for a period of military service more than five years after the date of discharge under certain conditions.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Pugh, Blatz, Carruthers and Macklin introduced:

H. F. No. 1478, A bill for an act relating to courts; conciliation court; permitting collection of conciliation court judgments under the revenue recapture act; amending Minnesota Statutes 1990, sections 270A.03, subdivisions 2, 4, and 5; 270A.04, subdivision 3; 270A.07, subdivision 2; and 270A.11.

The bill was read for the first time and referred to the Committee on Judiciary.

Murphy, by request, and Battaglia introduced:

H. F. No. 1479, A bill for an act relating to local government; describing relations between counties and towns for planning and zoning; amending Minnesota Statutes 1990, section 394.33, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Bettermann, Dauner, Lynch, Reding and Stanius introduced:

H. F. No. 1480, A bill for an act relating to counties; providing an alternate method for financial examinations; proposing coding for new law in Minnesota Statutes, chapter 6.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Heir, Jacobs, Stanius, Davids and Schreiber introduced:

H. F. No. 1481, A bill for an act relating to emergency telephone service; establishing a grant program for counties to initiate and improve emergency telephone services; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 403.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Bertram and Wenzel introduced:

H. F. No. 1482, A bill for an act relating to the environment; petrofund; amending Minnesota Statutes 1990, sections 115C.09, subdivisions 1, 2, 3, and 5; 116.46, subdivision 7; 116.491, subdivision 1; and 116.50; proposing coding for new law in Minnesota Statutes, chapter 115C.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Smith introduced:

H. F. No. 1483, A resolution memorializing Congress to increase funding for the Women, Infants, and Children (WIC) Program.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Newinski, Stanius, Bettermann, Erhardt and Frederick introduced:

H. F. No. 1484, A bill for an act relating to public safety; appropriating money to commissioner of public safety for infrared search device.

The bill was read for the first time and referred to the Committee on Appropriations.

Carlson, Kelso, Segal, Scheid and Leppik introduced:

H. F. No. 1485, A bill for an act relating to education; establishing a grant program to demonstrate effective mechanisms for coordinating and enhancing social services and education for children experiencing or likely to experience mental health problems; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124C.

The bill was read for the first time and referred to the Committee on Education.

Reding introduced:

H. F. No. 1486, A bill for an act relating to retirement; inclusion of technical college teachers in the law governing individual retirement accounts; amending Minnesota Statutes 1990, sections 354.05, subdivision 2a; 354B.01, subdivision 1, and by adding subdivisions; 354B.015; 354B.02; 354B.03, subdivisions 1 and 3; 354B.05; and 356.24; proposing coding for new law in Minnesota Statutes, chapter 354B.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Welker introduced:

H. F. No. 1487, A bill for an act relating to the environment; requiring a local permit for the burning of PCBs; amending Minnesota Statutes 1990, section 116.38, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dawkins introduced:

H. F. No. 1488, A bill for an act relating to cooperatives; providing for equal representation on the board from districts or units of certain cooperatives; proposing coding for new law in Minnesota Statutes, chapter 308A.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Dawkins introduced:

H. F. No. 1489, A bill for an act relating to cooperatives; applying the open meeting law to certain electric cooperatives; proposing coding for new law in Minnesota Statutes, chapter 308A.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Dawkins introduced:

H. F. No. 1490, A bill for an act relating to utilities; providing for incentive plans for energy conservation improvements; requiring showing when applying for certificate to construct a large energy facility that demand for electricity cannot be met more cost effectively through energy conservation or load-management measures; amending Minnesota Statutes 1990, sections 216B.16, subdivision 6b, and by adding a subdivision; and 216B.243, subdivision 3.

The bill was read for the first time and referred to the Committee on Energy.

Murphy, Boo, Rodosovich, Welle and Anderson, R., introduced:

H. F. No. 1491, A bill for an act relating to human services; allowing medical assistance recipients who are eligible on a one-month spend-down basis to pay the amount of their spend-down to

the local agency in order to maintain continuous eligibility; amending Minnesota Statutes 1990, section 256B.056, subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Morrison, Bertram, Sarna and Pellow introduced:

H. F. No. 1492, A bill for an act relating to commerce; real estate appraisers; amending Minnesota Statutes 1990, sections 82B.02, subdivisions 8 and 12; 82B.05, subdivision 1; 82B.11; 82B.13, subdivision 1, and by adding subdivisions; 82B.14; 82B.15, subdivision 3; 82B.17; 82B.18; and 82B.19, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 82B; repealing Minnesota Statutes 1990, sections 82B.05, subdivision 2; 82B.13, subdivision 2; and 82B.225.

The bill was read for the first time and referred to the Committee on Commerce.

Simoneau introduced:

H. F. No. 1493, A bill for an act relating to human services; establishing a prescription drug discount program for eligible senior citizens; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Mariani introduced:

H. F. No. 1494, A bill for an act relating to human services; requiring grants for demonstration programs to promote the self-sufficiency of public assistance recipients; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Olson, E., and Orenstein introduced:

H. F. No. 1495, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on

health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Goodno, Carruthers and Anderson, I., introduced:

H. F. No. 1496, A bill for an act relating to local government; transferring authority for incorporations, detachments, and annexations to the office of administrative hearings and the state planning agency; providing a single annexation procedure; amending Minnesota Statutes 1990, sections 414.01, subdivisions 1, 14, 15, 16, and by adding subdivisions; 414.011, subdivisions 7 and 8; 414.012; 414.02; 414.031; 414.035; 414.041; 414.051; 414.06; 414.061; 414.063; 414.067; 414.07; 414.08; and 414.09; repealing Minnesota Statutes 1990, section 414.01, subdivisions 2, 3, 3a, 4, 5, 6a, 7a, 8, 10, 11, and 12; 414.0325; 414.033; and 414.036.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Rest introduced:

H. F. No. 1497, A bill for an act relating to tax increment financing; clarifying and modifying provisions relating to administration and enforcement of the tax increment financing law; clarifying effective dates; extending the application of provisions of the tax increment financing law for the city of Moorhead; providing for the computation of original net tax capacity of a district in the city of Fergus Falls; amending Minnesota Statutes 1990, sections 273.1399, subdivisions 1 and 3; 469.012, subdivision 8; 469.174, subdivision 10; 469.176, subdivision 1; 469.1763, subdivisions 1, 2, 3, and 4; 469.177, subdivisions 1 and 8; 469.1771, subdivisions 2 and 4; 469.179, by adding a subdivision; and 469.1831, subdivision 4; Laws 1989, First Special Session chapter 1, article 14, section 16; and Laws 1990, chapter 604, article 7, section 31.

The bill was read for the first time and referred to the Committee on Taxes.

Boo, Pauly, Battaglia, Stanius and Reding introduced:

H. F. No. 1498, A bill for an act relating to the environment; clarifying and distinguishing organizational duties of the board of the pollution control agency; amending Minnesota Statutes 1990, sections 116.02, subdivisions 1, 2, 3, 4, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carruthers and Scheid introduced:

H. F. No. 1499, A bill for an act relating to retirement; Brooklyn Center volunteer firefighters relief association; specifying alternative flexible service pension maximums.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jacobs introduced:

H. F. No. 1500, A bill for an act relating to powers of attorney; providing notice of prohibition of spousal power of attorney for real estate conveyances; amending Minnesota Statutes 1990, sections 523.01; and 523.23, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Heir, Pugh, Lynch and Milbert introduced:

H. F. No. 1501, A bill for an act relating to public employment; modifying the definition of an essential employee; amending Minnesota Statutes 1990, section 179A.03, subdivision 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Pugh and Macklin introduced:

H. F. No. 1502, A bill for an act relating to the secretary of state; requiring that certain information be provided without a fee; amending Minnesota Statutes 1990, section 336.9-411.

The bill was read for the first time and referred to the Committee on Appropriations.

Smith introduced:

H. F. No. 1503, A bill for an act relating to taxation; corporate franchise; disallowing a deduction for certain legal expenses; amending Minnesota Statutes 1990, section 290.01, subdivision 19c.

The bill was read for the first time and referred to the Committee on Taxes.

Janezich, Rodosovich, Greenfield, Murphy and Anderson, R., introduced:

H. F. No. 1504, A bill for an act relating to taxation; providing income and corporate franchise tax checkoffs for health care programs; amending Minnesota Statutes 1990, sections 290.431; and 290.432.

The bill was read for the first time and referred to the Committee on Taxes.

Heir, Trimble, Kahn, Bishop and Jacobs introduced:

H. F. No. 1505, A bill for an act relating to waters; dispute committee jurisdiction; authorizing exemption of certain water use permits from mandatory termination; amending Minnesota Statutes 1990, sections 103B.101, subdivision 10; and 103G.271, subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stanius introduced:

H. F. No. 1506, A bill for an act relating to health; providing podiatrists with equal access to hospitals and outpatient surgical centers; allowing podiatrists and dentists to use the designations "physician" and "surgeon"; amending Minnesota Statutes 1990, section 147.081, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Stanius; Jennings; Gruenes; Anderson, R. H., and Davids introduced:

H. F. No. 1507, A bill for an act relating to human services; aid to

families with dependent children; specifying school participation requirements for recipients of assistance; requiring the commissioner of human services to seek a federal waiver; authorizing counties, at their option, to require participation in community work experience programs; amending Minnesota Statutes 1990, sections 256.73, by adding subdivisions; and 256.737, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

O'Connor, Mariani, Jaros and Dawkins introduced:

H. F. No. 1508, A bill for an act relating to housing; providing for a neighborhood rehabilitation program for the cities of Saint Paul and Duluth; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 462A.

The bill was read for the first time and referred to the Committee on Housing.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 539.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 539, A bill for an act relating to commerce; restraint of trade; providing an evidentiary presumption in resale price maintenance cases; proposing coding for new law in Minnesota Statutes, chapter 325D.

The bill was read for the first time.

O'Connor moved that S. F. No. 539 and H. F. No. 931, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

H. F. No. 614, A bill for an act relating to state finance; permitting investments in all federally insured savings accounts; amending Minnesota Statutes 1990, section 11A.24, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olson, E.	Smith
Anderson, I.	Garcia	Knickerbocker	Olson, K.	Solberg
Anderson, R. H.	Girard	Koppendrayner	Omann	Sparby
Battaglia	Goodno	Krinkie	Onnen	Stanisus
Bauerly	Greenfield	Krueger	Orenstein	Steensma
Beard	Gruenes	Lasley	Orfield	Sviggum
Begich	Gutknecht	Lieder	Osthoff	Swenson
Bertram	Hanson	Limmer	Ostrom	Thompson
Bettermann	Hartle	Long	Ozment	Tompkins
Bishop	Hasskamp	Lourey	Pauly	Trimble
Blatz	Haukoos	Lynch	Pelowski	Tunheim
Bodahl	Hausman	Macklin	Peterson	Uphus
Boo	Heir	Mariani	Pugh	Valento
Brown	Henry	Marsh	Reding	Vellenga
Carlson	Hufnagle	McEachern	Rest	Wagenius
Carruthers	Hugoson	McGuire	Rice	Waltman
Clark	Jacobs	McPherson	Rodosovich	Weaver
Cooper	Janezich	Milbert	Rukavina	Wejzman
Dauner	Jaros	Morrison	Runbeck	Welker
Davids	Jefferson	Munger	Sarna	Welle
Dawkins	Jennings	Murphy	Schafer	Wenzel
Dempsey	Johnson, A.	Nelson, K.	Scheid	Winter
Dille	Johnson, R.	Nelson, S.	Schreiber	Spk. Vanasek
Dorn	Johnson, V.	Newinski	Seaberg	
Erhardt	Kahn	O'Connor	Segal	
Farrell	Kalis	Ogren	Simoneau	
Frederick	Kelso	Olsen, S.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 924, A bill for an act relating to utilities; authorizing the public utilities commission to allow recovery of expenses associated with economic and community development; amending Minnesota Statutes 1990, section 216B.16, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olsen, S.	Smith
Anderson, I.	Garcia	Knickerbocker	Olson, E.	Solberg
Anderson, R.	Girard	Koppendrayer	Olson, K.	Sparby
Anderson, R. H.	Goodno	Krinkie	Omann	Stanius
Battaglia	Greenfield	Krueger	Onnen	Steensma
Bauerly	Gruenes	Lasley	Orenstein	Svigum
Beard	Gutknecht	Leppik	Orfield	Swenson
Begich	Hanson	Lieder	Osthoff	Thompson
Bertram	Hartle	Limmer	Ostrom	Tompkins
Bettermann	Hasskamp	Long	Ozment	Trimble
Bishop	Haukoos	Laurey	Pauly	Tunheim
Blatz	Hausman	Lynch	Peterson	Uphus
Bodahl	Heir	Macklin	Pugh	Valento
Boo	Henry	Mariani	Reding	Vellenga
Carlson	Hufnagle	Marsh	Rest	Wagenius
Carruthers	Hugoson	McEachern	Rice	Waltman
Clark	Jacobs	McGuire	Rodosovich	Weaver
Cooper	Janezich	McPherson	Rukavina	Wejcmann
Dauner	Jaros	Milbert	Runbeck	Welker
Davids	Jefferson	Morrison	Sarna	Welle
Dawkins	Jennings	Munger	Schafer	Wenzel
Dempsey	Johnson, A.	Murphy	Scheid	Winter
Dille	Johnson, R.	Nelson, K.	Schreiber	Spk. Vanasek
Dorn	Johnson, V.	Nelson, S.	Seaberg	
Erhardt	Kahn	Newinski	Segal	
Farrell	Kalis	O'Connor	Simoneau	
Frederick	Kelso	Ogren	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 934 was reported to the House.

Johnson, A., moved that H. F. No. 934 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 957, A bill for an act relating to state government; permitting the commissioner of administration to make certain leases; amending Minnesota Statutes 1990, section 16B.24, subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Beard	Bodahl	Cooper	Dorn
Anderson, I.	Begich	Boo	Dauner	Erhardt
Anderson, R.	Bertram	Brown	Davids	Farrell
Anderson, R. H.	Bettermann	Carlson	Dawkins	Frederick
Battaglia	Bishop	Carruthers	Dempsey	Frerichs
Bauerly	Blatz	Clark	Dille	Garcia

Girard	Johnson, V.	McPherson	Pelowski	Steensma
Goodno	Kahn	Milbert	Peterson	Sviggum
Greenfield	Kalis	Morrison	Pugh	Swenson
Gruenes	Kelso	Munger	Reding	Thompson
Gutknecht	Kinkel	Murphy	Rest	Tompkins
Hanson	Knickerbocker	Nelson, K.	Rice	Trimble
Hartle	Koppndrayer	Nelson, S.	Rodosovich	Tunheim
Hasskamp	Krinkie	Newinski	Rukavina	Uphus
Haukoos	Krueger	O'Connor	Runbeck	Valento
Hausman	Lasley	Ogren	Sarna	Vellenga
Heir	Leppik	Olsen, S.	Schafer	Wagenius
Henry	Lieder	Olsen, E.	Scheid	Waltman
Hufnagle	Limmer	Olson, K.	Schreiber	Weaver
Hugoson	Long	Omann	Seaberg	Wejcman
Jacobs	Lourey	Onnen	Segal	Welker
Janezich	Lynch	Orenstein	Simoneau	Welle
Jaros	Macklin	Orfield	Skoglund	Wenzel
Jefferson	Mariani	Osthoff	Smith	Winter
Jennings	Marsh	Ostrom	Solberg	Spk. Vanasek
Johnson, A.	McEachern	Ozment	Sparby	
Johnson, R.	McGuire	Pauly	Stanius	

The bill was passed and its title agreed to.

H. F. No. 1042, A bill for an act relating to economic development; changing the organization of the department of trade and economic development; amending Minnesota Statutes 1990, section 116J.01, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Jennings	McPherson	Reding
Anderson, I.	Erhardt	Johnson, A.	Milbert	Rest
Anderson, R.	Farrell	Johnson, R.	Morrison	Rice
Anderson, R. H.	Frederick	Johnson, V.	Munger	Rodosovich
Battaglia	Frerichs	Kahn	Murphy	Rukavina
Bauerly	Garcia	Kalis	Nelson, K.	Runbeck
Beard	Girard	Kelso	Nelson, S.	Sarna
Begich	Goodno	Kinkel	Newinski	Schafer
Bertram	Greenfield	Knickerbocker	O'Connor	Scheid
Bettermann	Gruenes	Koppndrayer	Ogren	Schreiber
Bishop	Gutknecht	Krinkie	Olsen, S.	Seaberg
Blatz	Hanson	Krueger	Olson, E.	Segal
Bodahl	Hartle	Lasley	Olson, K.	Simoneau
Boo	Hasskamp	Leppik	Omann	Skoglund
Brown	Haukoos	Lieder	Onnen	Smith
Carlson	Hausman	Limmer	Orenstein	Solberg
Carruthers	Heir	Long	Orfield	Sparby
Clark	Henry	Lourey	Osthoff	Stanius
Cooper	Hufnagle	Lynch	Ostrom	Steensma
Dauner	Hugoson	Macklin	Ozment	Sviggum
Davids	Jacobs	Mariani	Pauly	Swenson
Dawkins	Janezich	Marsh	Pelowski	Thompson
Dempsey	Jaros	McEachern	Peterson	Tompkins
Dille	Jefferson	McGuire	Pugh	Trimble

Tunheim	Vellenga	Weaver	Welle	Spk. Vanasek
Uphus	Wagenius	Wejzman	Wenzel	
Valento	Waltman	Welker	Winter	

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 611, A bill for an act relating to veterans; clarifying rulemaking authority of the veterans homes board; changing language concerning payment of arrearages by veterans home residents; correcting certain references; amending Minnesota Statutes 1990, sections 198.003; 198.005; 198.03, subdivision 3; and 198.35.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olsen, E.	Smith
Anderson, R. H.	Girard	Koppendrayner	Olsen, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pelowski	Tunheim
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejzman
Davids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Scheid	Winter
Dorn	Johnson, V.	Nelson, S.	Schreiber	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kafis	O'Connor	Segal	

The bill was passed and its title agreed to.

H. F. No. 137, A bill for an act relating to elections; authorizing a party state executive committee to fill certain vacancies and make certain decisions; changing time for examination by judges of

certain return envelopes; changing the form of an affidavit; clarifying procedures for nominating certain candidates by petition; providing for withdrawal from the general election ballot; clarifying procedures for filling certain vacancies; providing for counting write-in votes for a candidate team; amending Minnesota Statutes 1990, sections 202A.12, subdivision 3; 203B.12, subdivision 2; 203B.21, subdivision 3; 204B.12; 204B.13; 204B.41; and 204C.22, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 77 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Garcia	Krueger	Orfield	Sparby
Anderson, R.	Greenfield	Lasley	Osthoff	Steensma
Battaglia	Hanson	Lieder	Pelowski	Thompson
Bauerly	Hasskamp	Long	Peterson	Tompkins
Beard	Hausman	Lourey	Pugh	Trimble
Begich	Jacobs	Mariani	Reding	Tunheim
Bertram	Janezich	McEachern	Rest	Vellenga
Bodahl	Jaros	McGuire	Rice	Wagenius
Brown	Jefferson	Milbert	Rodosovich	Wejzman
Carlson	Jennings	Munger	Rukavina	Welle
Carruthers	Johnson, A.	Nelson, K.	Sarna	Wenzel
Clark	Johnson, R.	Nelson, S.	Scheid	Winter
Cooper	Kahn	O'Connor	Segal	Spk. Vanasek
Dauner	Kalis	Ogren	Simoneau	
Dawkins	Kelso	Olson, E.	Skoglund	
Farrell	Kinkel	Orenstein	Solberg	

Those who voted in the negative were:

Abrams	Frerichs	Knickerbocker	Olsen, S.	Stanius
Anderson, R. H.	Girard	Koppendraye	Olson, K.	Svigum
Bettermann	Goodno	Krinkie	Omann	Swenson
Bishop	Gruenes	Leppik	Onnen	Upphus
Blatz	Gutknecht	Limmer	Ostrom	Valento
Boo	Hartle	Lynch	Ozment	Waltman
Davids	Haukoos	Macklin	Pauly	Weaver
Dempsey	Heir	Marsh	Runbeck	Welker
Dille	Henry	McPherson	Schafer	
Dorn	Hufnagle	Morrison	Schreiber	
Erhardt	Hugoson	Murphy	Seaberg	
Frederick	Johnson, V.	Newinski	Smith	

The bill was passed and its title agreed to.

S. F. No. 148, A bill for an act relating to human services; case management of persons with mental retardation or related conditions; authorizing alternative methods for delivery of services; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pelowski	Tunheim
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejcmann
Davids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Scheid	Winter
Dorn	Johnson, V.	Nelson, S.	Schreiber	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

S. F. No. 154, A bill for an act relating to manufactured home parks; providing for notice and right to purchase for conversion or the closing of a park under certain circumstances; amending Minnesota Statutes 1990, section 327C.095, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 327C.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Battaglia	Bertram	Bodahl	Carruthers
Anderson, I.	Bauerly	Bettermann	Boo	Clark
Anderson, R.	Beard	Bishop	Brown	Cooper
Anderson, R. H.	Begich	Blatz	Carlson	Dauner

Davids	Hugoson	Lynch	Osthoff	Sparby
Dawkins	Jacobs	Macklin	Ostrom	Stanius
Dempsey	Janezich	Mariani	Ozment	Steensma
Dille	Jaros	Marsh	Pauly	Swiggum
Dorn	Jefferson	McEachern	Pelowski	Swenson
Erhardt	Jennings	McGuire	Peterson	Thompson
Farrell	Johnson, A.	McPherson	Pugh	Tompkins
Frederick	Johnson, R.	Milbert	Reding	Trimble
Frerichs	Johnson, V.	Morrison	Rest	Tunheim
Garcia	Kahn	Munger	Rice	Uphus
Girard	Kalis	Murphy	Rodosovich	Valento
Goodno	Kelso	Nelson, K.	Rukavina	Vellenga
Greenfield	Kinkel	Nelson, S.	Runbeck	Wagenius
Gruenes	Knickerbocker	Newinski	Sarna	Waltman
Gutknecht	Koppendrayner	O'Connor	Schafer	Weaver
Hanson	Krinkie	Ogren	Scheid	Wejzman
Hartle	Krueger	Olsen, S.	Schreiber	Welker
Hasskamp	Lasley	Olson, E.	Seaberg	Welle
Haukoos	Leppik	Olson, K.	Segal	Wenzel
Hausman	Lieder	Omamm	Simoneau	Winter
Heir	Limmer	Onnen	Skoglund	Spk. Vanasek
Henry	Long	Orenstein	Smith	
Hufnagle	Lourey	Orfield	Solberg	

The bill was passed and its title agreed to.

H. F. No. 41, A bill for an act relating to retirement; providing certain widow benefits for the Virginia firefighters relief association; providing for disposition of assets of the Virginia firefighters relief association under certain conditions; amending Laws 1974, chapter 183, section 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Davids	Heir	Lasley	O'Connor
Anderson, I.	Dawkins	Henry	Leppik	Ogren
Anderson, R.	Dempsey	Hufnagle	Lieder	Olsen, S.
Anderson, R. H.	Dille	Hugoson	Limmer	Olson, E.
Battaglia	Dorn	Jacobs	Long	Olson, K.
Bauerly	Erhardt	Janezich	Lourey	Omamm
Beard	Farrell	Jaros	Lynch	Onnen
Begich	Frederick	Jefferson	Macklin	Orenstein
Bertram	Frerichs	Jennings	Mariani	Orfield
Bettermann	Garcia	Johnson, A.	Marsh	Osthoff
Bishop	Girard	Johnson, R.	McEachern	Ostrom
Blatz	Goodno	Johnson, V.	McGuire	Ozment
Bodahl	Greenfield	Kahn	McPherson	Pauly
Boo	Gruenes	Kalis	Milbert	Pelowski
Brown	Gutknecht	Kelso	Morrison	Peterson
Carlson	Hanson	Kinkel	Munger	Pugh
Carruthers	Hartle	Knickerbocker	Murphy	Reding
Clark	Hasskamp	Koppendrayner	Nelson, K.	Rest
Cooper	Haukoos	Krinkie	Nelson, S.	Rice
Dauner	Hausman	Krueger	Newinski	Rodosovich

Rukavina	Segal	Steensma	Uphus	Welker
Runbeck	Simoneau	Sviggum	Valento	Welle
Sarna	Skoglund	Swenson	Vellenga	Wenzel
Schafer	Smith	Thompson	Wagenius	Winter
Scheid	Solberg	Tompkins	Waltman	Spk. Vanasek
Schreiber	Sparby	Trimble	Weaver	
Seaberg	Stanius	Tunheim	Wejcman	

The bill was passed and its title agreed to.

S. F. No. 5, A bill for an act relating to retirement; authorizing a benefit increase for certain retired police officers, firefighters, and surviving spouses in the city of Eveleth.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pelowski	Tunheim
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejcman
Davids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Scheid	Winter
Dorn	Johnson, V.	Nelson, S.	Schreiber	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

H. F. No. 71, A bill for an act relating to marriage dissolution; requiring information; providing for the content and uses of a certificate of dissolution; amending Minnesota Statutes 1990, sections 259.10; and 518.10; proposing coding for new law in Minnesota Statutes, chapter 518.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayner	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozmet	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pelowski	Tunheim
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejzman
Davids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Scheid	Winter
Dorn	Johnson, V.	Nelson, S.	Schreiber	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

S. F. No. 162, A bill for an act relating to the city of Nashwauk; authorizing an increase in benefits payable to surviving spouses by the police relief association; amending Laws 1943, chapter 196, section 4, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Begich	Brown	Dawkins	Frerichs
Anderson, I.	Bertram	Carlson	Dempsey	Garcia
Anderson, R.	Bettermann	Carruthers	Dille	Girard
Anderson, R. H.	Bishop	Clark	Dorn	Goodno
Battaglia	Blatz	Cooper	Erhardt	Greenfield
Bauerly	Bodahl	Dauner	Farrell	Gruenes
Beard	Boo	Davids	Frederick	Gutknecht

Hanson	Kinkel	Munger	Pugh	Sviggum
Hartle	Knickerbocker	Murphy	Reding	Swenson
Hasskamp	Koppendrayner	Nelson, K.	Rest	Thompson
Haukoos	Krinkie	Nelson, S.	Rice	Tompkins
Hausman	Krueger	Newinski	Rodosovich	Trimble
Heir	Lasley	O'Connor	Rukavina	Tunheim
Henry	Leppik	Ogren	Runbeck	Uphus
Hufnagle	Lieder	Olsen, S.	Sarna	Valento
Hugoson	Limmer	Olson, E.	Schafer	Vellenga
Jacobs	Long	Olson, K.	Scheid	Wagenius
Janezich	Lourey	Omann	Schreiber	Waltman
Jaros	Lynch	Onnen	Seaberg	Weaver
Jefferson	Macklin	Orenstein	Segal	Wejzman
Jennings	Mariani	Orfield	Simoneau	Welker
Johnson, A.	Marsh	Osthoff	Skoglund	Welle
Johnson, R.	McEachern	Ostrom	Smith	Wenzel
Johnson, V.	McGuire	Ozment	Solberg	Winter
Kahn	McPherson	Pauly	Sparby	Spk. Vanasek
Kalis	Milbert	Pelowski	Stanius	
Kelso	Morrison	Peterson	Steenma	

The bill was passed and its title agreed to.

H. F. No. 230, A bill for an act relating to education; permitting a referendum on combining certain school districts before formal cooperation begins.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Johnson, R.	Munger	Rukavina
Anderson, I.	Farrell	Johnson, V.	Murphy	Runbeck
Anderson, R.	Frederick	Kahn	Nelson, K.	Sarna
Anderson, R. H.	Frerichs	Kalis	Nelson, S.	Schafer
Battaglia	Garcia	Kelso	Newinski	Scheid
Bauerly	Girard	Kinkel	O'Connor	Schreiber
Beard	Goodno	Knickerbocker	Ogren	Segal
Begich	Greenfield	Koppendrayner	Olsen, S.	Simoneau
Bertram	Gruenes	Krinkie	Olson, E.	Skoglund
Bettermann	Gutknecht	Krueger	Olson, K.	Smith
Bishop	Hanson	Lasley	Omann	Solberg
Blatz	Hartle	Leppik	Onnen	Sparby
Bodahl	Hasskamp	Lieder	Orenstein	Stanius
Boo	Haukoos	Limmer	Orfield	Steenma
Brown	Hausman	Long	Osthoff	Sviggum
Carlson	Heir	Lourey	Ostrom	Swenson
Carruthers	Henry	Lynch	Ozment	Thompson
Clark	Hufnagle	Macklin	Pauly	Tompkins
Cooper	Hugoson	Mariani	Pelowski	Trimble
Dauner	Jacobs	Marsh	Peterson	Tunheim
Davids	Janezich	McEachern	Pugh	Uphus
Dawkins	Jaros	McGuire	Reding	Valento
Dempsey	Jefferson	McPherson	Rest	Vellenga
Dille	Jennings	Milbert	Rice	Wagenius
Dorn	Johnson, A.	Morrison	Rodosovich	Waltman

Weaver	Welker	Wenzel	Spk. Vanasek
Wejcmán	Welle	Winter	

The bill was passed and its title agreed to.

H. F. No. 381, A bill for an act relating to education; authorizing construction at Dakota County Technical College.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayner	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pelowski	Tunheim
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejcmán
Davids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Scheid	Winter
Dorn	Johnson, V.	Nelson, S.	Schreiber	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

S. F. No. 567, A bill for an act relating to retirement; authorizing appointed public officers to purchase public employees retirement association service credit for previous service as an elected official; amending Laws 1990, chapter 570, article 8, section 14, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olson, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggium
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pelowski	Tunheim
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejcman
Dauids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Scheid	Winter
Dorn	Johnson, V.	Nelson, S.	Schreiber	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

S. F. No. 583, A bill for an act relating to health; clarifying requirements for vaccination of children for certain illnesses; amending Minnesota Statutes 1990, sections 123.70, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 10, and by adding a subdivision; and 151.37, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Brown	Frerichs	Hufnagle	Knickerbocker
Anderson, I.	Carlson	Garcia	Hugoson	Koppendrayer
Anderson, R.	Carruthers	Girard	Jacobs	Krinkie
Anderson, R. H.	Clark	Goodno	Janezich	Krueger
Battaglia	Cooper	Greenfield	Jaros	Lasley
Bauerly	Dauner	Gruenes	Jefferson	Leppik
Beard	Dauids	Gutknecht	Jennings	Lieder
Begich	Dawkins	Hanson	Johnson, A.	Limmer
Bertram	Dempsey	Hartle	Johnson, R.	Long
Bettermann	Dille	Hasskamp	Johnson, V.	Lourey
Bishop	Dorn	Haukoos	Kahn	Lynch
Blatz	Erhardt	Hausman	Kalis	Macklin
Bodahl	Farrell	Heir	Kelso	Mariani
Boo	Frederick	Henry	Kinkel	Marsh

McEachern	Olson, E.	Reding	Skoglund	Valento
McGuire	Olson, K.	Rest	Smith	Vellenga
McPherson	Omann	Rice	Solberg	Wagenius
Milbert	Onnen	Rodosovich	Sparby	Waltman
Morrison	Orenstein	Rukavina	Stanius	Weaver
Munger	Orfield	Runbeck	Steensma	Wejcman
Murphy	Osthoff	Sarna	Sviggum	Welker
Nelson, K.	Ostrom	Schafer	Swenson	Welle
Nelson, S.	Ozment	Scheid	Thompson	Wenzel
Newinski	Pauly	Schreiber	Tompkins	Winter
O'Connor	Pelowski	Seaberg	Trimble	Spk. Vanasek
Ogren	Peterson	Segal	Tunheim	
Olsen, S.	Pugh	Simoneau	Uphus	

The bill was passed and its title agreed to.

H. F. No. 910, A bill for an act relating to energy; requiring low-income housing to be built according to energy efficiency standards; amending Minnesota Statutes 1990, section 16B.61, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Olsen, S.	Simoneau
Anderson, I.	Garcia	Kinkel	Olson, E.	Skoglund
Anderson, R.	Girard	Knickerbocker	Olson, K.	Smith
Anderson, R. H.	Goodno	Koppentrayer	Omann	Solberg
Battaglia	Greenfield	Krueger	Onnen	Sparby
Bauerly	Gruenes	Lasley	Orenstein	Stanius
Beard	Gutknecht	Leppik	Orfield	Steensma
Begich	Hanson	Lieder	Osthoff	Swenson
Bertram	Hartle	Long	Ostrom	Thompson
Bettermann	Hasskamp	Lourey	Ozment	Tompkins
Bishop	Haukoos	Lynch	Pauly	Trimble
Blatz	Hausman	Macklin	Pelowski	Tunheim
Bodahl	Heir	Mariani	Peterson	Uphus
Boo	Henry	Marsh	Pugh	Valento
Brown	Hufnagle	McEachern	Reding	Vellenga
Carlson	Hugoson	McGuire	Rest	Wagenius
Carruthers	Jacobs	McPherson	Rice	Waltman
Clark	Janezich	Milbert	Rodosovich	Weaver
Cooper	Jaros	Morrison	Rukavina	Wejcman
Dauner	Jefferson	Munger	Runbeck	Welle
Dawkins	Jennings	Murphy	Sarna	Wenzel
Dempsey	Johnson, A.	Nelson, K.	Schafer	Winter
Dille	Johnson, R.	Nelson, S.	Scheid	Spk. Vanasek
Dorn	Johnson, V.	Newinski	Schreiber	
Erhardt	Kahn	O'Connor	Seaberg	
Farrell	Kalis	Ogren	Segal	

Those who voted in the negative were:

Davids	Krinkie	Sviggum
Ferichs	Limmer	Welker

The bill was passed and its title agreed to.

H. F. No. 106, A bill for an act relating to towns; providing for money from town road account to be distributed to towns by March 1, annually; amending Minnesota Statutes 1990, section 162.081, subdivisions 3 and 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Skoglund
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Smith
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Solberg
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Sparby
Battaglia	Goodno	Krinkie	Omann	Stanius
Bauerly	Greenfield	Krueger	Onnen	Steensma
Beard	Gruenes	Lasley	Orenstein	Sviggum
Begich	Gutknecht	Leppik	Orfield	Swenson
Bertram	Hanson	Lieder	Ostrom	Thompson
Bettermann	Hartle	Limmer	Ozment	Tompkins
Bishop	Hasskamp	Long	Pauly	Trimble
Blatz	Haukoos	Lourey	Pelowski	Tunheim
Bodahl	Hausman	Lynch	Peterson	Uphus
Boo	Heir	Macklin	Pugh	Valento
Brown	Henry	Mariani	Reding	Vellenga
Carlson	Hufnagle	Marsh	Rest	Wagenius
Carruthers	Hugoson	McEachern	Rice	Waltman
Clark	Jacobs	McGuire	Rodosovich	Weaver
Cooper	Janezich	McPherson	Rukavina	Wejcmán
Dauner	Jaros	Milbert	Runbeck	Welker
Dauids	Jefferson	Morrison	Sarna	Welle
Dawkins	Jennings	Munger	Schafer	Wenzel
Dempsey	Johnson, A.	Murphy	Scheid	Winter
Dille	Johnson, R.	Nelson, K.	Schreiber	Spk. Vanasek
Dorn	Johnson, V.	Nelson, S.	Seaberg	
Erhardt	Kahn	Newinski	Segal	
Farrell	Kalis	O'Connor	Simoneau	

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

H. F. No. 415, A bill for an act relating to commerce; regulating farm equipment dealerships; amending Minnesota Statutes 1990, sections 325E.061, subdivisions 2, 4, and 5; 325E.063; 325E.064; 325E.068, subdivisions 2, 4, and 5; 325E.0682; and 325E.0683.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pelowski	Tunheim
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejzman
Davids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Scheid	Winter
Dorn	Johnson, V.	Nelson, S.	Schreiber	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

H. F. No. 424, A bill for an act relating to interscholastic athletics; providing that persons who assault a sports official may be excluded from certain events; proposing coding for new law in Minnesota Statutes, chapter 128C.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Begich	Brown	Dawkins	Frerichs
Anderson, I.	Bertram	Carlson	Dempsey	Garcia
Anderson, R.	Bettermann	Carruthers	Dille	Girard
Anderson, R. H.	Bishop	Clark	Dorn	Goodno
Battaglia	Blatz	Cooper	Erhardt	Greenfield
Bauerly	Bodahl	Dauner	Farrell	Gruenes
Beard	Boo	Davids	Frederick	Gutknecht

Hanson	Kinkel	Munger	Pugh	Sviggum
Hartle	Knickerbocker	Murphy	Reding	Swenson
Hasskamp	Koppendrayer	Nelson, K.	Rest	Thompson
Haukoos	Krinkie	Nelson, S.	Rice	Tompkins
Hausman	Krueger	Newinski	Rodosovich	Trimble
Heir	Lasley	O'Connor	Rukavina	Tunheim
Henry	Leppik	Ogren	Runbeck	Uphus
Hufnagle	Lieder	Olsen, S.	Sarna	Valento
Hugoson	Limmer	Olson, E.	Schafer	Vellenga
Jacobs	Long	Olson, K.	Scheid	Wagenius
Janezich	Lourey	Omann	Schreiber	Waltman
Jaros	Lynch	Onnen	Seaberg	Weaver
Jefferson	Macklin	Orenstein	Segal	Wejzman
Jennings	Mariani	Orfield	Simoneau	Welker
Johnson, A.	Marsh	Osthoff	Skoglund	Welle
Johnson, R.	McEachern	Ostrom	Smith	Wenzel
Johnson, V.	McGuire	Ozment	Solberg	Winter
Kahn	McPherson	Pauly	Sparby	Spk. Vanasek
Kalis	Milbert	Pelowski	Stanius	
Kelso	Morrison	Peterson	Steensma	

The bill was passed and its title agreed to.

H. F. No. 466, A bill for an act relating to traffic regulations; defining "wrecker" to include new variations of tower vehicles; requiring the use of amber lights on wreckers after January 1, 1992; allowing use of red lights on vehicles of certain emergency response personnel; exempting wreckers from weight requirements under certain circumstances; amending Minnesota Statutes 1990, sections 169.01, subdivision 52; 169.58, subdivision 2; 169.64, subdivision 5; and 169.825, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Haukoos	Koppendrayer	Murphy
Anderson, I.	Davids	Hausman	Krinkie	Nelson, K.
Anderson, R.	Dawkins	Heir	Krueger	Nelson, S.
Anderson, R. H.	Dempsey	Henry	Lasley	Newinski
Battaglia	Dille	Hufnagle	Leppik	O'Connor
Bauerly	Dorn	Hugoson	Lieder	Ogren
Beard	Erhardt	Jacobs	Limmer	Olsen, S.
Begich	Farrell	Janezich	Long	Olson, E.
Bertram	Frederick	Jaros	Lourey	Olson, K.
Bettermann	Frerichs	Jefferson	Lynch	Omann
Bishop	Garcia	Jennings	Macklin	Onnen
Blatz	Girard	Johnson, A.	Mariani	Orenstein
Bodahl	Goodno	Johnson, R.	Marsh	Orfield
Boo	Greenfield	Johnson, V.	McEachern	Osthoff
Brown	Gruenes	Kahn	McGuire	Ostrom
Carlson	Gutknecht	Kalis	McPherson	Ozment
Carruthers	Hanson	Kelso	Milbert	Pauly
Clark	Hartle	Kinkel	Morrison	Pelowski
Cooper	Hasskamp	Knickerbocker	Munger	Peterson

Pugh	Schafer	Solberg	Trimble	Wejcman
Reding	Scheid	Sparby	Tunheim	Welker
Rest	Schreiber	Stanius	Uphus	Welle
Rice	Seaberg	Steensma	Valento	Wenzel
Rodosovich	Segal	Svigum	Vellenga	Winter
Rukavina	Simoneau	Swenson	Wagenius	Spk. Vanasek
Runbeck	Skoglund	Thompson	Waltman	
Sarna	Smith	Tompkins	Weaver	

The bill was passed and its title agreed to.

H. F. No. 471 was reported to the House.

Ogren moved that H. F. No. 471 be continued on the Calendar. The motion prevailed.

H. F. No. 606, A bill for an act relating to transportation; authorizing state departments to cancel uncollectible debts up to \$200 in certain cases; allowing department of transportation to employ debt collection services; allowing department of transportation to make direct expenditures from state aid funds for administrative expenses; providing penalty for failure to pay fee for sign permit more than 30 days after fee is due; providing when estimates of certain construction projects are nonpublic data; directing the commissioner of transportation to adopt rules governing the location and break-away standards for mailbox installations; allowing white strobe lamps to be used on highway maintenance vehicles; authorizing exchange of lands with Grand Portage Band of Chippewa Indians; abolishing conflicting requirements related to market artery highways; adding a route and changing the description of a route in the state highway system; providing a penalty; amending Minnesota Statutes 1990, sections 10.12; 13.72, subdivision 1; 161.20, subdivision 4; 162.06, subdivision 2; 162.12, subdivision 2; 169.64, by adding a subdivision; and 173.13, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, section 169.833.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Begich	Brown	Dawkins	Frerichs
Anderson, I.	Bertram	Carlson	Dempsey	Garcia
Anderson, R.	Bettermann	Carruthers	Dille	Girard
Anderson, R. H.	Bishop	Clark	Dorn	Goodno
Battaglia	Blatz	Cooper	Erhardt	Greenfield
Bauerly	Bodahl	Dauner	Farrell	Gruenes
Beard	Boo	Davids	Frederick	Gutknecht

Hanson	Kinkel	Munger	Reding	Swenson
Hartle	Knickerbocker	Murphy	Rest	Thompson
Hasskamp	Koppendraye	Nelson, K.	Rice	Tompkins
Haukoos	Krinkie	Nelson, S.	Rodosovich	Trimble
Hausman	Krueger	Newinski	Rukavina	Tunheim
Heir	Lasley	O'Connor	Runbeck	Uphus
Henry	Leppik	Ogren	Sarna	Valento
Hufnagle	Lieder	Olsen, S.	Schafer	Vellenga
Hugoson	Limmer	Olson, E.	Scheid	Wagenius
Jacobs	Long	Olson, K.	Schreiber	Waltman
Janezich	Lourey	Omann	Seaberg	Weaver
Jaros	Lynch	Onnen	Segal	Wejzman
Jefferson	Macklin	Orenstein	Simoneau	Welker
Jennings	Mariani	Orfield	Skoglund	Welle
Johnson, A.	Marsh	Ostrom	Smith	Wenzel
Johnson, R.	McEachern	Ozment	Solberg	Winter
Johnson, V.	McGuire	Pauly	Sparby	Spk. Vanasek
Kahn	McPherson	Pelowski	Stanius	
Kalis	Milbert	Peterson	Steensma	
Kelso	Morrison	Pugh	Sviggum	

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

GENERAL ORDERS

Long moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Sviggum moved that the name of Frederick be added as an author on H. F. No. 33. The motion prevailed.

Uphus moved that the name of Erhardt be added as an author on H. F. No. 903. The motion prevailed.

Wagenius moved that the name of Erhardt be added as an author on H. F. No. 988. The motion prevailed.

Jennings moved that the name of Frederick be added as an author on H. F. No. 999. The motion prevailed.

Mariani moved that the name of Wejzman be added as an author on H. F. No. 1157. The motion prevailed.

Bertram moved that the name of Wenzel be added as an author on H. F. No. 1333. The motion prevailed.

Leppik moved that the name of Clark be added as an author on H. F. No. 1357. The motion prevailed.

Smith moved that the name of Goodno be added as an author on H. F. No. 1363. The motion prevailed.

Brown moved that the name of Dauner be added as an author on H. F. No. 1371. The motion prevailed.

Begich moved that his name be stricken and the name of Lourey be added as chief author on H. F. No. 1382. The motion prevailed.

Gruenes moved that the name of Uphus be stricken and the name of Sparby be added as an author on H. F. No. 1404. The motion prevailed.

Begich moved that H. F. No. 1382 be recalled from the Committee on Judiciary and be re-referred to the Committee on Labor-Management Relations. The motion prevailed.

Trimble moved that H. F. No. 1270 be recalled from the Committee on Commerce and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Garcia moved that H. F. No. 1153 be recalled from the Committee on Taxes and be re-referred to the Committee on Energy. The motion prevailed.

Bodahl moved that H. F. No. 941 be returned to its author. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Wednesday, April 10, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Wednesday, April 10, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

THIRTY-FIRST DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 10, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

The roll was called and the following members were present:

Abrams	Frederick	Kinkel	Olsen, S.	Simoneau
Anderson, I.	Frerichs	Knickerbocker	Olsen, E.	Skoglund
Anderson, R.	Garcia	Koppendrayer	Olson, K.	Smith
Anderson, R. H.	Girard	Krinkie	Omann	Solberg
Battaglia	Goodno	Krueger	Onnen	Sparby
Bauerly	Greenfield	Lasley	Orenstein	Stanius
Beard	Gruenes	Leppik	Orfield	Steensma
Begich	Gutknecht	Lieder	Osthoff	Sviggum
Bertram	Hanson	Limmer	Ostrom	Swenson
Bettermann	Hartle	Long	Ozment	Thompson
Bishop	Hasskamp	Lourey	Pauly	Tompkins
Blatz	Haukoos	Lynch	Pellow	Trimble
Bodahl	Hausman	Macklin	Pelowski	Tunheim
Boo	Heir	Mariani	Peterson	Uphus
Brown	Hufnagle	Marsh	Pugh	Valento
Carlson	Hugoson	McEachern	Reding	Vellenga
Carruthers	Jacobs	McGuire	Rest	Wagenius
Clark	Janezich	McPherson	Rice	Waltman
Cooper	Jaros	Milbert	Rodosovich	Weaver
Dauner	Jefferson	Morrison	Rukavina	Wejcman
Davids	Jennings	Munger	Runbeck	Welker
Dawkins	Johnson, A.	Murphy	Sarna	Welle
Dempsey	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, V.	Nelson, S.	Scheid	Winter
Dorn	Kahn	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kalis	O'Connor	Seaberg	
Farrell	Kelso	Ogren	Segal	

A quorum was present.

Henry was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Schafer moved that further reading of the Journal be dispensed

with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 539 and H. F. No. 931, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

O'Connor moved that the rules be so far suspended that S. F. No. 539 be substituted for H. F. No. 931 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 4, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Representative Vanasek:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 243, relating to highways; allowing specific service signs to be erected at intersections of trunk highways with interstate highways.

H. F. No. 13, relating to taxation; providing that property owned by certain members of the military will be withheld from sale as tax-forfeited property; allowing an extension to file income tax returns and property tax refund claims for national guard and reserve members who are called to active duty; providing filing

extensions for individuals who performed services in Operation Desert Shield; providing for early payment of interest on refunds.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1991</i>	<i>Date Filed 1991</i>
	243	16	12:02 p.m. April 4	April 4
443		17	12:01 p.m. April 4	April 4
	13	18	12:00 p.m. April 4	April 4

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 74, A bill for an act relating to municipal tort liability; specifying liability for injuries caused by beach and swimming pool equipment; amending Minnesota Statutes 1990, section 466.03, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 466.03, is amended by adding a subdivision to read:

Subd. 6f. [BEACH OR POOL EQUIPMENT.] (a) Subject to paragraphs (b) and (c), any claim based upon an injury arising out of the use by any person of a diving board, diving platform, diving raft, water slide, nonwater slide, dock, or other equipment installed at a beach or swimming pool owned, leased, or operated by a municipality, if the injury occurred when the beach or swimming pool was closed as indicated by a sign posted at the beach or pool.

(b) A municipality has a duty to use reasonable care to warn trespassers of any danger or risk involved with the use of beach or pool equipment described in paragraph (a) if the municipality:

(1) knows or has reason to know that trespassers regularly use certain portions of the beach or pool equipment;

(2) installs, operates, or maintains the equipment in a way known as likely to cause death or serious bodily harm; and

(3) has reason to believe trespassers would not discover the risks involved in the use of the equipment.

The requirements of this paragraph do not apply if a trespasser knows or has reason to know of the condition of the equipment and the risk involved in its use.

(c) Nothing in this subdivision limits the liability of a municipality for conduct that would entitle trespassing children to damages against a private person.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 123, A bill for an act relating to animals; requiring landlords to allow elderly tenants to keep certain pets; proposing coding for new law in Minnesota Statutes, chapter 504.

Reported the same back with the following amendments:

Page 1, line 7, delete “55” and insert “62”

Page 1, line 11, delete "the renter" and insert "all qualifying renters"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 200, A bill for an act relating to courts; allowing counties with chambered judges to retain the judicial position; recognizing adequate access to the courts as a factor in determining whether a judicial position should remain or be abolished or transferred; amending Minnesota Statutes 1990, section 2.722, subdivision 4.

Reported the same back with the following amendments:

Page 1, lines 11 and 12, delete the new language

Page 1, line 13, strike ", county, or county municipal"

Page 1, line 19, after the period insert "In determining whether the position is necessary for adequate access to the courts, the supreme court shall consider whether abolition or transfer of the position would result in a county having no chambered judge."

Page 1, line 26, delete the new language

Page 2, line 1, delete the new language

Page 2, line 10, after the period insert "In determining whether the position is necessary for adequate access to the courts, the supreme court shall consider whether abolition or transfer of the position would result in a county having no chambered judge."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 244, A bill for an act relating to traffic regulations; regulating traffic safety concerning school buses and the safety of school children; providing penalties; amending Minnesota Statutes 1990, sections 169.01, subdivision 6; 169.45; 169.451; 171.07, by adding a subdivision; 171.17; and 171.18; proposing coding for new

law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, sections 169.44; and 169.64, subdivision 7.

Reported the same back with the following amendments:

Page 7, line 11, after the period insert “Before moving the school bus, the driver of the bus shall visually determine that all children have crossed the roadway and that those who are to do so have boarded the school bus.”

Page 10, line 12, delete everything after “shall” and insert “include”

Page 10, line 13, delete everything before “sections”

Page 10, line 15, delete everything after “169.448” and insert “in the instruction for the professional peace officer education program. The board shall notify the chief law enforcement officer of each law enforcement agency in the state of these sections.”

Page 10, delete lines 16 to 18

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 287, A bill for an act relating to occupations; granting the attorney general's office access to certain private data; requiring certain licensing boards to consider revoking the license of a licensee convicted of certain felonies involving a minor; exempting licensing of the board of teaching and the state board of education from certain requirements with respect to the rehabilitation of criminal offenders; amending Minnesota Statutes 1990, sections 125.09, subdivision 4; 214.10, by adding a subdivision; 364.09; and 631.40.

Reported the same back with the following amendments:

Page 5, line 6, delete “, 2, and” and insert “to”

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 399, A bill for an act relating to retirement; first class city teachers; establishing an employer additional contribution rate; increasing the employer contribution on behalf of coordinated members; amending Minnesota Statutes 1990, section 354A.12, subdivision 2.

Reported the same back with the following amendments:

Page 3, after line 2, insert:

"Subd. 2b. [STATE FUNDING OF EMPLOYER ADDITIONAL CONTRIBUTION.] The state shall pay to the employing unit annually from the general fund an amount equal to the employer additional contribution to the Minneapolis teachers retirement fund association and the St. Paul teachers retirement fund association for coordinated members as specified in subdivision 2a, clause (4). The employer additional contribution state funding is payable monthly by the commissioner of finance based on the coordinated program covered payroll for the preceding month, as certified by the chief administrative officer of the applicable school district.

Sec. 2. [MINNEAPOLIS TEACHERS MEDICAL LEAVE CREDIT.]

In accordance with Minnesota Statutes, section 354A.12, subdivision 4, approval is granted for the Minneapolis teachers retirement fund association to amend its articles of incorporation or bylaws to allow basic plan members who are granted medical leave of absence by special school district No. 1, Minneapolis, to receive up to one year service credit of that leave in accordance with Minnesota Statutes, section 354A.096.

Sec. 3. [MINNEAPOLIS TEACHERS RETIREE RESUMING SERVICE.]

In accordance with Minnesota Statutes, section 354A.12, subdivision 4, approval is granted for the Minneapolis teachers retirement fund association to amend its articles of incorporation or bylaws to provide that any person who is retired and receiving a basic program formula retirement annuity under the articles of incorporation or bylaws of the association, and who has resumed teaching service for the special school district No. 1, is entitled to continue to receive retirement annuity payments except that annuity payments must be reduced in accordance with Minnesota Statutes, section 354A.31, subdivision 3, if the person's income from teaching service is an amount greater than the maximum earnings allowable for that age for the continued receipt of full benefit amounts monthly under

the federal old age, survivors, and disability insurance program as set by the secretary of health and human services under United States Code, title 42, section 403."

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, after the semicolon insert "authorizing certain bylaw amendments by the Minneapolis teachers retirement fund association; directing state payments to employing units;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 407, A bill for an act relating to housing; authorizing a multicounty housing and redevelopment authority to appoint additional commissioners; amending Minnesota Statutes 1990, section 469.006, subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 431, A bill for an act relating to insurance; transferring authority for regulation of certain aspects of health maintenance organizations from commissioner of health to commissioner of commerce; amending Minnesota Statutes 1990, sections 60B.03, subdivision 2; 60B.15; 60B.20; 62D.01, subdivision 2; 62D.02, subdivision 3, and by adding subdivisions; 62D.03; 62D.04; 62D.041; 62D.042, subdivisions 5 and 7; 62D.043; 62D.045, subdivision 1; 62D.05, subdivision 6; 62D.06, subdivision 2; 62D.07, subdivisions 2, 3, and 10; 62D.08; 62D.09, subdivisions 1, 6, and 8; 62D.10, subdivision 4; 62D.11; 62D.12, subdivisions 1, 2, and 9; 62D.121, subdivisions 2, 3a, 4, 5, 6, and 7; 62D.122; 62D.123, subdivision 4; 62D.14; 62D.15; 62D.16; 62D.17; 62D.18; 62D.182; 62D.19; 62D.20; 62D.21; 62D.211; 62D.22, subdivisions 4 and 10; 62D.24; 62D.30; and 144.691, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 62D.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 438, A bill for an act relating to human services; clarifying contested case procedures for applicants for human services licensing; establishing appeal procedures for determinations of maltreatment of minors and vulnerable adults; amending Minnesota Statutes 1990, sections 245A.04, subdivision 3c; and 256.045, subdivisions 1, 4, 6, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, after "CASE" insert "OR ARBITRATION"

Page 1, line 16, strike the period and delete "The" and insert "or may request arbitration as provided in a collective bargaining agreement subject to chapter 179A. If the employee chooses a contested case hearing, the"

Page 2, line 22, after the period add "The confidentiality of the reporters and the alleged victim shall be maintained and they shall not be subject to subpoena under subdivision 4."

Page 3, line 2, strike "or" and after the second "recipient" insert "or aggrieved party"

Page 3, line 11, strike "or" and after "recipient" insert "or aggrieved party"

Page 4, line 2, before the period add "except reporters and alleged victims for hearings pursuant to subdivision 3b."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 456, A bill for an act relating to adoption; clarifying the requirements for consents; amending Minnesota Statutes 1990, section 259.24, subdivision 5.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 459, A bill for an act relating to crimes; providing that a claimant in a forfeiture proceeding does not have to pay a filing fee; providing for appointment of qualified interpreters in forfeiture proceedings; amending Minnesota Statutes 1990, sections 609.5314, subdivision 3; and 611.32.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 609.5314, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATIVE FORFEITURE PROCEDURE.] (a) Forfeiture of property described in subdivision 1 is governed by this subdivision. When seizure occurs, or within a reasonable time after that, all persons known to have an ownership or possessory interest in seized property must be notified of the seizure and the intent to forfeit the property. In the case of a motor vehicle required to be registered under chapter 168, notice mailed by certified mail to the address shown in department of public safety records is deemed sufficient notice to the registered owner.

(b) Notice may otherwise be given in the manner provided by law for service of a summons in a civil action. The notice must be in writing and contain:

(1) a description of the property seized;

(2) the date of seizure;

(3) notice of the right to obtain judicial review of the forfeiture; and

(4) ~~notice~~ of the procedure for obtaining that judicial review of the forfeiture, printed in English, Hmong, and Spanish. Substantially the following language must appear conspicuously: “IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 609.5314, SUBDIVISION 3, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION

OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED PROPERTY.”

Sec. 2. Minnesota Statutes 1990, section 609.5314, subdivision 3, is amended to read:

Subd. 3. [JUDICIAL DETERMINATION.] (a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the county attorney for that county, ~~and the standard filing fee for civil actions.~~ A demand filed with the court administrator under this subdivision does not require a filing fee if the value of the seized property is less than \$500. No responsive pleading is required of the county attorney and no court fees may be charged for the county attorney's appearance in the matter. The proceedings are governed by the rules of civil procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff, the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and stating the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order the payment of reasonable costs, expenses, and attorney fees under section 549.21, subdivision 2. If the court orders a payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

Sec. 3. Minnesota Statutes 1990, section 611.31, is amended to read:

611.31 [HANDICAPPED PERSON.]

For the purposes of sections 611.30 to 611.34, "person handicapped in communication" means a person who: (a) because of a hearing, speech or other communication disorder, or (b) because of difficulty in speaking or comprehending the English language, cannot fully understand the proceedings or any charges made against the person, or the seizure of the person's property, or is incapable of presenting or assisting in the presentation of a defense.

Sec. 4. Minnesota Statutes 1990, section 611.32, is amended to read:

611.32 [PROCEEDINGS WHERE INTERPRETER APPOINTED.]

Subdivision 1. [PROCEEDINGS AND PRELIMINARY PROCEEDINGS INVOLVING POSSIBLE CRIMINAL SANCTIONS OR CONFINEMENT.] In any proceeding in which a person handicapped in communication may be subjected to confinement or, criminal sanction, or forfeiture of the person's property, and in any proceeding preliminary to that proceeding, including coroner's inquest, grand jury proceedings, and proceedings relating to mental health commitments, the presiding judicial officer shall appoint a qualified interpreter to assist the person handicapped in communication and any witness handicapped in communication throughout the proceedings.

Subd. 2. [PROCEEDINGS AT TIME OF APPREHENSION OR ARREST.] Following the apprehension or arrest of a person handicapped in communication for an alleged violation of a criminal law, the arresting officer, sheriff or other law enforcement official shall immediately make necessary contacts to obtain a qualified interpreter and shall obtain an interpreter at the earliest possible time at the place of detention. A law enforcement officer shall, with the assistance of the interpreter, explain to the person handicapped in communication, all charges filed against the person, and all procedures relating to the person's detainment and release. If the property of a person is seized under section 609.531, subdivision 4, the seizing officer, sheriff, or other law enforcement official shall, upon request, make available to the person at the earliest possible time a qualified interpreter to assist the person in understanding the possible consequences of the seizure and the person's right to judicial review. If the seizure is governed by section 609.5314, subdivision 2, a request for an interpreter must be made within 15 days after service of the notice of seizure and forfeiture. For a person who requests an interpreter under this section because of a seizure of property under section 609.5314, the 60 days for filing a demand for a judicial determination of a forfeiture begins when the interpreter is provided. The interpreter shall also assist the person with all other communications, including communications relating to needed medical attention. Prior to interrogating or taking the statement of the person handicapped in communication, the arresting officer, sheriff,

or other law enforcement official shall make available to the person a qualified interpreter to assist the person throughout the interrogation or taking of a statement.”

Delete the title and insert:

“A bill for an act relating to crimes; providing that a claimant in a forfeiture proceeding does not have to pay a filing fee; providing for appointment of qualified interpreters in forfeiture proceedings; amending Minnesota Statutes 1990, sections 609.5314, subdivisions 2 and 3; 611.31; and 611.32.”

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 473, A bill for an act relating to peace officers; requiring the community college system, technical college system, state university system, and private colleges offering professional peace officer education to integrate components of professional peace officer education into a degree program by January 1, 1992; requiring the state university system to develop a school of law enforcement; amending Minnesota Statutes 1990, section 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 626.84, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of sections 626.84 to 626.863, the following terms have the meanings given them:

(a) “Board” means the board of peace officer standards and training.

(b) “Director” means the executive director of the board.

(c) “Peace officer” means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the board, charged with the prevention and detection of

crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol, agents of the division of gambling enforcement, and state conservation officers.

(d) "Constable" has the meaning assigned to it in section 367.40.

(e) "Deputy constable" has the meaning assigned to it in section 367.40.

(f) "Part-time peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency. The limitation on the average number of hours in which the services of a part-time peace officer may be utilized shall not apply to a part-time peace officer who has formally notified the board pursuant to rules adopted by the board of the part-time peace officer's intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g), and 626.845, subdivision 1, clause (g).

(g) "Reserve officer" means an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer's duties do not include enforcement of the general criminal laws of the state, and the officer does not have full powers of arrest or authorization to carry a firearm on duty.

(h) "Law enforcement agency" means a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state.

(i) "Professional peace officer education" means a post-secondary degree program, or a nondegree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.

Sec. 2. [PROFESSIONAL PEACE OFFICER EDUCATION.]

Subdivision 1. [HIGHER EDUCATION SYSTEMS OFFERING PROFESSIONAL PEACE OFFICER EDUCATION.] (a) By January

1, 1992, the community college system, technical college system, state university system, and private colleges that offer professional peace officer education shall jointly develop and implement a plan to:

(1) recruit and retain women and minorities in professional peace officer education programs;

(2) integrate all components of professional peace officer education into a degree program for students who are pursuing a degree;

(3) appoint an advisory committee of no more than 12 members consisting of law enforcement faculty and administrators, peace officers, police chiefs, sheriffs, and citizens to meet at least once each year and to advise the systems regarding professional peace officer education; and

(4) develop validated academic performance standards and examinations for admittance into the professional peace officer education program.

The systems shall include women and members of minority groups in making appointments to the advisory committee required by this subdivision.

Nothing in this section precludes the systems described in this subdivision from developing consortium programs.

(b) The executive director of the peace officer standards and training board shall convene a meeting of the systems described in this subdivision to begin development of the required plan.

Subd. 2. [ASSOCIATE DEGREE STUDENTS.] The professional peace officer education program for associate degree students shall include sufficient general education to allow the transfer of all earned credits for a bachelor's degree at a state university.

Subd. 3. [SCHOOL OF LAW ENFORCEMENT.] By January 1, 1993, the state university system shall develop a school of law enforcement in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, whose mission is to advance the profession of law enforcement. The system shall make reasonable efforts to obtain start-up funding for the school from sources other than the state. The school may offer professional peace officer education, graduate degree programs, and peace officer continuing education programs, and may conduct applied research."

Delete the title and insert:

“A bill for an act relating to peace officers; requiring the community college system, technical college system, state university system, and private colleges offering professional peace officer education to create and implement a joint plan to integrate components of professional peace officer education into a degree program by January 1, 1992; requiring the state university system to develop a school of law enforcement; amending Minnesota Statutes 1990, section 626.84, subdivision 1.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 506, A bill for an act relating to occupations and professions; requiring crane operators to be licensed by the state; requiring rulemaking; establishing a crane operators examining board; providing penalties; amending Minnesota Statutes 1990, section 214.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 2, line 12, delete “APPRENTICE” and insert “CRANE OPERATOR TRAINEE” and delete “Apprentice” and insert “Crane operator trainee”

Page 3, line 10, delete “apprentice” and insert “trainee”

Page 3, line 11, delete “An apprentice” and insert “A crane operator trainee”

Page 3, line 25, delete the semicolon and insert a comma and after “or” insert “who is subject to inspection and regulation under the provisions of Public Law Number 95-164, the Mine Safety and Health Act; or”

Page 4, line 3, delete “APPRENTICE” and insert “CRANE OPERATOR TRAINEE”

Page 4, line 4, delete “apprentice’s” and insert “crane operator trainee’s”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 526, A bill for an act relating to corporations; clarifying and modifying provisions governing divisions and combinations of shares and rights of shareholders; clarifying meeting notice requirements; authorizing electronic communications by shareholders; modifying access to corporate records; clarifying and modifying provisions governing mergers and dissolutions; amending Minnesota Statutes 1990, sections 302A.111, subdivision 2; 302A.139; 302A.401, subdivisions 3 and 4; 302A.405, subdivision 1; 302A.413, subdivision 3; 302A.435, subdivision 1; 302A.437, subdivision 1; 302A.449, subdivision 1, and by adding a subdivision; 302A.461, subdivisions 2, 4, and 4a; 302A.471, subdivision 1; 302A.551, subdivision 4; 302A.613, subdivision 2; 302A.621; 302A.651, subdivision 1; 302A.701; 302A.723, subdivision 3; 302A.725, subdivision 1; 302A.727; and 302A.781; proposing coding for new law in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1990, sections 302A.729; 302A.730; and 302A.733.

Reported the same back with the following amendments:

Page 9, line 3, after "authorized" insert "in the bylaws or"

Page 9, line 16, after "authorized" insert "in the bylaws or"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 551, A bill for an act relating to drivers' licenses; extending waiting period for person to receive limited driver's license who has been convicted of manslaughter or criminal negligence with a motor vehicle; amending Minnesota Statutes 1990, section 171.30, subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 171.17, is amended to read:

171.17 [REVOCATION.]

The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses:

(1) manslaughter or criminal vehicular operation resulting from the operation of a motor vehicle or criminal vehicular homicide or injury under section 609.21;

(2) any violation of section 169.121 or 609.487;

(3) any felony in the commission of which a motor vehicle was used;

(4) failure to stop and disclose identity and render aid, as required under the laws of this state, in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement to the department under any law relating to the ownership or operation of a motor vehicle;

(6) except as this section otherwise provides, conviction, plea of guilty, or forfeiture of bail not vacated, upon three charges of violating, within a period of 12 months any of the provisions of chapter 169, or of the rules or municipal ordinances enacted in conformance therewith for which the accused may be punished upon conviction by imprisonment;

(7) conviction of an offense in another state which, if committed in this state, would be grounds for the revocation of the driver's license.

When any judge of a juvenile court, or any of its duly authorized agents, determines under a proceeding under chapter 260 that any person under the age of 18 years has committed any offense defined in this section, such judge, or duly authorized agent, shall immediately report this determination to the department, and the commissioner shall immediately revoke the license of that person.

Upon revoking the license of any person, as hereinbefore in this chapter authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid thereon.

Sec. 2. Minnesota Statutes 1990, section 171.30, subdivision 2, is amended to read:

Subd. 2. [60-DAY WAITING PERIOD.] A limited license shall not be issued for a period of 60 days to an individual whose license or privilege has been revoked or suspended for commission of the following offenses:

(a) ~~Manslaughter or criminal negligence resulting from the operation of a motor vehicle.~~

~~(b)~~ Any felony in the commission of which a motor vehicle was used.

~~(e)~~ (b) Failure to stop and disclose identity as required under the laws of this state, in the event of a motor vehicle accident resulting in the death or personal injury of another.

Sec. 3. Minnesota Statutes 1990, section 171.30, is amended by adding a subdivision to read:

Subd. 2a. [180-DAY WAITING PERIOD.] Notwithstanding subdivision 2, a limited license shall not be issued for 180 days to an individual whose license or privilege has been revoked or suspended for commission of the offense of manslaughter resulting from the operation of a motor vehicle or criminal vehicular homicide or injury under section 609.21.

Sec. 4. Minnesota Statutes 1990, section 171.30, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] A person who violates a condition or limitation of a limited license issued under subdivision 1 or fails to have the license in immediate possession at all times when operating a motor vehicle is guilty of a misdemeanor. In addition, if a person was convicted under this subdivision for violating a condition or limitation of a limited license, the person may not operate a motor vehicle for the remainder of the period of suspension or revocation, or 30 days, whichever is longer.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective for violations that occur on or after August 1, 1991."

Delete the title and insert:

"A bill for an act relating to drivers' licenses; extending waiting period for person to receive limited driver's license who has been

convicted of certain crimes; providing a penalty; amending Minnesota Statutes 1990, sections 171.17; and 171.30, subdivisions 2, 4, and by adding a subdivision.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 579, A bill for an act relating to retirement; contributions and benefit computation for members of the Richfield police relief association; amending Laws 1965, chapter 458, sections 2 and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [UNIT VALUE.]

“Unit” means, for the Richfield police relief association, that fractional part of the average monthly salary, including amounts paid as college incentive pay, of a first grade patrol officer for the 12 months of the previous calendar year, as determined by the articles of incorporation of the association, which fractional part shall never be less than 1/90 nor greater than 1/75 of average monthly salary.

Sec. 2. Laws 1965, chapter 458, section 2, is amended to read:

Sec. 2. An amount equal to ~~six~~ eight percent of the regular monthly salary of the highest paid ~~patrolman~~ patrol officer in the city police department, exclusive of all moneys for special assignments, allowances, or longevity payments, shall be deducted from the monthly salary of each police officer of the city and shall be paid into the ~~police~~ police pension fund of the city. Amounts paid as college incentive pay are included in the calculation of regular monthly salary and subject to deductions.

Sec. 3. Laws 1965, chapter 458, section 4, is amended to read:

Sec. 4. No member of the police department of the city shall be eligible to receive a service pension until he reaches the age of ~~55~~ 50 years.

Sec. 4. Laws 1965, chapter 458, is amended by adding a section to read:

Sec. 4a. For members retiring at age 55, the unit used in computing pensions is 1/75 of the average monthly salary, including amounts paid as college incentive pay, of a first grade patrol officer for the 12 months of the previous calendar year. For members retiring at ages between 50 and 55, the unit is the following fractional part of the average monthly salary, including amounts paid as college incentive pay, of a first grade patrol officer for the 12 months of the previous calendar year:

<u>Age</u>	<u>Fractional part</u>
<u>50</u>	<u>1/80</u>
<u>51</u>	<u>1/79</u>
<u>52</u>	<u>1/78</u>
<u>53</u>	<u>1/77</u>
<u>54</u>	<u>1/76</u>

No member of the Richfield police relief association shall be subject to a reduction of accrued benefits for deferring the receipt of a service pension.

Sec. 5. [REPEALER.]

Laws 1957, chapter 455, section 2, subdivision 3, is repealed.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective upon an affirmative vote by the Richfield police relief association to consolidate with the public employees retirement association under Minnesota Statutes, section 353A.04, and on approval of sections 1 to 5 by the Richfield city council and compliance with Minnesota Statutes, section 645.021. Sections 1 and 2 are retroactive to January 1, 1990. Retroactive benefit payments under section 1 are payable in a lump sum as soon as practicable after the effective date, but are not payable to an estate."

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 584, A bill for an act relating to local government; authorizing municipalities to enter into joint ventures with telecom-

munications organizations; amending Minnesota Statutes 1990, section 237.19.

Reported the same back with the following amendments:

Page 1, lines 13 to 16, delete the new language

Page 2, after line 2, insert:

“A municipality that owns and operates a telephone exchange may enter into a joint venture as a partner or shareholder with a telecommunications organization to provide telecommunications services within its service area.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 592, A bill for an act relating to civil actions; regulating recovery for economic loss arising from the sales of goods; amending Minnesota Statutes 1990, section 336.2-725; proposing coding for new law in Minnesota Statutes, chapter 604.

Reported the same back with the following amendments:

Page 2, line 14, after “than” insert “the” and delete everything after “goods” and insert a period

Page 2, delete lines 15 and 16

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 600, A bill for an act relating to corrections; establishing a juvenile detention services subsidy program; appropriating money; amending Minnesota Statutes 1990, section 241.022; proposing coding for new law in Minnesota Statutes, chapter 241.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 642, A bill for an act relating to animals; making certain presumptions about manufactured home park rules that prohibit residents over 55 from keeping certain pets; amending Minnesota Statutes 1990, section 327C.05, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 2, delete "55" and insert "62"

Amend the title as follows:

Page 1, line 4, delete "55" and insert "62"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 647, A bill for an act relating to crime; providing penalties for intentional damage to timber or wood processing, manufacturing, or transportation equipment; providing penalties for possessing certain devices to damage timber or wood processing, manufacturing, or transportation equipment; providing penalties for unlawful interference with timber harvests; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Page 1, line 19, before "owner" insert "timber or equipment"

Page 2, line 9, delete "shall" and insert "may"

Page 2, line 14, after "a" insert "misdemeanor."

Page 2, delete lines 15 and 16

Page 2, after line 33, insert:

"Sec. 4. [TIMBER PERMIT; SUBSTITUTION OF NON-OLD GROWTH TIMBER.]

Notwithstanding Minnesota Statutes, sections 90.031, subdivision 4; 90.101; 90.14; and 90.151, if any timber permit sold at public auction prior to December 31, 1990, included timber that would be a candidate for old growth status under the department of natural resources old growth guidelines dated December 28, 1990, the commissioner, with the consent of the permittee, is hereby authorized to cancel, in whole or in part, or modify such timber permit and substitute, for the timber which has been withdrawn from the timber permit, an equivalent volume of other non-old growth timber at appraised value from areas not designated for cutting on the original timber appraisal report or from other state lands. The commissioner shall adjust the amount of the advance payment and bond on a pro rata basis."

Renumber the remaining section

Page 2, line 36, after the period insert "Section 4 is effective the day after final enactment."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 696, A bill for an act relating to education; revising membership requirements for joint vocational technical boards; authorizing joint vocational technical boards to appoint additional members; amending Minnesota Statutes 1990, section 136C.61, subdivision 1; and by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 714, A bill for an act relating to housing; modifying procedures relating to rent escrow actions; modifying procedures relating to the tenant's loss of essential services; modifying provisions relating to tenant remedy actions, retaliatory eviction proceed-

ings, and receivership proceedings; modifying provisions relating to Minnesota housing finance agency low- and moderate-income housing programs; providing for an emergency mortgage and rental assistance pilot project; modifying certain receivership, assignment of rents and profits, and landlord and tenant provisions; modifying provisions relating to housing and redevelopment authorities; providing for the issuance of general obligation bonds for housing by the cities of Minneapolis and St. Paul; authorizing the city of Minneapolis to make small business loans; modifying the property tax classification of certain residential real estate; excluding housing districts from the calculation of local government aid reductions; modifying the interest rate reduction program; changing the definition of mentally ill person; consolidating special needs housing programs; clarifying and amending biennial reporting requirement; authorizing new construction of accessible housing; authorizing off-reservation home improvement program; appropriating money; amending Minnesota Statutes 1990, sections 268.39; 273.124, subdivisions 1 and 11; 273.13, subdivision 25; 273.1399, subdivision 1; 462A.03, subdivisions 10 and 16; 462A.05, subdivision 20, and by adding a subdivision; 462A.21, subdivisions 4k, 12a, and 14; 462A.22, subdivision 9; 462A.222, subdivision 3; 462C.03, subdivision 10; 469.011, subdivision 4; 469.012, subdivision 1; 469.015, subdivisions 3, 4, and by adding a subdivision; 469.176, subdivision 4f; 474A.048, subdivision 2; 481.02, subdivision 3; 504.02; 504.185, subdivision 2; 504.20, subdivisions 3, 4, 5, and 7; 504.27; 559.17, subdivision 2; 566.03, subdivision 1; 566.17, subdivisions 1, 2, and by adding a subdivision; 566.175, subdivision 6; 566.18, subdivision 9; 566.29, subdivisions 2 and 4; and 576.01, subdivision 2; Laws 1974, chapter 285, section 4, as amended; Laws 1987, chapter 404, section 28, subdivision 1; Laws 1988, chapter 594, section 6; Laws 1989, chapter 335, article 1, section 27, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapters 268 and 609; repealing Minnesota Statutes 1990, section 462A.05, subdivisions 28 and 29.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE 1

LANDLORD AND TENANT

Section 1. Minnesota Statutes 1990, section 481.02, subdivision 3, is amended to read:

Subd. 3. [PERMITTED ACTIONS.] The provisions of this section shall not prohibit:

(1) any person from drawing, without charge, any document to

which the person, an employer of the person, a firm of which the person is a member, or a corporation whose officer or employee the person is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney-at-law;

(3) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of the policies;

(4) a licensed attorney-at-law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(5) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(6) any person from conferring or cooperating with a licensed attorney-at-law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(7) any licensed attorney-at-law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or in which it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing the document shall not exceed the amount paid to and received and retained by the attorney, and the attorney shall not, directly or indirectly, rebate the fee to or divide the fee with the corporation;

(8) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions, or any other conveyances except testamentary dispositions and instruments of trust;

(9) a licensed attorney-at-law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom the attorney is employed and by whom no compensation is, directly or indirectly, received for the services;

(10) any person or corporation engaged in the business of making

collections from engaging or turning over to an attorney-at-law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney-at-law receives the entire compensation for the work;

(11) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers to them, made by a licensed attorney-at-law, if no answer is accompanied or at any time preceded or followed by any charge for it, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for the periodical or any one connected with it or suggested by it, directly or indirectly;

(12) any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of the property, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal; and

(13) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state pursuant to the provisions of section 566.175 or sections 566.18 to ~~566.33~~ 566.35 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of section 566.02 or 566.03, subdivision 1, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney-at-law shall not charge or collect a separate fee for services rendered pursuant to this clause.

Sec. 2. Minnesota Statutes 1990, section 504.02, is amended to read:

504.02 [CANCELLATION OF LEASES IN CERTAIN CASES; ABANDONMENT OR SURRENDER OF POSSESSION.]

Subdivision 1. [ACTION TO RECOVER.] (a) In case of a lease of real property, when the landlord has a subsisting right of reentry for the failure of the tenant to pay rent the landlord may bring an action to recover possession of the property and such action is equivalent to a demand for the rent and a reentry upon the property; but if, at any

time before possession has been delivered to the plaintiff on recovery in the action, the lessee or a successor in interest as to the whole or any part of the property pays to the plaintiff or brings into court the amount of the rent then in arrears, with interest and costs of the action, and an attorney's fee not exceeding \$5, and performs the other covenants on the part of the lessee, the lessee or successor may be restored to the possession and hold the property according to the terms of the original lease.

(b) If the lessee or successor in interest brings into court the amount of the rent in arrears and the court finds:

(1) that for reasons beyond the defendant's reasonable control the defendant could not pay the rent in arrears prior to the bringing of the action; and

(2) that the defendant meets the financial eligibility criteria in section 563.01, subdivision 3;

the court shall order the court administrator to refund to the plaintiff the filing fee in the action and order the defendant to pay the remainder of the costs of the action to the plaintiff.

(c) If the tenant has paid to the plaintiff or brought into court the amount of rent in arrears but is unable to pay the interest, costs of the action, and attorney's fee required by this subdivision, the court may permit the defendant to pay these amounts into court and be restored to possession within the same period of time, if any, which the court stays the issuance of the writ of restitution pursuant to section 566.09.

(d) Prior to or after commencement of an action to recover possession for nonpayment of rent, the parties may agree only in writing that partial payment of rent in arrears which is accepted by the landlord prior to issuance of the order granting restitution of the premises pursuant to section 566.09 may be applied to the balance due and does not waive the landlord's action to recover possession of the premises for nonpayment of rent.

(e) Rental payments under this subdivision must first be applied to rent claimed as due in the complaint from prior rental periods before applying any payment toward rent claimed in the complaint for the current rental period unless the court finds that under the circumstances the claim for rent from prior rental periods has been waived.

Subd. 2. [LEASE GREATER THAN 20 YEARS.] (a) If the lease under which the right of reentry is claimed is a lease for a term of more than 20 years, reentry cannot be made into the land or such action commenced by the landlord unless, after default, the landlord

shall serve upon the tenant, also upon all creditors having a lien of record legal or equitable upon the leased premises or any part thereof, a written notice that the lease will be canceled and terminated unless the payment or payments in default shall be made and the covenants in default shall be performed within 30 days after the service of such notice, or within such greater period as the lessor shall specify in the notice, and if such default shall not be removed within the period specified within the notice, then the right of reentry shall be complete at the expiration of the period and may be exercised as provided by law. If any such lease shall provide that the landlord, after default, shall give more than 30 days' notice in writing to the tenant of the landlord intention to terminate the tenancy by reason of default in terms thereof, then the length of the notice to terminate shall be the same as provided for and required by the lease.

(b) As to such leases for a term of more than 20 years, if at any time before the expiration of six months after possession obtained by the plaintiff by abandonment or surrender of possession by the tenant or on recovery in the action, the lessee or a successor in interest as to the whole or part of the property, or any creditor having a lien legal or equitable upon the leased premises or any part thereof, pays to the plaintiff, or brings into court, the amount of rent then in arrears, with interest and the costs of the action, and performs the other covenants on the part of the lessee, the lessee or successor may be restored to the possession and hold the property according to the terms of the original lease. The provisions of this section shall not apply to any action or proceeding now pending in any of the courts of this state.

Subd. 3. [JUDGMENT TO BE RECORDED.] Upon recovery of possession by the landlord in the action a certified copy of the judgment shall be recorded in the office of the county recorder of the county where the land is situated if unregistered land or in the office of the registrar of titles of such county if registered land and upon recovery of possession by the landlord by abandonment or surrender by the tenant an affidavit by the landlord or the landlord's attorney setting forth such fact shall be recorded in a like manner and such recorded certified copy of such judgment or such recorded affidavit shall be prima facie evidence of the facts stated therein in reference to the recovery of possession by such landlord.

Sec. 3. Minnesota Statutes 1990, section 504.18, subdivision 1, is amended to read:

Subdivision 1. In every lease or license of residential premises, whether in writing or parol, the lessor or licensor covenants:

(a) That the premises and all common areas are fit for the use intended by the parties.

(b) To keep the premises in reasonable repair during the term of the lease or license, except when the disrepair has been caused by the willful, malicious, or irresponsible conduct of the lessee or licensee or a person under the direction or control of the lessee or licensee.

(c) To maintain the premises in compliance with the applicable health and safety laws of the state, including the weatherstripping, caulking, storm window, and storm door energy efficient standards for renter-occupied residences prescribed by section 216C.27, subdivisions 1 and 3, and of the local units of government where the premises are located during the term of the lease or license, except when violation of the health and safety laws has been caused by the willful, malicious, or irresponsible conduct of the lessee or licensee or a person under the direction or control of the lessee or licensee.

The parties to a lease or license of residential premises may not waive or modify the covenants imposed by this section.

Sec. 4. Minnesota Statutes 1990, section 504.185, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] When a municipality, utility company, or other company supplying home heating oil, propane, natural gas, electricity, or water to a building has issued a final notice or has posted the building proposing to disconnect or discontinued the service to the building because an owner who has contracted for the service has failed to pay for it or because an owner is required by law or contract to pay for the service and fails to do so, a tenant or group of tenants may pay to have the service continued or reconnected as provided under this section. Before paying for the service, the tenant or group of tenants shall give oral or written notice to the owner of the tenant's intention to pay after 48 hours, or a shorter period that is reasonable under the circumstances, if the owner has not already paid for the service. In the case of oral notification, written notice shall be mailed or delivered to the owner within 24 hours after oral notice is given.

(a) In the case of natural gas, electricity, or water, if the owner has not yet paid the bill by the time of the tenant's intended payment, or if the service remains discontinued, the tenant or tenants may pay the outstanding bill for the most recent billing period, if the utility company or municipality will restore the service for at least one billing period.

(b) In the case of home heating oil or propane, if the owner has not yet paid the bill by the time of the tenant's intended payment, or if the service remains discontinued, the tenant or tenants may order and pay for one month's supply of the proper grade and quality of oil or propane.

After submitting receipts for the payment to the owner, a tenant may deduct the amount of the tenant's payment from the rental payment next paid to the owner. Any amount paid to the municipality, utility company, or other company by a tenant under this subdivision is considered payment of rent to the owner for purposes of section 504.02.

Sec. 5. Minnesota Statutes 1990, section 504.20, subdivision 3, is amended to read:

Subd. 3. Every landlord shall, within three weeks after termination of the tenancy or within five days of the date when the tenant leaves the building or dwelling due to the legal condemnation of the building or dwelling in which the tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant, and receipt of the tenant's mailing address or delivery instructions, return the deposit to the tenant, with interest thereon as above provided, or furnish to the tenant a written statement showing the specific reason for the withholding of the deposit or any portion thereof. It shall be sufficient compliance with the time requirement of this subdivision if the deposit or written statement required by this subdivision is placed in the United States mail as first class mail, postage prepaid, in an envelope with a proper return address, correctly addressed according to the mailing address or delivery instructions furnished by the tenant, within the time required by this subdivision. The landlord may withhold from the deposit only amounts reasonably necessary:

(a) To remedy tenant defaults in the payment of rent or of other funds due to the landlord pursuant to an agreement; or

(b) To restore the premises to their condition at the commencement of the tenancy, ordinary wear and tear excepted.

In any action concerning the deposit, the burden of proving, by a fair preponderance of the evidence, the reason for withholding all or any portion of the deposit shall be on the landlord.

Sec. 6. Minnesota Statutes 1990, section 504.20, subdivision 4, is amended to read:

Subd. 4. Any landlord who fails to provide a written statement within three weeks of termination of the tenancy or within five days of the date when the tenant leaves the building or dwelling due to the legal condemnation of the building or dwelling in which the tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant, and receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, shall be liable to the tenant for damages in an amount equal to the portion of the deposit withheld by the landlord and interest thereon as provided in

subdivision 2, as a penalty, in addition to the portion of the deposit wrongfully withheld by the landlord and interest thereon.

Sec. 7. [504.246] [TORT LIABILITY.]

A landlord is liable for damages caused to a tenant, or others on the premises with the consent of the tenant, or a subtenant by a condition existing before or after the tenant took possession of the premises, which is a breach of an express covenant to repair or maintain the leased premises or is a breach of the covenants specified in section 504.18, subdivision 1, if:

(1) the condition created an unreasonable risk on the premises which performance of the landlord's covenants would have prevented;

(2) the landlord knew of the condition; and

(3) the landlord failed to perform the covenants.

Sec. 8. [504.261] [OBLIGATION TO MITIGATE DAMAGES.]

Landlords and tenants shall have the same obligation to mitigate damages resulting from the breach of a real estate lease or rental agreement caused by the premises being vacated before the end of the lease term as do parties to contracts not involving such a lease or rental agreement.

Sec. 9. Minnesota Statutes 1990, section 504.27, is amended to read:

504.27 [REMEDIES ARE ADDITIONAL.]

The remedies provided in sections 504.24 to 504.26 are in addition to and shall not limit other rights or remedies available to landlords and tenants. Any provision, whether oral or written, of any lease or other agreement, whereby any provision of sections 504.24 to 504.27 is waived by a tenant is contrary to public policy and void. The provisions of sections 504.24 to 504.27 shall apply only to tenants as that term is defined in section 566.18, subdivision 2, and buildings as that term is defined in section 566.18, subdivision 7. The provisions of sections 504.24, 504.25, 504.255, and 504.26 apply to occupants and owners of residential real property which is the subject of a mortgage foreclosure or contract for deed cancellation and as to which the period for redemption or reinstatement of the contract has expired.

ARTICLE 2
UNLAWFUL DETAINER

Section 1. Minnesota Statutes 1990, section 357.021, subdivision 2, is amended to read:

Subd. 2. [FEE AMOUNTS.] The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$85, except that in an unlawful detainer action under sections 566.05 to 566.15, the fee is \$50.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$85, except that in an unlawful detainer action under sections 566.05 to 566.15, the fee is \$50.

The party requesting a trial by jury shall pay \$30.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$5, plus 25 cents per page after the first page, and \$3.50, plus 25 cents per page after the first page for an uncertified copy.

(3) Issuing a subpoena, \$3 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$10.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$7.50.

(6) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.

(7) Certificate as to existence or nonexistence of judgments

docketed, \$1 for each name certified to and \$3 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) For the deposit of a will, \$5.

(11) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 2. Minnesota Statutes 1990, section 566.03, subdivision 1, is amended to read:

Subdivision 1. The person entitled to the premises may recover possession in the manner provided in this section when:

(1) any person holds over lands or tenements after a sale thereof on an execution or judgment, or on foreclosure of a mortgage, and expiration of the time for redemption, or after termination of contract to convey the same, provided that if the person holding such lands or tenements after the sale, ~~foreclosure~~ expiration of the time for redemption, or termination is a tenant, the person has received:

(i) at least one month's written notice of the termination of tenancy as a result of to vacate no sooner than one month after the sale, ~~foreclosure~~ expiration of the time for redemption, or termination; or when

(ii) at least one month's written notice to vacate no later than the date of the sale, expiration of the time for redemption, or termination which notice shall also state that the sender will hold the tenant harmless from any damages caused to the tenant if no sale occurs, the mortgage is redeemed, or the contract is reinstated;

(2) any person holds over lands or tenements after termination of the time for which they are demised or let to that person or to the persons under whom that person holds possession, or contrary to the conditions or covenants of the lease or agreement under which that person holds, or after any rent becomes due according to the terms of such lease or agreement; or when

(3) any tenant at will holds over after the determination of any such the estate by notice to quit; in all such cases the person entitled

to the premises may recover possession thereof in the manner hereinafter provided.

Sec. 3. Minnesota Statutes 1990, section 566.17, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) “Dwelling,” for purposes of this section, means all or that lesser part of the premises which is occupied by the defendant as a residence and includes a manufactured home as defined in section 327C.01, subdivision 4. “Manufactured home lot” or “lot,” for purposes of this section, means an area within a manufactured home park, designed or used for the accommodation of a manufactured home. “Premises,” for purposes of this section, means the building in which the defendant resides and any other building connected to it or which is one of two or more adjacent buildings used by the plaintiff for rental residential purposes. Premises includes a manufactured home park as defined in section 327C.01, subdivision 5. “Personal property” or “property,” for purposes of this section, means the household goods and furnishings, clothing, personal items, tools, and motor and recreational vehicles used or stored in or near a dwelling.

(b) The officer holding the writ of restitution shall execute the same by making a demand upon defendant if found in the county or any adult member of the defendant's family holding possession of the premises dwelling or manufactured home lot, or other person in charge thereof, for the possession of the same, and that the defendant leave, taking family and all personal property and manufactured home from such premises the dwelling or lot within 24 hours after such demand. If defendant fails to comply with the demand, then the officer shall bring, if necessary, the force of the county and whatever assistance may be necessary, at the cost of the complainant, remove the said defendant, family and all personal property and manufactured home from said premises the dwelling or lot detained, immediately and place the plaintiff in the possession thereof. In case the defendant cannot be found in the county, and there is no person in charge of the premises dwelling or lot detained, so that no demand can be made upon the defendant, then the officer shall enter into the possession of the premises dwelling or lot, breaking in if necessary, and the property and manufactured home of the defendant shall be removed and stored at a place designated by the plaintiff as provided under subdivision 2.

Sec. 4. Minnesota Statutes 1990, section 566.17, subdivision 2, is amended to read:

Subd. 2. [REMOVAL AND STORAGE OF PROPERTY.] (a) In cases where the defendant's personal property or manufactured home is to be stored in a place other than the premises, the officer shall remove all property and the manufactured home of the defendant at the expense of the plaintiff.

The plaintiff shall have a lien upon all of the ~~goods upon the premises~~ defendant's property in the dwelling and the manufactured home for the reasonable costs and expenses incurred for ~~removing the personal property and for the proper,~~ properly caring for, and storing the same, and the costs of transportation of the same to some suitable place of storage, in case defendant shall fail or refuse to make immediate payment for all the expenses of ~~such~~ the removal from the ~~premises dwelling or lot~~ and plaintiff shall have the right to enforce such lien by detaining the same until paid, and, in case of nonpayment for 60 days after the execution of the writ, shall have the right to enforce the lien and foreclose the same by public sale as provided for in case of sales under sections 514.18 to 514.22.

(b) In cases where the defendant's property or manufactured home is to be stored on the premises, the officer shall enter the premises dwelling or lot, breaking in if necessary, and the plaintiff may remove the defendant's personal property or manufactured home. The plaintiff shall have no lien on property other than a manufactured home stored on the premises. In the case of a manufactured home, the plaintiff shall have a lien for rent and other related expenses incurred in the storage and care of the manufactured home for the period of time prior to sale pursuant to sections 514.18 to 514.22. The provisions of section 504.24 apply to property removed under this paragraph. The plaintiff must prepare an inventory and mail a copy of the inventory to the defendant's last known address or, if the defendant has provided a different address, to the address provided by the defendant. The inventory must be prepared, signed, and dated in the presence of the peace officer. The inventory must include the following:

(1) a listing of the items of personal property and a description of the condition of the property;

(2) the date, the signature of the plaintiff or the plaintiff's agent, and the name and telephone number of a person authorized to release the personal property; and

(3) the name and badge number of the peace officer.

The peace officer shall retain a copy of the inventory. The plaintiff is responsible for the proper removal, storage, and care of the defendant's personal property and is liable for damages for loss of or injury to the defendant's personal property caused by the plaintiff's failure to exercise care in regard to it as a reasonably careful person would exercise under like circumstances.

(c) The plaintiff shall notify the defendant of the date and approximate time the officer is scheduled to remove the defendant, family, and the defendant's personal property from the premises dwelling or lot. The notice must be sent by first-class mail. In

addition, the plaintiff must make a good faith effort to notify the defendant by telephone. The notice must be mailed as soon as the information regarding the date and approximate time the officer is scheduled to enforce the writ is known to the plaintiff, except that the scheduling of the peace officer to enforce the writ need not be delayed because of the notice requirement. The notice must inform the defendant that the defendant and the defendant's property will be removed from the premises dwelling or lot if the defendant has not vacated the premises dwelling or lot by the time specified in the notice.

Sec. 5. Minnesota Statutes 1990, section 566.17, is amended by adding a subdivision to read:

Subd. 2a. In the second and fourth judicial districts, the housing calendar consolidation project shall retain jurisdiction in matters relating to removal of property or a manufactured home under this section. If the plaintiff refuses to return the property or manufactured home after proper demand is made as provided in section 504.24, the court shall enter an order requiring the plaintiff to return the property or manufactured home to the defendant and awarding reasonable expenses including attorney fees to the defendant.

Sec. 6. Minnesota Statutes 1990, section 566.175, subdivision 6, is amended to read:

Subd. 6. The provisions of This section shall apply only applies to:

(1) tenants as that term is defined in section 566.18, subdivision 2, and including occupants and owners of residential real property which is the subject of a mortgage foreclosure or contract for deed cancellation and as to which the period for redemption or reinstatement of the contract has expired;

(2) buildings as that term is defined in section 566.18, subdivision 7; and

(3) landlords as the term "owner" is defined in section 566.18, subdivision 3, but also including mortgagees and contract for deed vendors.

Sec. 7. Minnesota Statutes 1990, section 566.18, subdivision 9, is amended to read:

Subd. 9. [NEIGHBORHOOD ORGANIZATION.] "Neighborhood organization" means a nonprofit corporation incorporated under chapter 317A that satisfies clauses (1) and (2).

The corporation shall:

(1) designate in its articles of incorporation or bylaws a specific geographic community to which its activities are limited; and

(2) be formed for the purposes of promoting community safety, crime prevention, and housing quality in a nondiscriminatory manner.

For purposes of this chapter, an action taken by a neighborhood organization with the written permission of a tenant means, with respect to a building with multiple dwelling units, an action taken by the neighborhood organization with the written permission of the tenants of a majority of the occupied units.

Sec. 8. Minnesota Statutes 1990, section 566.19, subdivision 2, is amended to read:

Subd. 2. After an inspection of a building has been made upon demand by a tenant or neighborhood organization with the written permission of a tenant, the owner or the owner's agent and the complaining tenant or neighborhood organization shall be informed in writing by the inspector of any code violations discovered and a reasonable period of time shall be allowed in which to correct the violations. If any code violations are discovered in the common areas of the building and the owner fails to correct them within the time allowed, the inspector shall, in addition, provide written notice of such violations to all tenants in the building. Any such notice provided by the inspector shall state that if the violations are not corrected any tenant, neighborhood organization with the written permission of a tenant, or if the building is unoccupied, a neighborhood organization, may commence an action under sections 566.18 to 566.33 to correct the violations and shall also state the relief available under section 566.25.

Sec. 9. Minnesota Statutes 1990, section 566.205, subdivision 1, is amended to read:

Subdivision 1. [PETITION.] A person authorized to bring an action under section 566.20 may petition the court for relief in cases of condemnation of the building or dwelling or service of a notice of intent to condemn the building or dwelling, or emergency involving the loss of running water, hot water, heat, electricity, sanitary facilities, or other essential services or facilities that the owner is responsible for providing.

Sec. 10. Minnesota Statutes 1990, section 566.205, subdivision 3, is amended to read:

Subd. 3. [PETITION INFORMATION.] The petitioner shall present a verified petition to the district court that states the following:

(1) a description of the premises and the identity of the owner;

(2) a statement of the facts and grounds that demonstrate the existence of condemnation of the building or dwelling or service of notice of intent to condemn the building or dwelling, or an emergency caused by the loss of essential services or facilities; and

(3) a request for relief.

Sec. 11. Minnesota Statutes 1990, section 566.205, subdivision 4, is amended to read:

Subd. 4. [NOTICE.] The petitioner shall attempt to notify the owner, at least 24 hours before application to the court, of the petitioner's intent to seek emergency relief. The petitioner shall attempt to give the same notice to the applicable unit of government if relief from condemnation is sought under section 566.25, paragraph (f). An order may be granted without notice to the owner or applicable unit of government on finding that reasonable efforts, as set forth in the petition or by separate affidavit, were made to notify the owner but that the efforts were unsuccessful.

Sec. 12. Minnesota Statutes 1990, section 566.21, subdivision 2, is amended to read:

Subd. 2. The summons and complaint shall be served upon the owner or the owner's agent, and upon the applicable unit of government if relief from condemnation is sought under section 566.25, paragraph (f), at least five and not more than ten days before the time at which the complaint is to be heard. Service shall be by personal service upon the defendant pursuant to the Minnesota rules of civil procedure except that if such service cannot be made with due diligence, service may be made by affixing a copy of the summons and complaint prominently to the building involved, and mailing at the same time a copy of the summons and complaint by certified mail to the last known address of the defendant.

Sec. 13. Minnesota Statutes 1990, section 566.25, is amended to read:

566.25 [JUDGMENT.]

Upon finding the complaint proved, the court may, in its discretion, do any or all of the following, either alone or in combination:

(a) Order the owner to remedy the violation or violations found by the court to exist if the court is satisfied that corrective action will be undertaken promptly; or

(b) Order the tenant to remedy the violation or violations found by

the court to exist and deduct the cost from the rent subject to the terms as the court determines to be just; or

(c) Appoint an administrator with powers as set out in section 566.29, and

(1) direct that rents due:

(i) on and from the day of entry of judgment, in the case of petitioning tenants or neighborhood organizations, and

(ii) on and from the day of service of the judgment on all other tenants and commercial tenants of the building, if any, shall be deposited with the administrator appointed by the court, and

(2) direct that the administrator use the rents collected for the purpose of remedying the violations found to exist by the court paying the debt service, taxes and insurance, and providing the services necessary to the ordinary operation and maintenance of the building which the owner is obligated to provide but fails or refuses to provide; or

(d) Find the extent to which any uncorrected violations impair the tenants' use and enjoyment of the premises contracted for and order the rent abated accordingly. Should the court choose to enter judgment under this paragraph the parties shall be informed and the court shall find the amount by which the rent shall be abated;

(e) After termination of administration, continue the jurisdiction of the court over the building for a period of one year and order the owner to maintain the building in compliance with all applicable state, county, and city health, safety, housing, building, fire prevention, and housing maintenance codes; ~~and~~

(f) Order the applicable unit of government to stay condemnation of the building or dwelling if other relief ordered by the court will correct the violations giving rise to the condemnation or notice of intent to condemn within a reasonable time considering the nature and extent of the violations; or

(g) Grant any other relief the court deems just and proper, including a judgment against the owner for reasonable attorney fees, not to exceed \$500, in the case of a prevailing tenant or neighborhood organization. The \$500 limitation does not apply to awards made under section 549.21 or other specific statutory authority.

Sec. 14. Minnesota Statutes 1990, section 566.29, subdivision 2, is amended to read:

Subd. 2. Such person or neighborhood organization shall post bond to the extent of the rents expected by the court to be necessary to be collected to correct the violation or violations. Administrators appointed from the governmental agencies shall not be required to give bond.

Sec. 15. Minnesota Statutes 1990, section 566.29, subdivision 4, is amended to read:

Subd. 4. [POWERS.] The administrator is authorized to:

(a) Collect rents from tenants and commercial tenants, evict tenants and commercial tenants for nonpayment of rent or other cause, enter into leases for vacant dwelling units, rent vacant commercial units with the consent of the owner and exercise all other powers necessary and appropriate to carry out the purposes of Laws 1973, chapter 611;

(b) Contract for the reasonable cost of materials, labor and services necessary to remedy the violation or violations found by the court to exist and for the rehabilitation of the property in order to maintain safe and habitable conditions over the useful life of the property, and make disbursements for payment therefor from funds available for the purpose;

(c) Provide any services to the tenants which the owner is obligated to provide but refuses or fails to provide, and pay for them from funds available for the purpose;

(d) Petition the court, after notice to the parties, for an order allowing the administrator to encumber the ~~premise~~ premises to secure funds to the extent necessary to cover the cost of materials, labor, and services, including reasonable fees for the administrator's services, necessary to remedy the violation or violations found by the court to exist and for rehabilitation of the property in order to maintain safe and habitable conditions over the useful life of the property, and to pay for them from funds derived from the encumbrance; and

(e) Petition the court, after notice to the parties, for an order allowing the administrator to receive funds made available for this purpose by the federal or state governing body or the municipality to the extent necessary to cover the cost of materials, labor, and services necessary to remedy the violation or violations found by the court to exist and for rehabilitation of the property in order to maintain safe and habitable conditions over the useful life of the property, and pay for them from funds derived from ~~the municipal sources~~ this source. The municipality shall recover disbursements by special assessment on the real estate affected, bearing interest at the rate determined by the municipality, not exceeding the rate established for finance charges for open-end credit sales under

section 334.16, subdivision 1, clause (b), with the assessment, interest and any penalties to be collected the same as special assessments made for other purposes under state statute or municipal charter.

Sec. 16. Minnesota Statutes 1990, section 566.34, subdivision 2, is amended to read:

Subd. 2. [ESCROW OF RENT.] If a violation exists in a building, a tenant may deposit the amount of rent due to the owner with the court administrator using the following procedure:

(a) For a violation of section 566.18, subdivision 6, clause (a), the tenant may deposit with the court administrator the rent due the owner along with a copy of the written notice of the code violation as provided in section 566.19, subdivision 2. The tenant may not deposit the rent or file the written notice of the code violation until the time granted to make repairs has expired without satisfactory repairs being made, unless the tenant alleges that the time granted is excessive.

(b) For a violation of section 566.18, subdivision 6, clause (b) or (c), the tenant must give written notice to the owner specifying the violation. The notice must be delivered personally or sent to the person or place where rent is normally paid. If the violation is not corrected within 14 days, the tenant may deposit the amount of rent due to the owner with the court administrator along with an affidavit specifying the violation. The court must provide a simplified form affidavit for use under this clause.

(c) The tenant need not deposit rent if none is due to the owner at the time the tenant otherwise files the notice required by this subdivision. All rent which thereafter becomes due to the owner prior to the hearing under this section must be deposited with the court administrator. As long as proceedings are pending under this section, the tenant must pay rent to the owner or as directed by the court and may not withhold rent to remedy a violation.

Sec. 17. [609.606] [UNLAWFUL OUSTER OR EXCLUSION.]

A landlord, agent of the landlord, or person acting under the landlord's direction or control who unlawfully and intentionally removes or excludes a tenant from lands or tenements or intentionally interrupts or causes the interruption of electrical, heat, gas, or water services to the tenant with intent to unlawfully remove or exclude the tenant from lands or tenements is guilty of a misdemeanor.

ARTICLE 3
STATE HOUSING PROGRAMS

Section 1. Minnesota Statutes 1990, section 116C.04, is amended by adding a subdivision to read:

Subd. 11. The environmental quality board shall coordinate the implementation of an interagency compliance with existing state and federal lead regulations and report to the legislature by January 31, 1992, on the changes in programming needed to comply.

Sec. 2. [116K.15] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of sections 2 to 8, the following terms have the meanings given them.

Subd. 2. [ADVISORY COMMITTEE.] "Advisory committee" means the committee established in section 4.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of the state planning agency.

Subd. 4. [ELIGIBLE ORGANIZATION.] "Eligible organization" means a nonprofit organization run by or for the homeless that has representation by homeless or formerly homeless persons on its governing board and can demonstrate an ability to design a program to provide homeownership opportunities for homeless persons with education and training services for homeless adults.

Subd. 5. [HOMELESS INDIVIDUAL.] "Homeless individual" or "homeless person" is defined in the Stewart B. McKinney Homeless Assistance Act of 1987, and means:

- (1) residents of overnight shelters;
- (2) residents of battered women shelters and safe homes;
- (3) persons who are inappropriately doubled up;
- (4) migrant or seasonal farm workers;
- (5) persons residing in transitional housing;
- (6) persons residing in detoxification centers who do not have permanent addresses; and
- (7) persons residing outside, in cars, or in abandoned buildings.

The term homeless individual does not include any individual imprisoned or otherwise detained under federal or state law.

Subd. 6. [VERY LOW INCOME.] "Very low income" means incomes that are at or less than 50 percent of the median income for the seven-county metropolitan area.

Sec. 3. [116K.16] [PLANNING AND DEMONSTRATION GRANTS.]

The commissioner shall make planning and demonstration grants to eligible organizations for programs to provide homeownership opportunities, education and training, or services to homeless adults. The programs are to include a work experience component with work projects that result in the rehabilitation or construction of residential units for the homeless. To the extent possible, the program should coordinate the use of resources from existing housing and homeless programs. Two or more eligible organizations may jointly apply for a grant. The commissioner shall administer the grant program.

Interested eligible organizations must apply to the commissioner for the grants. The advisory committee must review the applications and provide to the commissioner a list of recommended eligible organizations that the advisory committee determines meet the requirements for receiving a grant.

Sec. 4. [116K.17] [ADVISORY COMMITTEE.]

An 11-member advisory committee is established as provided under section 15.059 to assist the commissioner in selecting eligible organizations to receive planning grants, evaluating the final reports of each organization, and providing recommendations to the legislature. Members of the committee may be reimbursed for expenses but may not receive any other compensation for service on the committee. The advisory committee consists of representatives of the commissioners of human services and jobs and training; a representative of the chancellor of vocational education; a representative of the commissioner of the housing finance agency; and seven public members appointed by the governor. Each of the following groups must be represented by a public member: labor organizations, local housing developers, representatives from homeless organizations, and homeless or formerly homeless persons. At least three of the public members must be from outside of the seven-county metropolitan area as defined in section 473.121, subdivision 2. The commissioner may provide staff to the advisory committee to assist it in carrying out its purpose.

Sec. 5. [116K.18] [PROGRAM; PURPOSE AND DESIGN.]

Subdivision 1. [PROGRAM PURPOSE.] The grants awarded under section 3 are for the design of a program to coordinate existing housing resources and programs to provide homeownership opportunities for homeless adults and families, promote individual stability and responsibility of homeless adults through training for jobs that pay a living wage, job placement, life skills development, and access to community support services including, but not limited to, health services, counseling, and drug rehabilitation. Each program must include a work experience and training component, job skills component, and life skills component.

Subd. 2. [WORK EXPERIENCE AND TRAINING COMPONENT.] A work experience and training component must provide vocational skill training in an industry where there are potential opportunities for jobs that pay a living wage. A monetary compensation may be provided to program participants. The compensation must be provided to participants who are recipients of public assistance in a manner or amount which will not reduce public assistance benefits. The work experience component must be designed so that work projects result in the expansion of residential units for homeless persons and very low-income individuals and families. Work must be done under the direct supervision of certified or licensed individuals skilled in each specific trade or vocation. Craft work must be done under the supervision of persons who have completed a state approved registered apprenticeship in the craft work being supervised. The program design must identify areas of need for trained workers to perform tasks such as lead abatement, and work with appropriate agencies and certified or licensed workers to develop training methods. The program design must include an examination of how program participants may achieve certification as a part of the work experience and training component by entering licensing, apprenticeship, or other educational programs.

Subd. 3. [JOB READINESS SKILLS COMPONENT.] A job readiness skills component must be included in each program design. The component must provide program participants with job search skills, placement assistance, and other job readiness skills to ensure that participants will be able to compete in the employment market.

Subd. 4. [LIFE SKILLS COMPONENT.] A life skills component must be included in each program design. The component must include mentoring to develop homeownership skills, and offer or coordinate participation in parenting and citizenship classes and leadership development to encourage community involvement and responsibility.

Sec. 6. [116K.19] [HOUSING FOR HOMELESS.]

Subdivision 1. [REQUIREMENT.] The work experience component in section 5 must include work projects that provide residential

units through construction or rehabilitation for the homeless and families of very low income.

Subd. 2. [PRIORITY FOR HOUSING.] Any residential units that become available through the employment and training program must be allocated in the following order:

- (1) homeless families with at least one dependent;
- (2) homeless persons who have worked on the rehabilitation;
- (3) other homeless individuals;
- (4) other very low-income families and individuals; and
- (5) families or individuals that receive public assistance and that do not qualify in any other priority group.

Subd. 3. [ACQUISITION OF HOUSING UNITS.] The program design must include an examination of the means of acquiring property or buildings for the construction or rehabilitation of residential units at the lowest possible cost. The examination must include the review of possible sources of property and funding through federal, state, or local agencies, including the federal Department of Housing and Urban Development and Farmers Home Administration, the housing finance agency, and the local housing authority.

Subd. 4. [MANAGEMENT OF RESIDENTIAL UNITS.] The program design must address how to manage these residential units, including the source of financing for the maintenance costs of the buildings. Any management plan must include the participation of the residents and local established neighborhood groups.

Sec. 7. [REQUIREMENTS OF ORGANIZATIONS RECEIVING GRANTS.] An organization that is awarded a planning grant under section 3 shall prepare and submit a report to the commissioner by January 15, 1992. The report must address each of the following:

- (1) the method for encouraging the participation of the targeted youth in the geographic area surrounding the organization receiving the grant;
- (2) the type and degree of work experience that program participants must participate in, including real work experience in both vocational and nonvocational settings;
- (3) the amount of monetary compensation that each participant should receive while participating in the work experience component. The monetary compensation must reflect the prevailing rate of

wages unless a participant's receipt of public assistance is affected. Any contracted or subcontracted work must be subject to the prevailing wage rate under section 177.42. Prevailing wage for the construction crafts is the amount registered with the Minnesota department of labor. Nonconstruction jobs will be paid at the local market standard for each job type. Compensation should be structured to include incentives for progress toward increasing job skills and continued training;

(4) the identification and means of providing the necessary job readiness skills so that program participants who have completed the work experience and educational components of the program may have the ability to compete in the employment market;

(5) the methods that may be used to assist in placing program participants in suitable employment;

(6) a plan for evaluating the program, including the necessary data elements that must be collected from program participants;

(7) the identification of existing public and private programs that may be coordinated by the program to avoid duplication of services;

(8) the identification of regional characteristics that may affect the operation of the program in the specified region where the organization is located;

(9) cost estimates for each of the components of the program; and

(10) the identification of funding sources other than state appropriations that may be used to support the program.

Sec. 8. [REPORT.]

The commissioner shall prepare and submit a report to the legislature and the governor by February 15, 1992, that outlines the various program designs submitted by the organizations that received planning grants. The report must also include recommendations on which components of the program design are most suitable to meeting the needs of homeless adults for homeownership opportunities. The advisory committee must participate in the preparation of this report and in the formulation of the recommendations.

Sec. 9. [268.44] [EMERGENCY MORTGAGE AND RENTAL ASSISTANCE PILOT PROJECT.]

Subdivision 1. [ADMINISTRATION.] The commissioner of jobs and training shall administer an emergency mortgage and rental assistance pilot project for individuals who are in danger of losing their housing as a result of having insufficient income to allow

payment of their rental or mortgage costs. "Eligible project participants" are individuals ineligible for emergency assistance or general assistance for housing whose income does not exceed 80 percent of the area median income at the time of application to the project. No individual or family may receive more than six months of rental or mortgage assistance or \$2,000, whichever is less. The commissioner of jobs and training may establish eligibility priorities for emergency rental or mortgage assistance among the categories of persons needing assistance, including persons subject to eviction for nonpayment of rent or foreclosure for nonpayment of mortgage installments or property taxes, when nonpayment is attributable to illness, unanticipated unemployment, underemployment, or any other failure of resources beyond the person's control.

Subd. 2. [LOCAL RESPONSIBILITIES.] The commissioner of jobs and training must disburse funds to local agencies responsible for the distribution of emergency assistance. The local agencies may distribute funds to landlords and mortgage holders of eligible project participants and may determine the amount of assistance on a case-by-case basis. Local agencies must provide program participants with case management services, referral services relating to housing, and other resources and programs that may be available to them.

Subd. 3. [MORTGAGE ASSISTANCE.] Eligible homeowners at risk of losing their housing as a result of a short-term disruption or decrease in income may receive monthly mortgage or mortgage arrears assistance interest-free loans. To qualify for assistance, a homeowner must be at least two months delinquent on home mortgage payments. The local distributing agency must determine repayment schedules on a case-by-case basis. If the homeowner sells the house within five years of receiving assistance, net proceeds from the sale must be applied to the mortgage assistance loan. The commissioner of jobs and training must inform mortgagees of the mortgage assistance project.

Subd. 4. [RENTAL ASSISTANCE.] Eligible applicants who are in danger of losing their housing may receive monthly rental or rental arrears assistance payments. Monthly rental assistance payments may not exceed the fair market value of the rental housing unit. Persons may be required to repay the rental assistance based on their financial ability to pay, as determined by the local distributing agency.

Subd. 5. [SECURITY DEPOSIT ASSISTANCE.] Project money may be used for security deposits on rental housing. Persons may be required to repay security deposit assistance based on their financial ability to pay, as determined by the local distributing agency.

Sec. 10. Minnesota Statutes 1990, section 462A.03, subdivision 10, is amended to read:

Subd. 10. "Persons and families of low and moderate income" means persons and families, irrespective of race, creed, national origin ~~or~~, sex, or status with respect to guardianship or conservatorship, determined by the agency to require such assistance as is made available by sections 462A.01 to 462A.24 on account of personal or family income not sufficient to afford adequate housing. In making such determination the agency shall take into account the following: (a) The amount of the total income of such persons and families available for housing needs, (b) the size of the family, (c) the cost and condition of housing facilities available, (d) the eligibility of such persons and families to compete successfully in the normal housing market and to pay the amounts at which private enterprise is providing sanitary, decent and safe housing. In the case of federally subsidized mortgages with respect to which income limits have been established by any agency of the federal government having jurisdiction thereover for the purpose of defining eligibility of low and moderate income families, the limits so established shall govern under the provision of sections 462A.01 to 462A.24. In all other cases income limits for the purpose of defining low or moderate income persons shall be established by the agency by emergency or permanent rules.

Sec. 11. Minnesota Statutes 1990, section 462A.05, subdivision 14, is amended to read:

Subd. 14. It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participation in the making, of eligible loans for rehabilitation to persons and families of low and moderate income, and to owners of existing residential housing for occupancy by such persons and families, for the rehabilitation of existing residential housing owned by them. The loans may be insured or uninsured and may be made with security, or may be unsecured, as the agency deems advisable. The loans may be in addition to or in combination with long-term eligible mortgage loans under subdivision 3. They may be made in amounts sufficient to refinance existing indebtedness secured by the property, if refinancing is determined by the agency to be necessary to permit the owner to meet the owner's housing cost without expending an unreasonable portion of the owner's income thereon. No loan for rehabilitation shall be made unless the agency determines that the loan will be used primarily to make the housing more desirable to live in, to increase the market value of the housing, for compliance with state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing, or to accomplish energy conservation related improvements. In unincorporated areas and municipalities not having codes and standards, the agency may, solely for the purpose of administering the provisions of this chapter, establish codes and standards. Except for accessibility improvements under subdivision 14d, no loan for rehabilitation of any property shall be made in an amount which, with all other existing indebtedness secured by the

property, would exceed its market value, as determined by the agency. No loan under this subdivision shall be denied solely because the loan will not be used for placing the residential housing in full compliance with all state, county, or municipal building, housing maintenance, fire, health, or similar codes and standards applicable to housing. Rehabilitation loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions.

Sec. 12. Minnesota Statutes 1990, section 462A.05, is amended by adding a subdivision to read:

Subd. 14d. [ACCESSIBILITY LOAN PROGRAM.] Rehabilitation loans authorized under subdivision 14 may be made to eligible persons and families whose income does not exceed the maximum income limits allowable under section 143(f) of the Internal Revenue Code of 1986 as amended through June 30, 1991.

A person or family is eligible to receive an accessibility loan under the following conditions:

(1) the borrower or a member of the borrower's family requires a level of care provided in a hospital, skilled nursing facility, or intermediate care facility for persons with mental retardation or related conditions;

(2) home care is appropriate; and

(3) the improvement will enable the borrower or a member of the borrower's family to reside in the housing.

Sec. 13. Minnesota Statutes 1990, section 462A.05, is amended by adding a subdivision to read:

Subd. 15c. [RESIDENTIAL LEAD ABATEMENT.] It may make or purchase loans or grants for the abatement of hazardous levels of lead paint in residential buildings and lead contaminated soil on the property of residential buildings occupied by low- and moderate-income persons. Hazardous levels are as determined by the department of health or the pollution control agency. The agency must establish criteria for a residential lead paint and lead contaminated soil abatement program, including the terms of loans and grants under this section, a maximum amount for loans or grants, eligible owners, eligible contractors, and eligible buildings. The agency may make grants to cities, local units of government, registered lead abatement contractors, and nonprofit organizations for the purpose of administering a residential lead paint and contaminated lead soil abatement program. No loan or grant may be made for a multifamily building which contains housing maintenance code violations

unless the violations are being corrected in conjunction with receipt of the loan or grant under this section or other funding source. The agency must establish standards for the relocation of families where necessary and the payment of relocation expenses. To the extent possible, the agency must coordinate loans and grants under this section with existing housing programs.

The agency shall report to the legislature by January 1993 on the costs and benefits of subsidized lead abatement and the extent of the childhood lead exposure problem.

Sec. 14. Minnesota Statutes 1990, section 462A.05, subdivision 20, is amended to read:

Subd. 20. (a) The agency may make loans or grants to for profit, limited dividend, or nonprofit sponsors, as defined by the agency, for residential housing to be used to provide temporary or transitional housing to low- and moderate-income persons and families having an immediate need for temporary or transitional housing as a result of natural disaster, resettlement, condemnation, displacement, lack of habitable housing, or other cause defined by the agency.

(b) Loans or grants for housing for chronic chemically dependent adults may be made under this subdivision. Housing for chronic chemically dependent adults must satisfy the following conditions:

(1) be certified by the department of health or the city as a board and lodging facility or single residence occupancy housing;

(2) meet all applicable health, building, fire safety, and zoning requirements;

(3) be located in an area significantly distant from the present location of county detoxification service sites;

(4) make available the services of trained personnel to appraise each client before or upon admission and to provide information about medical, job training, and chemical dependency services as necessary;

(5) provide on-site security designed to assure the health and safety of clients, staff, and neighborhood residents; and

(6) operate with the guidance of a neighborhood-based board.

Priority for loans and grants made under this paragraph must be given to proposals which address the needs of the Native American population and veterans of military services for this type of housing.

(c) Loans or grants pursuant to this subdivision shall not be used for residential care facilities or for facilities that provide housing available for occupancy on less than a 24-hour continuous basis. To the extent possible, a sponsor shall combine the loan or grant with other funds obtained from public and private sources. In making loans or grants, the agency shall determine the circumstances under which and the terms and conditions under which all or any portion thereof will be repaid and the appropriate security should repayment be required.

Sec. 15. Minnesota Statutes 1990, section 462A.21, is amended by adding a subdivision to read:

Subd. 16. [RESIDENTIAL LEAD PAINT AND LEAD CONTAMINATED SOIL ABATEMENT.] It may make loans or grants for the purpose of the abatement of hazardous levels of lead paint in residential buildings and lead contaminated soil under section 462A.05, subdivision 15c, and may pay the costs and expenses necessary and incidental to the development and operation of the program.

Sec. 16. Minnesota Statutes 1990, section 462A.222, subdivision 3, is amended to read:

Subd. 3. [ALLOCATION PROCEDURE.] (a) Projects will be awarded tax credits in three competitive rounds on an annual basis. The date for applications for each round must be determined by the agency. No allocating agency may award tax credits prior to the application dates established by the agency.

(b) Each allocating agency must meet the requirements of section 42(m) of the Internal Revenue Code of 1986, as amended through December 31, 1989, for the allocation of tax credits and the selection of projects.

(c) For applications submitted for the first round, an allocating agency may allocate tax credits only to the following types of projects:

(1) single-room occupancy projects which are affordable by households whose income does not exceed 30 percent of the median income;

(2) family housing projects in which at least 75 percent of the units contain two or more bedrooms and at least one-third of the 75 percent contain three or more bedrooms;

(3) projects in which ~~at least 50 percent~~ a percentage of the units are for ~~mentally ill, mentally retarded, drug dependent, develop-~~

mentally disabled, or physically handicapped set aside and rented to persons:

(i) with a serious and persistent mental illness as defined in section 245.462, subdivision 20, paragraph (c);

(ii) with a developmental disability as defined in United States Code, title 42, section 6001, paragraph (7), as amended through December 31, 1990;

(iii) who have been assessed as drug dependent persons as defined in section 254A.02, subdivision 5, and are receiving or will receive care and treatment services provided by an approved treatment program as defined in section 254A.02, subdivision 2;

(iv) with a brain injury as defined in section 256B.093, subdivision 4, paragraph (a); or

(v) with physical disabilities if at least 50 percent of the units are accessible as provided under Minnesota Rules, chapter 1340;

(4) projects which preserve existing subsidized housing which is subject to prepayment if the use of tax credits is necessary to prevent conversion to market rate use; or

(5) projects financed by the Farmers Home Administration which meet statewide distribution goals.

(d) Before the date for applications for the second round, the allocating agencies other than the agency shall return all uncommitted and unallocated tax credits to the pool from which they were allocated, along with copies of any allocation or commitment. In the second round, the agency shall allocate the remaining credits from the regional pools to projects from the respective regions.

(e) In the third round, all unallocated tax credits must be transferred to a unified pool for allocation by the agency on a statewide basis.

(f) Unused portions of the state ceiling for low-income housing tax credits reserved to cities and counties for allocation may be returned at any time to the agency for allocation.

Sec. 17. Minnesota Statutes 1990, section 504.33, subdivision 3, is amended to read:

Subd. 3. [DISPLACE.] "Displace" means to demolish, acquire for or convert to a use other than low-income housing, or to provide or spend money that directly results in the demolition, acquisition, or conversion of housing to a use other than low-income housing.

“Displace” does not include providing or spending money that directly results in: (i) housing improvements made to comply with health, housing, building, fire prevention, housing maintenance, or energy codes or standards of the applicable government unit; (ii) housing improvements to make housing more accessible to a handicapped person; or (iii) the demolition, acquisition, or conversion of housing for the purpose of creating owner-occupied housing that consists of no more than four units per structure; or (iv) demolition, acquisition, or conversion of owner-occupied housing by cities of the first class as defined in section 410.01.

Sec. 18. Minnesota Statutes 1990, section 504.33, subdivision 5, is amended to read:

Subd. 5. [LOW-INCOME HOUSING.] “Low-income housing” means rental housing with a rent less than or equal to ~~30 percent~~ 50 percent of the median income for the county the fair market rent level as defined by the Department of Housing and Urban Development in which the rental housing is located, adjusted by size; or owner-occupied housing with an estimated market value less than one-half of the median estimated market value for owner-occupied housing for the county or metropolitan statistical area in which the owner-occupied housing is located. “Low-income housing” also includes rental housing buildings as defined by section 566.18, subdivision 7 that has have been vacant for less than two years, that contain rental or owner-occupied housing that was low-income housing when it was last occupied, and that is have not been condemned as being unfit for human habitation by the applicable government unit.

Sec. 19. Minnesota Statutes 1990, section 504.33, subdivision 7, is amended to read:

Subd. 7. [REPLACEMENT HOUSING.] “Replacement housing” means ~~rental~~ housing that is:

(1) ~~the lesser of (i) the is sufficient in number and corresponding size of to house no fewer than the number of occupants who could have been housed in the displaced low-income housing units displaced, or (ii) sufficient in number and corresponding size of those low-income housing units displaced to meet the demand for those units;~~

(2) is low-income housing for the greater of 15 years or the compliance period of the federal low-income housing tax credit under United States Code, title 26, section 42(i)(1), as amended. This section does not prohibit increases in rent to cover operating expenses;

(3) in the case of owner-occupied housing, affordable to persons whose income is less than or equal to 80 percent of the median

income for the metropolitan statistical area in which the replacement owner-occupied housing is located;

(4) is in at least standard condition; and

(4) (5) is located in the neighborhood of the city where the displaced low-income housing units were located to the extent possible, except where the land is zoned industrial or there is insufficient vacant or underutilized land for development or no vacant buildings as defined by section 566.18, subdivision 7 for redevelopment in the neighborhood;

(6) has a preference for persons who occupied low-income housing that was displaced, who have resided in the neighborhood of the city where the displaced low-income housing was located, or who qualify for a preference under United States Code, title 42, section 1437(c)(4)(A); and

(7) in a city of the first class outside the metropolitan area as defined by section 473.121, subdivision 2, replacement housing can be used to achieve economic integration as described in the city plan.

Replacement housing may be provided as newly constructed housing, or rehabilitated or rent subsidized existing housing that does not already qualify as low-income housing. Low-income housing designated as replacement housing for low-income housing displaced in one year cannot be designated as replacement housing for low-income housing displaced in another year.

Sec. 20. Minnesota Statutes 1990, section 504.34, subdivision 3, is amended to read:

Subd. 3. [CONTENTS.] The draft and final annual housing impact reports must include:

(1) identification of each low-income housing unit that was displaced in the previous year in the city where housing was displaced by the government unit, including the unit's address, size, and rent; the number of persons who could have occupied the unit; the condition the unit was in, and whether it was habitable at the time of displacement; the owner of the unit; whether it was owner occupied; and how and when it was displaced;

(2) identification of the cities and neighborhoods where occupants of displaced low-income housing moved immediately following displacement;

(3) identification of each unit of replacement housing provided in the previous year in the city, including the unit's address, size, and

rent; the number of persons who could occupy the unit; the owner of the unit; whether it is owner occupied; and an identification of the displaced low-income housing unit that was replaced by the unit of replacement housing;

~~(3)~~ (4) identification of the cities and neighborhoods where occupants of replacement housing resided immediately before moving into replacement housing;

~~(5)~~ analysis of the supply of and demand for all sizes of low-income housing units, by size and rent, in the city;

~~(4)~~ ~~(6)~~ determination of whether there is an adequate supply of available and unoccupied low-income housing units to meet the demand for all sizes of low-income housing, by size and rent, in the city where housing has been displaced by the government unit;

~~(5)~~ ~~(7)~~ estimation of the cost of providing replacement housing for low-income housing not in adequate supply to meet the demand for all sizes of low-income housing, by size and rent, in the city where housing has been displaced by the government unit; and

~~(6)~~ ~~(8)~~ analysis of the government unit's compliance with the replacement plans of previous housing annual impact reports and project housing impact statements.

Sec. 21. Minnesota Statutes 1990, section 504.34, subdivision 5, is amended to read:

Subd. 5. [NOTICE; REQUEST FOR COMMENTS.] A government unit subject to this section must provide for public input in preparing the annual housing impact report, including a public comment period and a public hearing. The government unit must publish notice of its draft annual housing impact report in a newspaper of general circulation in the city by the deadline for completion of the draft annual housing impact report. The notice must include a request for comments on the draft annual housing impact report within the 30 days following the notice, and the date, time, and location of the public hearing on the draft annual housing impact report, to be held within 15 to 30 days following the date of notice. Copies of the notice, a summary of the findings of the report, and the list of persons and organizations receiving the notice and draft report must be sent to the neighborhood and citizen participation organizations, district planning councils, housing referral and information services, shelters, homeless and tenants advocacy groups, and legal aid offices in the city where the displaced low-income housing was located. Copies of the notice and the draft annual housing impact report must be submitted to, the state planning agency and the Minnesota housing finance agency.

Sec. 22. Minnesota Statutes 1990, section 504.34, subdivision 6, is amended to read:

Subd. 6. [FINAL ANNUAL HOUSING IMPACT REPORT.] In preparing and approving a final annual housing impact report, a government unit subject to this section must consider comments received during the comment period and at the public hearing on the draft report. The final report shall be prepared within 30 days following the deadline for receipt of comments on the draft annual housing impact report. The final annual housing impact report must include all written comments and a summary of oral comments on the draft housing impact report and a response to the comments. The government unit shall publish notice of the final annual housing impact report in a newspaper of general circulation in the city. Copies of the notice and a summary of the findings of the final annual housing impact report must be sent to neighborhood and citizen participation organizations, district planning councils, housing referral and information services, shelters, homeless and tenants advocacy groups, and legal aid offices in the city where the displaced low-income housing was located. ~~Copies of the notice and the draft annual housing impact report must be submitted to, the state planning agency and the Minnesota housing finance agency.~~

Sec. 23. [APPROPRIATION; DEPARTMENT OF JOBS AND TRAINING.]

\$. is appropriated from the general fund to the commissioner of jobs and training for the emergency mortgage and rental assistance pilot project to be available for the biennium ending June 30, 1993.

\$. is appropriated from the general fund to the commissioner of jobs and training for the operation of transitional housing programs under Minnesota Statutes, section 268.38, to be available for the biennium ending June 30, 1993.

Sec. 24. [APPROPRIATION; HOUSING TRUST FUND ACCOUNT.]

\$. is appropriated and transferred from the general fund to the housing trust fund account in the housing development fund for the purposes specified in Minnesota Statutes, section 462A.201.

Sec. 25. [APPROPRIATION; HOUSING DEVELOPMENT FUND.]

\$. is appropriated from the general fund to the housing development fund for the tribal Indian housing programs under Minnesota Statutes, section 462A.07, subdivision 14.

Sec. 26. [APPROPRIATION; HOUSING FOR HOMELESS.]

\$..... is appropriated to the commissioner of state planning to administer sections 2 to 8 to be available for the biennium ending June 30, 1993.

ARTICLE 4

YOUTH EMPLOYMENT

Section 1. Minnesota Statutes 1990, section 268.362, is amended to read:

268.362 [GRANTS.]

Subdivision 1. [GENERALLY] The commissioner shall make grants to eligible organizations for programs to provide education and training services to targeted youth. The purpose of these programs is to provide specialized training and work experience to at-risk targeted youth who have not been served effectively by the current educational system. The programs are to include a work experience component with work projects that result in the rehabilitation or construction of residential units for the homeless. Two or more eligible organizations may jointly apply for a grant. The commissioner shall administer the grant program.

Subd. 2. [GRANT APPLICATIONS; AWARDS.] Interested eligible organizations must apply to the commissioner for the grants. The advisory committee must review the applications and provide to the commissioner a list of recommended eligible organizations that the advisory committee determines meet the requirements for receiving a grant. The total grant award for any program may not exceed \$50,000 per year. In awarding grants, the commissioner must give priority to (1) organizations that are operating or have operated successfully a program; and (2) to distributing programs throughout the state. To receive a grant under this section, the eligible organization must match the grant money with at least an equal amount of nonstate money. The commissioner must verify that the eligible organization has matched the grant money.

Sec. 2. Minnesota Statutes 1990, section 268.364, subdivision 4, is amended to read:

Subd. 4. [JOB READINESS SKILLS COMPONENT.] A job readiness skills component must be included in comprise at least 20 percent of each program. The component must provide program participants with job search skills, placement assistance, and other job readiness skills to ensure that participants will have an understanding of the building trades, unions, self-employment and other

employment opportunities and be able to compete in the employment market.

Sec. 3. Minnesota Statutes 1990, section 268.365, subdivision 2, is amended to read:

Subd. 2. [PRIORITY FOR HOUSING.] Any residential units that become available through the program must be allocated in the following order:

(1) homeless individuals who have participated in constructing, rehabilitating, or improving the unit;

(2) homeless families with at least one dependent;

~~(2)~~ (3) other homeless individuals;

~~(3)~~ (4) other very low income families and individuals; and

~~(4)~~ (5) families or individuals that receive public assistance and that do not qualify in any other priority group.

Sec. 4. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of state planning to fund youth employment program grants in the development regions designated under Minnesota Statutes, section 462.385, and in cities of the first class.

ARTICLE 5

ASSIGNMENT OF RENTS AND RECEIVERSHIP

Section 1. Minnesota Statutes 1990, section 504.20, subdivision 4, is amended to read:

Subd. 4. Any landlord who fails to provide a written statement within three weeks of termination of the tenancy and receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, ~~shall be or fails to transfer or return a deposit as required under subdivision 5,~~ is liable to the tenant or the successor in interest for damages in an amount equal to the portion of the deposit withheld by the landlord and interest thereon as provided in subdivision 2, as a penalty, in addition to the portion of the deposit wrongfully withheld by the landlord and interest thereon.

Sec. 2. Minnesota Statutes 1990, section 504.20, subdivision 5, is amended to read:

Subd. 5. Upon termination of the landlord's interest in the premises, whether by sale, assignment, death, appointment of receiver or otherwise, the landlord or the landlord's agent shall, within a reasonable time 60 days of termination of the interest or when the successor in interest is required to return or otherwise account for the deposit to the tenant, whichever occurs first, do one of the following acts, either of which shall relieve the landlord or agent of further liability with respect to such deposit:

(a) Transfer such deposit, or any remainder after any lawful deductions made under subdivision 3, with interest thereon as provided in subdivision 2, to the landlord's successor in interest and thereafter notify the tenant of such transfer and of the transferee's name and address; or

(b) Return such deposit, or any remainder after any lawful deductions made under subdivision 3, with interest thereon as provided in subdivision 2, to the tenant.

Sec. 3. Minnesota Statutes 1990, section 504.20, subdivision 7, is amended to read:

Subd. 7. The bad faith retention by a landlord of ~~the a~~ a deposit, the interest thereon, or any portion thereof, in violation of this section shall subject the landlord to punitive damages not to exceed \$200 for each deposit in addition to the damages provided in subdivision 4. If the landlord has failed to comply with the provisions of subdivision 3 or 5, retention of the a deposit shall be presumed to be in bad faith unless the landlord returns the deposit within two weeks after the commencement of any action for the recovery of the deposit.

Sec. 4. Minnesota Statutes 1990, section 559.17, subdivision 2, is amended to read:

Subd. 2. A mortgagor may assign, as additional security for the debt secured by the mortgage, the rents and profits from the mortgaged real property, if the mortgage:

(1) Was executed, modified or amended subsequent to August 1, 1977;

(2) Secured an original principal amount of ~~\$500,000~~ \$100,000 or more or is a lien upon residential real estate containing more than four dwelling units; and

(3) Is not a lien upon property which was entirely homesteaded as, residential real estate containing four or less dwelling units where at least one of the units is homesteaded, or agricultural property. The assignment may be enforced as follows:

(a) If, by the terms of an assignment, a receiver is to be appointed upon the occurrence of some specified event, and a showing is made that the event has occurred, the court shall, without regard to waste, adequacy of the security, or solvency of the mortgagor, appoint a receiver who shall, with respect to the excess cash remaining after application as provided in section 576.01, subdivision 2, apply it as prescribed by the assignment. If the assignment so provides, the receiver shall apply the excess cash in the manner set out herein from the date of appointment through the entire redemption period from any foreclosure sale. Subject to the terms of the assignment, the receiver shall have the powers and duties as set forth in section 576.01, subdivision 2; or

(b) If no provision is made for the appointment of a receiver in the assignment or if by the terms of the assignment a receiver may be appointed, the assignment shall be binding upon the assignor unless or until a receiver is appointed without regard to waste, adequacy of the security or solvency of the mortgagor, but only in the event of default in the terms and conditions of the mortgage, and only in the event the assignment requires the holder thereof to first apply the rents and profits received as provided in section 576.01, subdivision 2, in which case the same shall operate against and be binding upon the occupiers of the premises from the date of filing by the holder of the assignment in the office of the county recorder or the office of the registrar of titles for the county in which the property is located of a notice of default in the terms and conditions of the mortgage and service of a copy of the notice upon the occupiers of the premises. The holder of the assignment shall apply the rents and profits received in accordance with the terms of the assignment, and, if the assignment so provides, for the entire redemption period from any foreclosure sale. A holder of an assignment who enforces it in accordance with this clause shall not be deemed to be a mortgagee in possession with attendant liability.

Nothing contained herein shall prohibit the right to reinstate the mortgage debt granted pursuant to section 580.30, nor the right to redeem granted pursuant to sections 580.23 and 581.10, and any excess cash, as that term is used herein, collected by the receiver under clause (a), or any rents and profits taken by the holder of the assignment under clause (b), shall be credited to the amount required to be paid to effect a reinstatement or redemption.

Sec. 5. Minnesota Statutes 1990, section 576.01, subdivision 2, is amended to read:

Subd. 2. A receiver shall be appointed in the following case:

After the first publication of notice of sale for the foreclosure of a mortgage pursuant to chapter 580, or with the commencement of an action to foreclose a mortgage pursuant to chapter 581, and during the period of redemption, if the mortgage being foreclosed secured

an original principal amount of ~~\$500,000~~ \$100,000 or more or is a lien upon residential real estate containing more than four dwelling units and was not a lien upon property which was entirely homesteaded, residential real estate containing four or less dwelling units where at least one unit is homesteaded, or agricultural property, the foreclosing mortgagee or the purchaser at foreclosure sale may at any time bring an action in the district court of the county in which the mortgaged premises or any part thereof is located for the appointment of a receiver; provided, however, if the foreclosure is by action under chapter 581, a separate action need not be filed. Pending trial of the action on the merits, the court may make a temporary appointment of a receiver following the procedures applicable to temporary injunctions under the rules of civil procedure. If the motion for temporary appointment of a receiver is denied, the trial of the action on the merits shall be held as early as practicable, but not to exceed 30 days after the motion for temporary appointment of a receiver is heard. The court shall appoint a receiver upon a showing that the mortgagor has breached a covenant contained in the mortgage relating to any of the following:

(1) Application of tenant security deposits as required by section 504.20;

(2) Payment when due of prior or current real estate taxes or special assessments with respect to the mortgaged premises, or the periodic escrow for the payment of the taxes or special assessments;

(3) Payment when due of premiums for insurance of the type required by the mortgage, or the periodic escrow for the payment of the premiums;

(4) Keeping of the covenants required of a lessor or licensor pursuant to section 504.18, subdivision 1.

The receiver shall be an experienced property manager. The court shall determine the amount of the bond to be posted by the receiver.

The receiver shall collect the rents, profits and all other income of any kind, manage the mortgaged premises so to prevent waste, execute leases within or beyond the period of the receivership if approved by the court, pay the expenses listed in clauses (1), (2), and (3) in the priority as numbered, pay all expenses for normal maintenance of the mortgaged premises and perform the terms of any assignment of rents which complies with section 559.17, subdivision 2. Reasonable fees to the receiver shall be paid prior thereto. The receiver shall file periodic accountings as the court determines are necessary and a final accounting at the time of discharge.

The purchaser at foreclosure sale shall have the right, at any time and without limitation as provided in section 582.03, to advance money to the receiver to pay any or all of the expenses which the

receiver should otherwise pay if cash were available from the mortgaged premises. Sums so advanced, with interest, shall be a part of the sum required to be paid to redeem from the sale. The sums shall be proved by the affidavit of the purchaser, an agent or attorney, stating the expenses and describing the mortgaged premises. The affidavit must be filed for record with the county recorder or the registrar of titles, and a copy thereof shall be furnished to the sheriff and the receiver at least ten days before the expiration of the period of redemption.

Any sums collected which remain in the possession of the receiver at termination of the receivership shall, in the event the termination of the receivership is due to the reinstatement of the mortgage debt or redemption of the mortgaged premises by the mortgagor, be paid to the mortgagor; and in the event termination of the receivership occurs at the end of the period of redemption without redemption by the mortgagor or any other party entitled to redeem, interest accrued upon the sale price pursuant to section 580.23 or section 581.10 shall be paid to the purchaser at foreclosure sale. Any net sum remaining shall be paid to the mortgagor, except if the receiver was enforcing an assignment of rents which complies with section 559.17, subdivision 2, in which case any net sum remaining shall be paid pursuant to the terms of the assignment.

This subdivision shall apply to all mortgages executed on or after August 1, 1977, and to amendments or modifications of such mortgages, and to amendments or modifications made on or after August 1, 1977, to mortgages executed before August 1, 1977, if the amendment or modification is duly recorded and is for the principal purpose of curing a default.

ARTICLE 6

HOUSING AND REDEVELOPMENT AUTHORITIES

Section 1. Minnesota Statutes 1990, section 469.011, subdivision 4, is amended to read:

Subd. 4. [EXPENSES; COMPENSATION.] Each commissioner may receive necessary expenses, including traveling expenses, incurred in the performance of duties. Each commissioner may be paid ~~\$35~~ \$55 for attending each regular and special meeting of the authority. The aggregate of all payments to each commissioner for any one year shall not exceed \$2,500. Commissioners who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization. Commissioners who are full-time state employees or full-time employees of the political subdivisions of the state may not receive the daily payment, but they may suffer no loss in compensation or benefits

from the state or a political subdivision as a result of their service on the board. Commissioners who are full-time state employees or full-time employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Commissioners who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours.

Sec. 2. Minnesota Statutes 1990, section 469.012, subdivision 1, is amended to read:

Subdivision 1. [SCHEDULE OF POWERS.] An authority shall be a public body corporate and politic and shall have all the powers necessary or convenient to carry out the purposes of sections 469.001 to 469.047, except that the power to levy and collect taxes or special assessments is limited to the power provided in sections 469.027 to 469.033. Its powers include the following powers in addition to others granted in sections 469.001 to 469.047:

(1) to sue and be sued; to have a seal, which shall be judicially noticed, and to alter it; to have perpetual succession; and to make, amend, and repeal rules consistent with sections 469.001 to 469.047;

(2) to employ an executive director, technical experts, and officers, agents, and employees, permanent and temporary, that it requires, and determine their qualifications, duties, and compensation; for legal services it requires, to call upon the chief law officer of the city or to employ its own counsel and legal staff; so far as practicable, to use the services of local public bodies in its area of operation, provided that those local public bodies, if requested, shall make the services available;

(3) to delegate to one or more of its agents or employees the powers or duties it deems proper;

(4) within its area of operation, to undertake, prepare, carry out, and operate projects and to provide for the construction, reconstruction, improvement, extension, alteration, or repair of any project or part thereof;

(5) subject to the provisions of section 469.026, to give, sell, transfer, convey, or otherwise dispose of real or personal property or any interest therein and to execute leases, deeds, conveyances, negotiable instruments, purchase agreements, and other contracts or instruments, and take action that is necessary or convenient to carry out the purposes of these sections;

(6) within its area of operation, to acquire real or personal property or any interest therein by gifts, grant, purchase, exchange,

lease, transfer, bequest, devise, or otherwise, and by the exercise of the power of eminent domain, in the manner provided by chapter 117, to acquire real property which it may deem necessary for its purposes, after the adoption by it of a resolution declaring that the acquisition of the real property is necessary to eliminate one or more of the conditions found to exist in the resolution adopted pursuant to section 469.003 or to provide decent, safe, and sanitary housing for persons of low and moderate income, or is necessary to carry out a redevelopment project. Real property needed or convenient for a project may be acquired by the authority for the project by condemnation pursuant to this section. This includes any property devoted to a public use, whether or not held in trust, notwithstanding that the property may have been previously acquired by condemnation or is owned by a public utility corporation, because the public use in conformity with the provisions of sections 469.001 to 469.047 shall be deemed a superior public use. Property devoted to a public use may be so acquired only if the governing body of the municipality has approved its acquisition by the authority. An award of compensation shall not be increased by reason of any increase in the value of the real property caused by the assembly, clearance or reconstruction, or proposed assembly, clearance or reconstruction for the purposes of sections 469.001 to 469.047 of the real property in an area;

(7) within its area of operation, and without the adoption of an urban renewal plan, to acquire, by all means as set forth in clause (6) but without the adoption of a resolution provided for in clause (6), real property, and to demolish, remove, rehabilitate, or reconstruct the buildings and improvements or construct new buildings and improvements thereon, or to so provide through other means as set forth in Laws 1974, chapter 228, or to grade, fill, and construct foundations or otherwise prepare the site for improvements. The authority may dispose of the property pursuant to section 469.029, provided that the provisions of section 469.029 requiring conformance to an urban renewal plan shall not apply. The authority may finance these activities by means of the redevelopment project fund or by means of tax increments or tax increment bonds or by the methods of financing provided for in section 469.033 or by means of contributions from the municipality provided for in section 469.041, clause (9), or by any combination of those means. Real property with buildings or improvements thereon shall only be acquired under this clause when the buildings or improvements are substandard. The exercise of the power of eminent domain under this clause shall be limited to real property which contains, or has contained within the three years immediately preceding the exercise of the power of eminent domain, buildings and improvements which are vacated and substandard. For the purpose of this clause, substandard buildings or improvements mean hazardous buildings as defined in section 463.15, subdivision 3, or buildings or improvements that are dilapidated or obsolescent, faultily designed, lack adequate ventilation, light, or sanitary facilities, or any combination of these or other

factors that are detrimental to the safety or health of the community;

(8) within its area of operation, to determine the level of income constituting low or moderate family income. The authority may establish various income levels for various family sizes. In making its determination, the authority may consider income levels that may be established by the Department of Housing and Urban Development or a similar or successor federal agency for the purpose of federal loan guarantees or subsidies for persons of low or moderate income. The authority may use that determination as a basis for the maximum amount of income for admissions to housing development projects or housing projects owned or operated by it;

(9) to provide in federally assisted projects any relocation payments and assistance necessary to comply with the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and any amendments or supplements thereto;

(10) to make an agreement with the governing body or bodies creating the authority which provides exemption from all real and personal property taxes levied or imposed by the state, city, county, or other political subdivisions, for which the authority shall make payments in lieu of taxes to the state, city, county, or other political subdivisions as provided in section 469.040. The governing body shall agree on behalf of all the applicable governing bodies affected that local cooperation as required by the federal government shall be provided by the local governing body or bodies in whose jurisdiction the project is to be located, at no cost or at no greater cost than the same public services and facilities furnished to other residents;

(11) to cooperate with or act as agent for the federal government, the state or any state public body, or any agency or instrumentality of the foregoing, in carrying out any of the provisions of sections 469.001 to 469.047 or of any other related federal, state, or local legislation; and upon the consent of the governing body of the city to purchase, lease, manage, or otherwise take over any housing project already owned and operated by the federal government;

(12) to make plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and plans for the enforcement of laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements. The authority may develop, test, and report methods and techniques, and carry out demonstrations and other activities for the prevention and elimination of slums and blight;

(13) to borrow money or other property and accept contributions,

grants, gifts, services, or other assistance from the federal government, the state government, state public bodies, or from any other public or private sources;

(14) to include in any contract for financial assistance with the federal government any conditions that the federal government may attach to its financial aid of a project, not inconsistent with purposes of sections 469.001 to 469.047, including obligating itself (which obligation shall be specifically enforceable and not constitute a mortgage, notwithstanding any other laws) to convey to the federal government the project to which the contract relates upon the occurrence of a substantial default with respect to the covenants or conditions to which the authority is subject; to provide in the contract that, in case of such conveyance, the federal government may complete, operate, manage, lease, convey, or otherwise deal with the project until the defaults are cured if the federal government agrees in the contract to reconvey to the authority the project as then constituted when the defaults have been cured;

(15) to issue bonds for any of its corporate purposes and to secure the bonds by mortgages upon property held or to be held by it or by pledge of its revenues, including grants or contributions;

(16) to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control or in the manner and subject to the conditions provided in section 475.66 for the deposit and investment of debt service funds;

(17) within its area of operation, to determine where blight exists or where there is unsafe, unsanitary, or overcrowded housing;

(18) to carry out studies of the housing and redevelopment needs within its area of operation and of the meeting of those needs. This includes study of data on population and family groups and their distribution according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages, desirable patterns for land use and community growth, and other factors affecting the local housing and redevelopment needs and the meeting of those needs; to make the results of those studies and analyses available to the public and to building, housing, and supply industries;

(19) if a local public body does not have a planning agency or the planning agency has not produced a comprehensive or general community development plan, to make or cause to be made a plan to be used as a guide in the more detailed planning of housing and redevelopment areas;

(20) to lease or rent any dwellings, accommodations, lands,

buildings, structures, or facilities included in any project and, subject to the limitations contained in sections 469.001 to 469.047 with respect to the rental of dwellings in housing projects, to establish and revise the rents or charges therefor;

(21) to own, hold, and improve real or personal property and to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein;

(22) to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards;

(23) to procure or agree to the procurement of government insurance or guarantees of the payment of any bonds or parts thereof issued by an authority and to pay premiums on the insurance;

(24) to make expenditures necessary to carry out the purposes of sections 469.001 to 469.047;

(25) to enter into an agreement or agreements with any state public body to provide informational service and relocation assistance to families, individuals, business concerns, and nonprofit organizations displaced or to be displaced by the activities of any state public body;

(26) to compile and maintain a catalog of all vacant, open and undeveloped land, or land which contains substandard buildings and improvements as that term is defined in clause (7), that is owned or controlled by the authority or by the governing body within its area of operation and to compile and maintain a catalog of all authority owned real property that is in excess of the foreseeable needs of the authority, in order to determine and recommend if the real property compiled in either catalog is appropriate for disposal pursuant to the provisions of section 469.029, subdivisions 9 and 10;

(27) to recommend to the city concerning the enforcement of the applicable health, housing, building, fire prevention, and housing maintenance code requirements as they relate to residential dwelling structures that are being rehabilitated by low- or moderate-income persons pursuant to section 469.029, subdivision 9, for the period of time necessary to complete the rehabilitation, as determined by the authority;

(28) to recommend to the city the initiation of municipal powers, against certain real properties, relating to repair, closing, condemnation, or demolition of unsafe, unsanitary, hazardous, and unfit buildings, as provided in section 469.041, clause (5);

(29) to sell, at private or public sale, at the price or prices determined by the authority, any note, mortgage, lease, sublease,

lease purchase, or other instrument or obligation evidencing or securing a loan made for the purpose of economic development, job creation, redevelopment, or community revitalization by a public agency to a business, for-profit or nonprofit organization, or an individual;

(30) within its area of operation, to acquire and sell real property that is benefited by federal housing assistance payments, other rental subsidies, interest reduction payments, or interest reduction contracts for the purpose of preserving the affordability of low- and moderate-income multifamily housing; ~~and~~

(31) to apply for, enter into contracts with the federal government, administer, and carry out a section 8 program. Authorization by the governing body creating the authority to administer the program at the authority's initial application is sufficient to authorize operation of the program in its area of operation for which it was created without additional local governing body approval. Approval by the governing body or bodies creating the authority constitutes approval of a housing program for purposes of any special or general law requiring local approval of section 8 programs undertaken by city, county, or multicounty authorities; and

(32) to secure a mortgage or loan by obtaining the appointment of receivers or assignments of rents and profits under sections 559.17 and 576.01, except that the limitation relating to the minimum amounts of the original principal balances of mortgages specified in sections 559.17, subdivision 2, clause (2); and 576.01, subdivision 2, does not apply.

Sec. 3. Minnesota Statutes 1990, section 469.015, subdivision 3, is amended to read:

Subd. 3. [PERFORMANCE BONDS.] Performance bonds shall be required from contractors for any works of construction as provided in and subject to all the provisions of sections 574.26 to 574.31 except for contracts entered into by an authority for an expenditure of less than ~~\$15,000~~ \$25,000.

Sec. 4. Minnesota Statutes 1990, section 469.015, subdivision 4, is amended to read:

Subd. 4. [EXCEPTIONS.] (a) An authority need not require competitive bidding in the following circumstances:

(1) in the case of a contract for the acquisition of a low-rent housing project:

(i) for which financial assistance is provided by the federal government;

(ii) which does not require any direct loan or grant of money from the municipality as a condition of the federal financial assistance; and

(iii) for which the contract provides for the construction of the project upon land not owned by the authority at the time of the contract, or owned by the authority for redevelopment purposes, and provides for the conveyance or lease to the authority of the project or improvements upon completion of construction;

(2) with respect to a structured parking facility:

(i) constructed in conjunction with, and directly above or below, a development; and

(ii) financed with the proceeds of tax increment or parking ramp revenue bonds; and

(3) in the case of a housing development project if:

(i) the project is financed with the proceeds of bonds issued under section 469.034;

(ii) the project is located on land that is not owned by the authority at the time the contract is entered into, or is owned by the authority only for development purposes, and provides for conveyance or lease to the authority of the project or improvements upon completion of construction; and

(iii) the authority finds and determines that elimination of the public bidding requirements is necessary in order for the housing development project to be economical and feasible.

(b) An authority need not require a performance bond in the case of for the following projects:

(1) a contract described in paragraph (a), clause (1);

(2) a construction change order for a housing project in which 30 percent of the construction has been completed;

(3) a construction contract for a single-family housing project in which the authority acts as the general construction contractor; or

(4) a services or materials contract for a housing project.

For purposes of this paragraph, "services or materials contract" does not include construction contracts.

Sec. 5. Minnesota Statutes 1990, section 469.015, is amended by adding a subdivision to read:

Subd. 5. [SECURITY IN LIEU OF BOND.] The authority may accept a certified check or cashier's check in the same amount as required for a bond in lieu of a performance bond for contracts entered into by an authority for an expenditure of less than \$25,000. The check must be held by the authority for 90 days after the contract has been completed. If no suit is brought within the 90 days, the authority must return the amount of the check to the person making it. If a suit is brought within the 90-day period, the authority must disburse the amount of the check pursuant to the order of the court.

ARTICLE 7

LOCAL HOUSING AND ECONOMIC DEVELOPMENT PROGRAMS

Section 1. Minnesota Statutes 1990, section 462C.03, subdivision 10, is amended to read:

Subd. 10. Notwithstanding any provision of this chapter, not more than 20 percent of the aggregate dollar amount of tax-exempt bond proceeds and any other funds appropriated by any city within any calendar year to make or purchase loans providing single family housing or dwelling units for sale within multifamily housing developments described in section 462C.05, subdivision 3, shall be appropriated to provide single family housing for persons or families, including renters of the single family housing, whose gross income exceeds the limit in section 462C.03, subdivision 2. If 20 percent of the total amount of tax-exempt bond funds so appropriated by the city in any calendar year is expended for housing not within the limit, no additional funds may be expended pursuant to any other similar appropriation until the remaining 80 percent is expended for housing within the limit.

Sec. 2. Laws 1974, chapter 285, section 4, as amended by Laws 1989, chapter 328, article 4, section 6, is amended to read:

Sec. 4. [ISSUANCE OF BONDS.]

To finance the programs authorized in sections 2, 2a, and 3 of this act, the governing body of the city may by resolution authorize, issue, and sell general obligation bonds of the city in accordance with the provisions of Minnesota Statutes, Chapter 475 without submission of the question to the electors of the city, notwithstanding any provision of the city charter or local ordinance. Minnesota Statutes, chapter 475, applies to the issuance of the bonds. The total amount of all bonds outstanding for the programs shall not exceed

\$25,000,000. The amount of all bonds issued shall be ~~included in~~ excluded from the net indebtedness of the city for the purpose of any charter or statutory debt limitation.

Sec. 3. [ECONOMIC DEVELOPMENT ACTIVITY.]

In addition to and supplemental to any other provisions of general or special laws or charter, the city of St. Paul and the housing and redevelopment authority of the city of St. Paul may implement a citywide economic development program, and in connection therewith may:

(1) provide working capital financing for any for-profit or non-profit enterprise, except from the proceeds of bonds or other obligations which may be issued only to provide the capital costs of a project;

(2) acquire an equity interest in a for-profit business entity through investment in a partnership or corporation;

(3) apply funds of the city or housing and redevelopment authority within or without the boundaries of any presently existing or future redevelopment project area, housing development project, housing project, municipal development district, economic development district, development district, mined underground space development, industrial development district, or tax increment district, except that tax increments shall only be applied in accordance with sections 469.174 to 469.179;

(4) exercise any or all of the powers of an economic development authority under sections 469.090 to 469.108, and the powers granted to a city by sections 469.090 to 469.108 or sections 469.048 to 469.068, or other law, provided that (i) only the city shall have the power under section 469.084, subdivision 11, to approve the issuance of revenue bonds by the port authority of the city of St. Paul, and (ii) the housing and redevelopment authority shall not exercise the other powers of the city under sections 469.090 to 469.108 or sections 469.048 to 469.068 until and unless the city, by resolution, delegates the exercise of all or some of those powers to the housing and redevelopment authority; and

(5) apply funds as permitted by clauses (1) to (4) to financing for any public or private parking facility, child care facility, or a project as defined by section 469.153, subdivision 2.

Nothing in this section shall be construed to authorize the city or housing and redevelopment authority to apply or expend funds derived from bonds or other obligations contrary to the terms of any resolution, indenture of trust, revenue agreement, or similar instru-

ment entered into by the city or housing and redevelopment authority in connection with the bonds or obligations.

Sec. 4. [PORT AUTHORITY.]

In addition to and supplemental to any other provisions of general or special laws or charter, the port authority of the city of St. Paul may exercise the powers granted to the city of St. Paul and the housing and redevelopment authority of the city of St. Paul by section 3, clause (3).

Sec. 5. [EFFECTIVE DATE.]

Section 3 is effective the day after compliance by the governing body of the city of St. Paul with Minnesota Statutes, section 645.021, subdivision 3. Section 4 is effective the day after compliance by the board of the St. Paul port authority and the governing body of the city of St. Paul with Minnesota Statutes, section 645.021, subdivision 3.

ARTICLE 8

TAXES

Section 1. [115C.081] [LEAD ABATEMENT FEE.]

Subdivision 1. [FEE IMPOSED.] A lead abatement fee is imposed on the use of storage tanks that are subject to the petroleum tank release cleanup fee imposed under section 115C.08, subdivision 3. The fee must be collected at the same time and in the same manner as the petroleum tank release cleanup fee, except the commissioner of revenue must collect the fee as provided in subdivision 2 regardless of the balance in the petroleum tank release cleanup account. The fee is imposed at the rate of \$10 per 1,000 gallons of petroleum products as defined in section 296.15, subdivision 2, rounded to the nearest 1,000 gallons. A distributor who fails to pay the fee imposed under this section is subject to the penalties provided in section 296.15. The commissioner of revenue must deposit the proceeds from the fee in the lead abatement fund.

Subd. 2. [FUND BALANCE.] The commissioner of finance shall notify the commissioner of revenue if the unencumbered balance in the lead abatement fund established in section 2 falls below \$....., and within 60 days after receiving such notice, the commissioner of revenue shall impose the fee established in subdivision 1 on the use of a tank for four calendar months, with payment to be submitted with each monthly distributor tax return.

Sec. 2. [115C.082] [LEAD ABATEMENT FUND.]

Subdivision 1. [FUND ESTABLISHED.] A lead abatement fund is created in the state treasury. The fund consists of all revenue deposited in the fund under section 115C.081, all other money made available to the fund by law, and all interest thereon.

Subd. 2. [USES OF FUND.] Money in the lead abatement fund may be appropriated by law for:

(1) lead abatement programs administered by the Minnesota housing finance agency; and

(2) lead abatement programs administered by the commissioner of health.

Sec. 3. Minnesota Statutes 1990, section 272.02, subdivision 1, is amended to read:

Subdivision 1. All property described in this section to the extent herein limited shall be exempt from taxation:

(1) all public burying grounds;

(2) all public schoolhouses;

(3) all public hospitals;

(4) all academies, colleges, and universities, and all seminaries of learning;

(5) all churches, church property, and houses of worship;

(6) institutions of purely public charity except parcels of property containing structures and the structures described in section 273.13, subdivision 25, paragraph (c), clauses (1), (2), and (3), or paragraph (d);

(7) all public property exclusively used for any public purpose;

(8) except for the taxable personal property enumerated below, all personal property and the property described in section 272.03, subdivision 1, paragraphs (c) and (d), shall be exempt.

The following personal property shall be taxable:

(a) personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, crude oil, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures;

(b) railroad docks and wharves which are part of the operating property of a railroad company as defined in section 270.80;

(c) personal property defined in section 272.03, subdivision 2, clause (3);

(d) leasehold or other personal property interests which are taxed pursuant to section 272.01, subdivision 2; 273.124, subdivision 7; or 273.19, subdivision 1; or any other law providing the property is taxable as if the lessee or user were the fee owner;

(e) manufactured homes and sectional structures; and

(f) flight property as defined in section 270.071.

(9) Personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used, and real property which is used primarily for abatement and control of air, water, or land pollution as part of an agricultural operation or as part of an electric generation system. For purposes of this clause, personal property includes ponderous machinery and equipment used in a business or production activity that at common law is considered real property.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. The equipment or device shall meet standards, rules, or criteria prescribed by the Minnesota pollution control agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota pollution control agency shall upon request of the commissioner furnish information or advice to the commissioner. On determining that property qualifies for exemption, the commissioner shall issue an order exempting the property from taxation. The equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota pollution control agency remains in effect.

(10) Wetlands. For purposes of this subdivision, "wetlands" means (1) land described in section 103G.005, subdivision 18, or (2) land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes, provided it is preserved in its natural condition and drainage of it would be legal, feasible, and economically practical for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains, except wild rice. "Wetlands" shall include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands. "Wetlands" shall not include woody swamps containing shrubs or trees, wet meadows, meandered water, streams, rivers, and floodplains or river bottoms. Exemption of wetlands from

taxation pursuant to this section shall not grant the public any additional or greater right of access to the wetlands or diminish any right of ownership to the wetlands.

(11) Native prairie. The commissioner of the department of natural resources shall determine lands in the state which are native prairie and shall notify the county assessor of each county in which the lands are located. Pasture land used for livestock grazing purposes shall not be considered native prairie for the purposes of this clause. Upon receipt of an application for the exemption provided in this clause for lands for which the assessor has no determination from the commissioner of natural resources, the assessor shall refer the application to the commissioner of natural resources who shall determine within 30 days whether the land is native prairie and notify the county assessor of the decision. Exemption of native prairie pursuant to this clause shall not grant the public any additional or greater right of access to the native prairie or diminish any right of ownership to it.

(12) Property used in a continuous program to provide emergency shelter for victims of domestic abuse, provided the organization that owns and sponsors the shelter is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1986, notwithstanding the fact that the sponsoring organization receives funding under section 8 of the United States Housing Act of 1937, as amended.

(13) If approved by the governing body of the municipality in which the property is located, property not exceeding one acre which is owned and operated by any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation, and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders; provided the property is used primarily as a clubhouse, meeting facility, or recreational facility by the group or association and the property is not used for residential purposes on either a temporary or permanent basis.

(14) To the extent provided by section 295.44, real and personal property used or to be used primarily for the production of hydroelectric or hydromechanical power on a site owned by the state or a local governmental unit which is developed and operated pursuant to the provisions of section 103G.535.

(15) If approved by the governing body of the municipality in which the property is located, and if construction is commenced after June 30, 1983:

(a) a "direct satellite broadcasting facility" operated by a corporation licensed by the federal communications commission to provide

direct satellite broadcasting services using direct broadcast satellites operating in the 12-ghz. band; and

(b) a "fixed satellite regional or national program service facility" operated by a corporation licensed by the federal communications commission to provide fixed satellite-transmitted regularly scheduled broadcasting services using satellites operating in the 6-ghz. band.

An exemption provided by clause (15) shall apply for a period not to exceed five years. When the facility no longer qualifies for exemption, it shall be placed on the assessment rolls as provided in subdivision 4. Before approving a tax exemption pursuant to this paragraph, the governing body of the municipality shall provide an opportunity to the members of the county board of commissioners of the county in which the facility is proposed to be located and the members of the school board of the school district in which the facility is proposed to be located to meet with the governing body. The governing body shall present to the members of those boards its estimate of the fiscal impact of the proposed property tax exemption. The tax exemption shall not be approved by the governing body until the county board of commissioners has presented its written comment on the proposal to the governing body or 30 days has passed from the date of the transmittal by the governing body to the board of the information on the fiscal impact, whichever occurs first.

(16) Real and personal property owned and operated by a private, nonprofit corporation exempt from federal income taxation pursuant to United States Code, title 26, section 501(c)(3), primarily used in the generation and distribution of hot water for heating buildings and structures.

(17) Notwithstanding section 273.19, state lands that are leased from the department of natural resources under section 92.46.

(18) Electric power distribution lines and their attachments and appurtenances, that are used primarily for supplying electricity to farmers at retail.

(19) Transitional housing facilities. "Transitional housing facility" means a facility that meets the following requirements. (i) It provides temporary housing to parents and children who are receiving AFDC or parents of children who are temporarily in foster care. (ii) It has the purpose of reuniting families and enabling parents to obtain self-sufficiency, advance their education, get job training, or become employed in jobs that provide a living wage. (iii) It provides support services such as child care, work readiness training, and career development counseling; and a self-sufficiency program with periodic monitoring of each resident's progress in completing the program's goals. (iv) It provides services to a resident of the facility for at least six months but no longer than three years, except

residents enrolled in an educational or vocational institution or job training program. These residents may receive services during the time they are enrolled but in no event longer than four years. (v) It is sponsored by an organization that has received a grant under either section 256.7365 for the biennium ending June 30, 1989, or section 462A.07, subdivision 15, for the biennium ending June 30, 1991, for the purposes of providing the services in items (i) to (iv). (vi) It is sponsored by an organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1987. This exemption applies notwithstanding the fact that the sponsoring organization receives financing by a direct federal loan or federally insured loan or a loan made by the Minnesota housing finance agency under the provisions of either Title II of the National Housing Act or the Minnesota housing finance agency law of 1971 or rules promulgated by the agency pursuant to it, and notwithstanding the fact that the sponsoring organization receives funding under Section 8 of the United States Housing Act of 1937, as amended.

(20) Homeless transitional ownership property. "Homeless transitional ownership property" means under utilized or surplus government property that is leased by a government agency to a nonprofit corporation organized under chapter 317A that qualifies for tax exempt status under United States Code, title 26, section 501(c). The purpose of the lease must be to rehabilitate under utilized or surplus property to provide homeownership or transitional housing for homeless persons. The exemption is granted beginning with the year following the year in which the lease begins for as long as the property is leased. The exemption shall terminate in the year following the year in which the property becomes privately owned.

Sec. 4. Minnesota Statutes 1990, section 273.11, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Except as provided in subdivisions 6, 8, ~~and 9, and 11~~ or section 273.17, subdivision 1, all property shall be valued at its market value. The market value as determined pursuant to this section shall be stated such that any amount under \$100 is rounded up to \$100 and any amount exceeding \$100 shall be rounded to the nearest \$100. In estimating and determining such value, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall the assessor adopt as a criterion of value the price for which such property would sell at a forced sale, or in the aggregate with all the property in the town or district; but the assessor shall value each article or description of property by itself, and at such sum or price as the assessor believes the same to be fairly worth in money. The assessor shall take into account the effect on the market value of property of environmental factors in the vicinity of the property. In assessing any tract or lot of real property, the value of the land,

exclusive of structures and improvements, shall be determined, and also the value of all structures and improvements thereon, and the aggregate value of the property, including all structures and improvements, excluding the value of crops growing upon cultivated land. In valuing real property upon which there is a mine or quarry, it shall be valued at such price as such property, including the mine or quarry, would sell for a fair, voluntary sale, for cash. In valuing real property which is vacant, the fact that such property is platted shall not be taken into account. An individual lot of such platted property shall not be assessed in excess of the valuation of the land as if it were unplatted until the lot is improved with a permanent improvement all or a portion of which is located upon the lot, or for a period of three years after final approval of said plat whichever is shorter. When a lot is sold or construction begun, that lot or any single contiguous lot fronting on the same street shall be eligible for revaluation. All property, or the use thereof, which is taxable under section 272.01, subdivision 2, or 273.19, shall be valued at the market value of such property and not at the value of a leasehold estate in such property, or at some lesser value than its market value.

Sec. 5. Minnesota Statutes 1990, section 273.11, is amended by adding a subdivision to read:

Subd. 11. [LOW-INCOME HOUSING.] In addition to the normal market value determination, a special market value for properties classified pursuant to section 273.13, subdivision 25, paragraph (c), which have applied for treatment under this subdivision, shall be determined by capitalizing the net operating income derived from actual restricted rents and standardized expenses which are from time to time determined by the housing finance agency for like projects. Net operating incomes must be greater than zero. The special market value shall be used to compute the taxes owing only on that portion of the structure occupied by low-income, elderly, or handicapped persons or low- and moderate-income families as defined in the applicable laws. Management of properties valued under this subdivision must demonstrate annually to the assessor that tax savings realized by use of this method of valuation have inured to the tenants, with not less than 70 percent of such tax savings to be used for reduced rents, improved maintenance, capital improvements, or capital reserves. Capital reserves must be in accordance with agreements approved by the governmental regulatory authority. An amount not to exceed 30 percent must be used for other tenant services including, but not limited to, self-sufficiency services, job counseling, and education programs. After the first year, certification that the funds have been spent as required shall be made by an independent auditor performing the financial audit or review on the property as required by the regulatory authority. If the benefit has not inured to the tenants, the property shall be subject to additional property taxes in the amount of triple the difference between the taxes determined in accordance with this

subdivision and the amount it would pay if it were valued according to subdivision 1 and classified according to section 273.13, subdivision 25, paragraph (a) or (b) as appropriate for those years in which the benefit of the tax savings did not inure to the tenants.

Sec. 6. [273.1106] [DELAYED VALUATION OF REHABILITATION IMPROVEMENTS.]

Subdivision 1. [VALUATION INCREASE DELAYED.] Notwithstanding other provisions of law dealing with tax capacity valuation of real property, the tax capacity valuation of a single- or multiple-unit residential building based on the improvements made during rehabilitation of the building may not be increased during the rehabilitation year or any of the five years following the rehabilitation if the building meets the criteria set forth in subdivision 2. After the fifth year following rehabilitation, the building will be valued like other buildings in the same property class in that taxing district.

Subd. 2. [ELIGIBILITY.] To qualify for valuation under subdivision 1, the owner of a building must apply to the assessor before starting a rehabilitation project.

(a) For a residential building located in targeted neighborhoods, the assessor shall approve treatment under subdivision 1 if:

(1) the building is a classified 1a, class 1b, class 4a, or class 4b;

(2) the building is not used as a hotel or motel in which the rental units are used by tenants for rental periods of less than 30 days;

(3) not more than 25 percent of the residential units in the building are subsidized through section 8 of the United States Housing Act of 1937, United States Code, title 42, section 1437(f);

(4) the rehabilitation is completed within one year and before the January 2 assessment date; and

(5) the rehabilitation is limited to the original structure.

(b) For a residential building located outside targeted neighborhoods, the assessor shall approve treatment under subdivision 1 if the building meets the provisions of paragraph (a) and is one of the following:

(1) a single-unit owner occupied building where the owner is eligible, at the time of application, for property tax relief under chapter 290A; or

(2) a multi-unit residential building where at least 50 percent of the owners are eligible as homeowners, at the time of application, for property tax relief under chapter 290A; or

(3) a multi-unit residential rental building where the median rents charged, at the time of application, are no more than 110 percent of the median rental rates for the county where the building is located.

As used in this subdivision, the term "targeted neighborhoods" has the meaning given it in section 469.202, subdivision 1.

Subd. 3. [OTHER INCREASES IN VALUATION.] Any increase in value of a building approved for treatment under subdivision 1 that results from a general rise in value of similar buildings of the same class throughout the taxing district or from improvements made to the building that were not part of the rehabilitation program submitted to the assessor for approval must be added to the assessed valuation of the building.

Subd. 4. [RECORDS.] An assessor who grants the delayed assessment treatment provided in this section shall maintain records of the location and number of the buildings that qualify and the amount of value added by the rehabilitation.

Sec. 7. Minnesota Statutes 1990, section 273.124, subdivision 1, is amended to read:

Subdivision 1. [GENERAL RULE.] Residential real estate that is occupied and used for the purposes of a homestead by its owner, who must be a Minnesota resident, is a residential homestead.

Agricultural land, as defined in section 273.13, subdivision 23, that is occupied and used as a homestead by its owner, who must be a Minnesota resident, is an agricultural homestead.

Dates for establishment of a homestead and homestead treatment provided to particular types of property are as provided in this section.

The assessor shall require proof, by affidavit or otherwise, of the facts upon which classification as a homestead may be determined.

For purposes of this section, homestead property shall include property which is used for purposes of the homestead but is separated from the homestead by a road, street, lot, waterway, or other similar intervening property. The term "used for purposes of the homestead" shall include but not be limited to uses for gardens, garages, or other outbuildings commonly associated with a homestead, but shall not include vacant land held primarily for future

development. In order to receive homestead treatment for the noncontiguous property, the owner shall apply for it to the assessor by July 1 of the year when the treatment is initially sought. After initial qualification for the homestead treatment, additional applications for subsequent years are not required.

In the case of property owned by a married couple in joint tenancy or tenancy in common, the assessor must not deny homestead treatment in whole or in part if only one of the spouses is occupying the property and the other spouse is absent due to divorce or separation, or is a resident of a nursing home or a boarding care facility.

If property is owned in joint tenancy or tenancy in common by parents and children who occupy the property for purposes of a homestead, the assessor must not deny homestead treatment in whole or in part because a parent or a child ceases to occupy the property. For purposes of this paragraph, "parents" and "children" include relationships by marriage.

If an individual is purchasing property with the intent of claiming it as a homestead, and is required by the terms of the financing agreement to have ~~one or both parents~~ a relative shown on the deed as ~~coowners~~ a coowner, the assessor shall allow a full homestead classification and ~~extend full homestead credit~~. ~~This provision only applies to first time purchasers, whether married or single, or to a person who had previously been married and is purchasing as a single individual for the first time. For purposes of this paragraph, "relative" means a parent, stepparent, child, stepchild, grandparent, sibling, uncle, or aunt. The relationship may be by blood or marriage.~~ The application for homestead benefits must be on a form prescribed by the commissioner and must contain the data necessary for the assessor to determine if full homestead benefits are warranted.

Sec. 8. Minnesota Statutes 1990, section 273.13, subdivision 25, is amended to read:

Subd. 25. [CLASS 4.] (a) Class 4a is residential real estate containing four or more units and used or held for use by the owner or by the tenants or lessees of the owner as a residence for rental periods of 30 days or more. Class 4a also includes hospitals licensed under sections 144.50 to 144.56, other than hospitals exempt under section 272.02, and contiguous property used for hospital purposes, without regard to whether the property has been platted or subdivided. Class 4a property has a class rate of 3.6 percent of market value.

(b) Class 4b includes:

- (1) residential real estate containing less than four units, other than seasonal residential, and recreational;
- (2) manufactured homes not classified under any other provision;
- (3) a dwelling, garage, and surrounding one acre of property on a nonhomestead farm classified under subdivision 23, paragraph (b).

Class 4b property has a class rate of 3.0 percent of market value.

(c) Class 4c property includes:

(1) a structure that is situated on real property that is used for housing for the elderly or for low and moderate income families as defined by Title II of the National Housing Act or the Minnesota housing finance agency law of 1971 or rules promulgated by the agency pursuant thereto and financed by a direct federal loan or federally insured loan or a loan made by the Minnesota housing finance agency pursuant to the provisions of either of those acts and acts amendatory thereof. This clause applies only to property of a nonprofit or limited dividend entity. Property is classified as class 4c under this clause for 15 years from the date of the completion of the original construction or substantial rehabilitation, or for the original term of the loan;

(i) situated on real property that is used for housing for the elderly or for low- and moderate-income families as defined in Title II, as amended through December 31, 1990, of the National Housing Act and financed by a direct federal loan or federally insured loan made pursuant to Title II of the act; or

(ii) situated on real property that is used for housing the elderly or for low- and moderate-income families as defined by the Minnesota housing finance agency law of 1971, as amended, or rules promulgated by the agency pursuant thereto and financed by a loan made by the Minnesota housing finance agency pursuant to the provisions of the act.

This clause applies only to property of a nonprofit or limited dividend entity. Property is classified as class 4c under this clause for 15 years from the date of the completion of the original construction or substantial rehabilitation, or from the original term of the loan.

(2) a structure that is:

(i) situated upon real property that is used for housing lower income families or elderly or handicapped persons, as defined in section 8 of the United States Housing Act of 1937, as amended; and

(ii) owned by an entity which has entered into a housing assistance payments contract under section 8 which provides assistance for 100 percent of the dwelling units in the structure, other than dwelling units intended for management or maintenance personnel. Property is classified as class 4c under this clause for the term of the housing assistance payments contract, including all renewals, or for the term of its permanent financing, whichever is shorter; and

(3) a qualified low-income building that (i) receives a low-income housing credit under section 42 of the Internal Revenue Code of 1986, as amended through December 31, 1988; or (ii) meets the requirements of that section and receives public financing, except financing provided under sections 469.174 to 469.179, which contains terms restricting the rents. Classification pursuant to this clause is limited to a term of 15 years, or the original term of the financing.

For all properties described in clauses (1), (2), and (3) and in paragraph (d), the market value determined by the assessor must be based on the normal approach to value using normal unrestricted rents. Properties described in clauses (1)(ii), (3), and (4) may apply annually to the assessor for valuation under section 273.11, subdivision 1. The land on which these structures are situated has the class rate given in paragraph (b) if the structure contains fewer than four units, and the class rate given in paragraph (a) if the structure contains four or more units. This clause applies only to the property of a nonprofit or limited dividend entity.

(4) a parcel of land, ~~not to exceed one acre~~, and its improvements or a parcel of unimproved land, ~~not to exceed one acre~~, if it is owned by a neighborhood real estate trust and at least 60 percent of the dwelling units, if any, on all land owned by the trust are leased to or occupied by lower income families or individuals. This clause does not apply to any portion of the land or improvements used for nonresidential purposes. For purposes of this clause, a lower income family is a family with an income that does not exceed 65 percent of the median family income for the area, and a lower income individual is an individual whose income does not exceed 65 percent of the median individual income for the area, as determined by the United States Secretary of Housing and Urban Development. For purposes of this clause, "neighborhood real estate trust" means an entity which is certified by the governing body of the municipality in which it is located to have the following characteristics: (a) it is a nonprofit corporation organized under chapter 317A; (b) it has as its principal purpose providing housing for lower income families in a specific geographic community designated in its articles or bylaws; (c) it limits membership with voting rights to residents of the designated community; and (d) it has a board of directors consisting of at least seven directors, 60 percent of whom are members with voting rights and, to the extent feasible, 25 percent of whom are elected by resident members of buildings owned by the trust; and

(5) except as provided in subdivision 22, paragraph (c), real property devoted to temporary and seasonal residential occupancy for recreation purposes, including real property devoted to temporary and seasonal residential occupancy for recreation purposes and not devoted to commercial purposes for more than 225 days in the year preceding the year of assessment. For purposes of this clause, property is devoted to a commercial purpose on a specific day if any portion of the property is used, or available for use for residential occupancy, and a fee is charged for residential occupancy. Class 4c also includes commercial use real property used exclusively for recreational purposes in conjunction with class 4c property devoted to temporary and seasonal residential occupancy for recreational purposes, up to a total of two acres, provided the property is not devoted to commercial recreational use for more than 225 days in the year preceding the year of assessment and is located within two miles of the class 4c property with which it is used. Class 4c property classified in this clause also includes the remainder of class 1c resorts;

(6) real property up to a maximum of one acre of land owned by a nonprofit community service oriented organization; provided that the property is not used for a revenue-producing activity for more than six days in the calendar year preceding the year of assessment and the property is not used for residential purposes on either a temporary or permanent basis. For purposes of this clause, a "nonprofit community service oriented organization" means any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, fraternal, civic, or educational purposes, and which is exempt from federal income taxation pursuant to section 501(c)(3), (10), or (19) of the Internal Revenue Code of 1986, as amended through December 31, 1988. For purposes of this clause, "revenue-producing activities" shall include but not be limited to property or that portion of the property that is used as an on-sale intoxicating liquor or nonintoxicating malt liquor establishment licensed under chapter 340A, a restaurant open to the public, bowling alley, a retail store, gambling conducted by organizations licensed under chapter 349, an insurance business, or office or other space leased or rented to a lessee who conducts a for-profit enterprise on the premises. Any portion of the property which is used for revenue-producing activities for more than six days in the calendar year preceding the year of assessment shall be assessed as class 3a. The use of the property for social events open exclusively to members and their guests for periods of less than 24 hours, when an admission is not charged nor any revenues are received by the organization shall not be considered a revenue-producing activity;

(7) post-secondary student housing of not more than one acre of land that is owned by a nonprofit corporation organized under chapter 317A and is used exclusively by a student cooperative, sorority, or fraternity for on-campus housing or housing located within two miles of the border of a college campus; and

(8) manufactured home parks as defined in section 327.14, subdivision 3.

Class 4c property has a class rate of 2.3 percent of market value, except that manufactured home park property under clause (8) has a class rate of 3 percent of market value for taxes payable in 1991 and 2.3 percent of market value for taxes payable in 1992, and thereafter.

(d) Class 4d property includes any structure:

(i) situated on real property that is used for housing for the elderly or for low and moderate income families as defined by the Farmers Home Administration;

(ii) located in a municipality of less than 10,000 population; and

(iii) financed by a direct loan or insured loan from the Farmers Home Administration. Property is classified under this clause for 15 years from the date of the completion of the original construction or for the original term of the loan.

The class rates in paragraph (c), clauses (1), (2), and (3) and this clause apply to the properties described in them, only in proportion to occupancy of the structure by elderly or handicapped persons or low and moderate income families as defined in the applicable laws unless construction of the structure had been commenced prior to January 1, 1984; or the project had been approved by the governing body of the municipality in which it is located prior to June 30, 1983; or financing of the project had been approved by a federal or state agency prior to June 30, 1983. Classification under this clause is only available to property of a nonprofit or limited dividend entity.

Class 4d property has a class rate of 1.7 percent of market value for taxes payable in 1990, and two percent of market value for taxes payable thereafter.

(e) Residential rental property that would otherwise be assessed as class 4 property under paragraph (a); paragraph (b), clauses (1) and (2); paragraph (c), clause (1), (2), (3), or (4), is assessed at the class rate applicable to it under Minnesota Statutes 1988, section 273.13, if it is found to be a substandard building under section 273.1316. Residential rental property that would otherwise be assessed as class 4 property under paragraph (d) is assessed at 2.3 percent of market value if it is found to be a substandard building under section 273.1316.

Sec. 9. Minnesota Statutes 1990, section 273.1399, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given.

(a) "Qualifying captured tax capacity" means the following amounts:

(1) the captured tax capacity of an economic development or soils condition tax increment financing district for which certification was requested after April 30, 1990; and

(2) the captured tax capacity of a tax increment financing district, other than a housing district or an economic development or soils condition district, for which certification was requested after April 30, 1990, multiplied by the following percentage based on the number of years that have elapsed since the district was first certified (measured from January 2 immediately preceding certification of the original tax capacity). In no case may the final amounts be less than zero or greater than the total captured tax capacity of the district.

Number of years	Renewal and Renovation Districts	All other Districts
0 to 5	0	0
6	12.5	6.25
7	25	12.5
8	37.5	18.75
9	50	25
10	62.5	31.25
11	75	37.5
12	87.5	43.75
13	100	50
14	100	56.25
15	100	62.5
16	100	68.75
17	100	75
18	100	81.25
19	100	87.5
20	100	93.75
21 or more	100	100

In the case of a hazardous substance subdistrict, the number of years must be measured from the date of certification of the subdistrict for purposes of the additional captured tax capacity resulting from the reduction in the subdistrict's or site's original tax capacity.

(b) The terms defined in section 469.174 have the meanings given in that section.

Sec. 10. [297E.01] [WHOLESALE PAINT TAX.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(a) "Paint" means a fluid, semifluid, or other material, with a suspension finely divided coloring matter, which changes to a solid film when a layer is applied to a metal, wood, stone, paper, leather, cloth, plastic, or other surface. "Paint" does not include (1) transparent coverings, (2) printing inks or those materials that become a part of the substrate, such as the pigment in a plastic article, or (3) those materials that are bonded to the substrate, such as by electroplating or ceramic glazing.

(b) "Wholesaler" means any person who sells or otherwise furnishes for resale purposes, from a stock maintained inside or outside the state, paint to one or more retailers within the state. "Wholesaler" includes a manufacturer of paint who sells paint directly to retailers.

(c) "Retailer" means a person who sells paint at retail to ultimate users. "Retailer" includes a person who buys paint for redistribution to one or more retail establishments the person owns or with which the person maintains a franchise agreement.

(d) "Commissioner" means the commissioner of revenue.

Subd. 2. [TAX IMPOSED.] There is imposed a tax on the sale of each container of paint by a wholesaler to a retailer in the state. The rate of tax is five cents per gallon or metric equivalent. The liability for the tax is incurred when the paint is delivered by the wholesaler to the retailer, to a common or contract carrier for delivery to the retailer, or when received by the customer's authorized representative at the wholesaler's place of business, regardless of the wholesaler's method of accounting or of the terms of the sale.

Subd. 3. [RETURNS.] The tax imposed by this section is due and payable on or before the 20th day of the month following the month in which the liability for the tax is incurred. Each wholesaler shall file a return monthly with the commissioner stating the total volume of paint the wholesaler has sold that is subject to the tax during the previous month. The commissioner may authorize returns to be filed via magnetic media or electronic data transfer.

Subd. 4. [TAX PERMIT.] Every wholesaler must file with the commissioner of revenue an application, on a form the commissioner prescribes, for a paint tax identification number and paint tax permit. A permit is not assignable and is valid only for the wholesaler in whose name it is issued.

Subd. 5. [RECORDS.] A wholesaler must keep at each licensed

place of business complete and accurate records for that place of business, including itemized invoices of all paint held, purchased, manufactured, or brought in or caused to be brought in from outside the state, and all sales of paint. Books, records, and other papers and documents must be kept for a period of at least three years after the date of the documents, or the date of entries appearing in the records, unless the commissioner authorizes in writing their destruction or disposal at an earlier date. At any time during usual business hours, the commissioner or the commissioner's authorized agents may enter a wholesaler's place of business and inspect the premises and the records required to be kept under this section, to determine whether the provisions of this chapter are being fully complied with. If the commissioner or any of the commissioner's agents are denied free access to, or are hindered or interfered with in making an inspection of, a wholesaler's place of business, the commissioner may revoke the wholesaler's permit.

Subd. 6. [SUSPENSION, REVOCATION.] The commissioner, after giving notice, may for reasonable cause revoke or suspend a permit issued to a wholesaler under this section. The notice must be sent to the distributor at least 15 days before the effective date of the proposed suspension or revocation. The notice must give the reason for the proposed action and must direct the wholesaler to show cause why the proposed action should not be taken. The notice may be served personally or by mail. A suspension or revocation is a contested case under sections 14.57 to 14.69.

Subd. 7. [REFUND.] The commissioner shall allow a refund of tax paid under this section of (1) tax paid on a container, or case of containers, of paint that is returned to a wholesaler by a retailer, and the container or case is subsequently returned by the wholesaler to the manufacturer, and (2) tax paid in excess of the amount owed. The amounts necessary to make the refunds are appropriated to the commissioner from the lead abatement fund.

Subd. 8. [COLLECTION; CIVIL PENALTIES.] The provisions of chapter 297A relating to the commissioner's authority to audit, assess, and collect the tax imposed by that chapter apply to the tax, penalty, and interest imposed by this section. The commissioner shall impose civil penalties for violation of this section as provided in section 289A.60, and the additional tax and penalties are subject to interest at the rate provided in section 270.75.

Subd. 9. [RULES.] The commissioner may adopt rules, including emergency rules, for the administration and enforcement of this chapter.

Subd. 10. [PERSONAL DEBT.] The tax imposed by this section, including penalties and interest thereon, is a personal debt of the person required to file a return from the time the liability for the tax arises, without regard to when the time for payment of the liability

occurs. The debt is, in the case of the executor or administrator of the estate or a decedent and in the case of a fiduciary, that of the person in the person's official or fiduciary capacity only unless the person has voluntarily distributed the assets held in that capacity without reserving sufficient assets to pay the tax, interest, and penalties, in which event the person is personally liable for any deficiency.

Subd. 11. [DEPOSIT OF FUNDS.] All revenues received under this chapter must be paid to the state treasurer for deposit in the lead abatement fund.

Sec. 11. [297E.02] [TAX STAMP.]

Subdivision 1. [STAMPS AFFIXED.] Payment of the tax imposed in section 10 must be evidenced by stamps affixed to each container of paint subject to the tax. Before delivering any container of taxable paint to a retailer, a wholesaler must affix to the container a stamp evidencing tax paid. The commissioner may require, in the case of paint shipped into the state from outside the state, that the stamp be affixed to the container at the time the container enters the state. The commissioner may by rule provide for the furnishing of stamps and for the time and manner of affixing them.

Subd. 2. [DESIGN, PRINTING.] The commissioner shall adopt the design of the stamps and shall arrange for the printing of the stamps in such amounts and denominations as the commissioner deems necessary. The commissioner shall make the stamps available to all persons liable for the tax imposed under section 10, and may impose a charge therefor.

Subd. 3. [RESALE PROHIBITED.] No wholesaler may sell or transfer any stamps obtained from the commissioner. A wholesaler who has stamps on hand at the time of discontinuing business may return the stamps to the commissioner and receive a refund of the amount paid for the stamps. The commissioner may by rule provide for the replacement of stamps that have become unusable.

Sec. 12. [297E.03] [VIOLATIONS.] It is a gross misdemeanor for any person to:

(1) possess, with intent to evade the tax, paint on which the tax imposed by section 10 has not been paid;

(2) make a false statement on any return or other document filed with the commissioner under this chapter;

(3) fail to keep, or to falsify, a record required to be kept under this chapter; or

(4) counterfeit, forge, or alter a stamp designed under section 11, or have in possession such a counterfeited, forged, or altered stamp.

Sec. 13. [297E.04] [FUND CREATED.]

Subdivision 1. [FUND ESTABLISHED.] A lead abatement fund is created in the state treasury. The fund consists of all revenue deposited in the fund under section 115C.081, all other money made available to the fund by law, and all interest thereon.

Subd. 2. [USES OF FUND.] Money in the lead abatement fund may be appropriated by law for:

(1) lead abatement programs administered by the Minnesota housing finance agency; and

(2) lead abatement programs administered by the commissioner of health.

Sec. 14. Minnesota Statutes 1990, section 469.176, subdivision 4f, is amended to read:

Subd. 4f. [INTEREST REDUCTION.] Revenues derived from tax increment may be used to finance the costs of an interest reduction program operated pursuant to section 469.012, subdivisions 7 to 10, or pursuant to other law granting interest reduction authority and power by reference to those subdivisions only under the following conditions: (1) tax increments may not be collected for a program for a period in excess of 12 15 years after the date of the first interest rate reduction payment for the program, and (2) tax increments may not be used for an interest reduction program, if the proceeds of bonds issued pursuant to section 469.178 after December 31, 1985, have been or will be used to provide financial assistance to the specific project which would receive the benefit of the interest reduction program; and (3) tax increments may not be used to finance an interest reduction program for owner-occupied single-family dwellings.

Sec. 15. [EFFECTIVE DATE.]

Section 6 is effective for taxes assessed in 1992 and thereafter. Sections 7 and 8 are effective for property taxes payable in 1992 and thereafter. Section 9 is effective for school year 1991-1992 and for homestead and agricultural credit aid and local government aids for taxes payable in 1991. Section 9 is effective for districts certified after April 30, 1990. Section 14 is effective the day following final enactment.

ARTICLE 9
TECHNICAL CORRECTIONS

Section 1. Minnesota Statutes 1990, section 268.39, is amended to read:

268.39 [LIFE SKILLS AND EMPLOYMENT GRANTS.]

The commissioner may provide grants to organizations for the development and administration of life skills and employment plans for homeless individuals that reside in residential units constructed or rehabilitated under section 462A.05, subdivision ~~20~~ 20. Grants awarded under this section may also be used for the management of these residential units. The organizations that receive grants under this section must coordinate their efforts with organizations that receive grants under section 462A.05, subdivision ~~20~~ 20.

A life skills and employment plan must be developed for each tenant residing in a dwelling that receives funding under section 462A.05, subdivision ~~20~~ 20. The plan may include preapprentice and apprenticeship training in the area of housing rehabilitation. If preapprentice and apprenticeship training is part of a plan, the organization must consult with labor organizations experienced in working with apprenticeship programs. The completion or compliance with the individual life skills and employment plan must be required for a tenant to remain in a unit constructed or rehabilitated under section 462A.05, subdivision ~~20~~ 20.

The application for a grant under this section must include a plan that must provide for:

- (1) training for tenants in areas such as cleaning and maintenance, payment of rent, and roommate skills, and
- (2) tenant selection and rental policies that ensure rental of units to people who are homeless if applicable.

The applicant must provide a proposed occupancy contract if applicable, the name and address of the rental agent if applicable, and other information the commissioner considers necessary with the application.

The commissioner may adopt permanent rules to administer this grant program.

Sec. 2. Minnesota Statutes 1990, section 462A.03, subdivision 13, is amended to read:

Subd. 13. "Eligible mortgagor" means a nonprofit or cooperative

housing corporation, the department of human services for the purpose of developing community-based programs as defined in sections 252.50 and 253.28, limited profit entity or a builder as defined by the agency in its rules, which sponsors or constructs residential housing as defined in subdivision 7, or a natural person of low or moderate income, except that the return to a limited dividend entity shall not exceed ten percent of the capital contribution of the investors or such lesser percentage as the agency shall establish in its rules; provided that residual receipts funds of a limited dividend entity may be used for agency-approved, housing-related investments owned by the limited dividend entity without regard to the limitation on returns. Owners of existing residential housing occupied by renters shall be eligible for rehabilitation loans, only if, as a condition to the issuance of the loan, the owner agrees to conditions established by the agency in its rules relating to rental or other matters that will insure that the housing will be occupied by persons and families of low or moderate income. The agency shall require by rules that the owner give preference to those persons of low or moderate income who occupied the residential housing at the time of application for the loan.

Sec. 3. Minnesota Statutes 1990, section 462A.03, subdivision 16, is amended to read:

Subd. 16. "Mentally ill person" shall have the meaning prescribed by section 253B.02, subdivision 13 means a person with a mental illness, an adult with an acute mental illness, or a person with a serious and persistent mental illness, as prescribed by section 245.462, subdivision 20.

Sec. 4. Minnesota Statutes 1990, section 462A.05, subdivision 20, is amended to read:

Subd. 20. [SPECIAL NEEDS HOUSING FOR HOMELESS PERSONS.] (a) The agency may make loans or grants to ~~for profit, limited dividend, or nonprofit sponsors, as defined by the agency,~~ eligible mortgagors for the acquisition, rehabilitation, and construction of residential housing to be used to provide for the following purposes:

(1) temporary or transitional housing to low- and moderate-income for low-income persons and families having an immediate need for temporary or transitional housing as a result of natural disaster, resettlement, condemnation, displacement, lack of habitable housing, or other cause as defined by the agency. Loans or grants for residential housing for migrant farmworkers may be made under this paragraph. Residential housing for migrant farmworkers must contain cooking, sleeping, bathroom facilities and hot and cold running water in the same structure;

(2) housing to be used by low-income persons living alone; and

(3) housing for homeless individuals and families.

(b) Housing under this subdivision must be for low-income families and individuals.

(c) Loans or grants pursuant to under this subdivision shall must not be used for residential care facilities or, for facilities that provide housing available for occupancy on less than a 24-hour continuous basis, or for any residential housing that requires occupants to accept board as well as lodging. To the extent possible, a sponsor shall combine the loan or grant with other funds obtained from public and private sources. In making loans or grants, the agency shall determine the circumstances under which and the terms and conditions under which all or any portion thereof will be repaid and the appropriate security should repayment be required.

(d) Loans or grants under this subdivision must not exceed 50 percent of the development costs. Donated property may be used to satisfy the match requirement.

(e) All occupants of permanent housing financed under this subdivision must be offered a written lease that complies with section 325G.31, offers the occupants the option to renew, and prohibits eviction of an occupant without good cause.

(f) Priority must be given to viable proposals with the total lowest cost per person served.

(g) The selection criteria for the program must include the following: the extent to which proposals use donated, leased, abandoned, or empty dwellings owned by a public entity or property being sold by the Resolution Trust Corporation or the Department of Housing and Urban Development; and the extent to which applicants consulted with advocates for the homeless, representatives from neighborhood groups, and representatives from labor organizations in preparing the proposal.

Sec. 5. Minnesota Statutes 1990, section 462A.08, subdivision 2, is amended to read:

Subd. 2. The agency from time to time may issue bonds or notes for the purpose of refunding any bonds or notes of the agency then outstanding, or, with the consent of the original issuer, any bonds or notes then outstanding issued by an issuer other than the agency for the purpose of making or purchasing loans for single family housing or multifamily housing developments, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the redemption date next succeeding the date of delivery of such refunding bonds or notes. The proceeds of any such refunding bonds or notes may, in the discretion of the agency, be applied to the

purchase or payment at maturity of the bonds or notes to be refunded, or to the redemption of such outstanding bonds or notes on the redemption date next succeeding the date of delivery of such refunding bonds or notes and may, pending such application, be placed in escrow to be applied to such purchase, retirement, or redemption. Any such escrowed proceeds, pending such use, may be invested and reinvested in obligations issued or guaranteed by the state or the United States or by any agency or instrumentality thereof, or in certificates of deposit or time deposits secured in such manner as the agency shall determine, maturing at such time or times as shall be appropriate to assure the prompt payment of the principal of and interest and redemption premiums, if any, on the bonds or notes to be refunded. The income earned or realized on any such investment may also be applied to the payment of the bonds or notes to be refunded. After the terms of the escrow have been fully satisfied, any balance of such proceeds and investment income may be returned to the agency for use by it in any lawful manner. All refunding bonds or notes issued under the provisions of this subdivision shall be issued and secured in the manner provided by resolution of the agency. If bonds or notes are issued by the agency to refund bonds or notes issued by an issuer other than the agency, as authorized by this subdivision, the agency and said issuer may enter into such agreements as they may deem appropriate to facilitate such transaction.

Sec. 6. Minnesota Statutes 1990, section 462A.21, subdivision 4k, is amended to read:

Subd. 4k. [HOUSING DEVELOPMENT FUND.] The agency may make grants for residential housing for low-income persons under section 462A.05, subdivision ~~28~~ 20, and may pay the costs and expenses for the development and operation of the program.

Sec. 7. Minnesota Statutes 1990, section 462A.21, subdivision 12a, is amended to read:

Subd. 12a. [PROGRAM MONEY TRANSFER.] Grants authorized under section 462A.05, ~~subdivisions 20, 28, and 29~~ subdivision 20, may be made only with specific appropriations by the legislature, but unencumbered balances of money appropriated for the purpose of loans or grants for agency programs under these subdivisions may be transferred between programs created by these subdivisions or in accordance with section 462A.20, subdivision 3.

Sec. 8. Minnesota Statutes 1990, section 462A.21, subdivision 14, is amended to read:

Subd. 14. It may make housing grants for homeless individuals as provided in section 462A.05, subdivision ~~20~~ 20, and may pay the costs and expenses for the development and operation of the program.

Sec. 9. Minnesota Statutes 1990, section 462A.22, subdivision 9, is amended to read:

Subd. 9. [BIENNIAL REPORT.] The agency shall also submit a biennial report of its activities, ~~projected activities, and receipts, and expenditures~~ a plan for the next biennium, to the governor and the legislature on or before ~~January~~ February 15 in each odd-numbered year. The report shall include the distribution of money under each agency program by county, except for counties containing a city of the first class, where the distribution shall be reported by municipality.

In addition, the report shall include the cost to the agency of the issuance of its bonds for each issue in the biennium, along with comparable information for other state housing finance agencies.

Sec. 10. Minnesota Statutes 1990, section 474A.048, subdivision 2, is amended to read:

Subd. 2. [LIMITATION; ORIGINATION PERIOD.] During the first ten months of an origination period, the Minnesota housing finance agency or a city may make loans financed with proceeds of mortgage bonds for the purchase of existing housing. Loans financed with the proceeds of mortgage bonds for new housing in the metropolitan area may be made during the first ten months of an origination period only if at least one of the following conditions is met:

(1) the new housing is located in a redevelopment area and is replacing a structurally substandard structure or structures;

(2) the new housing is located on a parcel purchased by the city or conveyed to the city under section 282.01, subdivision 1; or

(3) the new housing is part of a housing affordability initiative, other than those financed with the proceeds from the sale of bonds, in which federal, state, or local assistance is used to substantially improve the terms of the financing or to substantially write down the purchase price of the new housing; or

(4) the new housing is accessible housing and the borrower or a member of the borrower's family is a person with a disability. For the purposes of this clause, "accessible housing" means a dwelling unit with the modifications necessary to enable a person with a disability to function in a residential setting. "A person with a disability" means a person who has a permanent physical condition which is not correctable and which substantially reduces the person's ability to function in a residential setting. A person with a physical condition which does not require the use of a device to increase mobility must be deemed a person with a disability upon

written certification of a licensed physician that the physical condition substantially limits the person's ability to function in a residential setting.

Upon expiration of the first ten-month period, the agency or a city may make loans financed with the proceeds of mortgage bonds for the purchase of new and existing housing.

Sec. 11. Laws 1987, chapter 404, section 28, subdivision 1, is amended to read:

Subdivision 1. Total		
Appropriation	\$9,526,700	\$9,526,700

Approved complement – 129

Spending limit on cost of general administration of agency programs:

	1988	1989
	\$ 6,235,000	\$ 6,547,000

This appropriation is for transfer to the housing development fund for the programs specified.

\$150,00 the first year and \$150,000 the second year are for home sharing programs under Minnesota Statutes, section 462A.05, subdivision 24.

\$990,000 the first year and \$990,000 the second year are for home ownership assistance under Minnesota Statutes, section 462A.21, subdivision 8.

\$2,225,000 the first year and \$2,225,000 the second year are for home ownership, home improvement, and multifamily bond leveraging interest rate write-downs under Minnesota Statutes, sections 462A.21, subdivision 4b and 8a.

\$1,885,000 the first year and \$1,885,000 the second year are for tribal Indian housing programs under Minnesota Statutes, section 462A.07, subdivision 14, of which \$125,000 the

first year and \$125,000 the second year are for either a demonstration program to make off-reservation loans in combination with bond proceeds from the agency or other mortgage financing approved by the agency, or a home improvement loan program approved by the agency. Home improvement loans may be made without regard to household income.

\$235,000 the first year and \$235,000 the second year are for urban Indian housing programs under Minnesota Statutes, section 462A.07, subdivision 15, to be distributed by the agency without regard to any allocation formula.

\$3,716,700 the first year and \$3,716,700 the second year are for housing rehabilitation and accessibility loans under Minnesota Statutes, sections 462A.05, subdivisions 14a and 15a.

\$500,000 is appropriated to the housing development fund created in section 462A.20 for grants for residential housing for low income persons living alone. The agency may pay the costs and expenses for the development and operation of this program out of this appropriation.

\$75,000 the first year and \$75,000 the second year are for temporary housing programs under Minnesota Statutes, section 462A.05, subdivision 20.

Sec. 12. Laws 1989, chapter 335, article 1, section 27, subdivision 1, as amended by Laws 1990, chapter 429, section 9, is amended to read:

Subdivision 1. Total Appropriation	12,583,000	12,584,000
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Spending limit on cost of general administration of agency programs:

1990	1991
\$7,130,000	\$7,560,000

This appropriation is for transfer to the housing development fund for the programs specified.

\$225,000 the first year and \$225,000 the second year are for housing programs for the elderly under Minnesota Statutes, section 462A.05, subdivision 24.

\$2,115,000 the first year and \$2,115,000 the second year are for home ownership assistance under Minnesota Statutes, section 462A.21, subdivision 8.

\$1,887,000 the first year and \$1,887,000 the second year are for tribal Indian housing programs under Minnesota Statutes, section 462A.07, subdivision 14, of which \$125,000 the first year and \$125,000 the second year are for either a demonstration program to make off-reservation loans in combination with bond proceeds from the agency or other mortgage financing approved by the agency, or a home improvement loan program approved by the agency. Home improvement loans may be made without regard to household income.

\$233,000 the first year and \$233,000 the second year are for urban Indian housing programs under Minnesota Statutes, section 462A.07, subdivision 15, to be distributed by the agency without regard to any allocation formula.

\$4,842,000 the first year and \$4,842,000 the second year are for housing rehabilitation and accessibility loans under Minnesota Statutes,

section 462A.05, subdivisions 14a and 15a.

\$569,000 the first year and \$569,000 the second year are for temporary housing programs under Minnesota Statutes, sections 462A.05, subdivision 20; and 462A.21.

Notwithstanding any law to the contrary, in the event that the housing finance agency assumes servicing responsibility for its home improvement loans, energy loans, and rehabilitation loans, the agency may apply for an increase in its complement and administrative cost ceiling through the regular legislative advisory commission process.

Sec. 13. [REPEALER.]

Minnesota Statutes 1990, section 462A.05, subdivisions 28 and 29, are repealed.

Sec. 14. [EFFECTIVE DATE.]

Section 4 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to housing; modifying procedures relating to rent escrow actions; modifying procedures relating to the tenant's loss of essential services; assigning tort liability to landlords for certain damages; adding manufactured homes to certain landlord-tenant provisions; modifying provisions relating to tenant remedy actions, retaliatory eviction proceedings, and receivership proceedings; charging court fees in unlawful detainer actions; creating a lead abatement program; modifying provisions relating to Minnesota housing finance agency low- and moderate-income housing programs; providing for an emergency mortgage and rental assistance pilot project; modifying certain receivership, assignment of rents and profits, and landlord and tenant provisions; modifying provisions relating to housing and redevelopment authorities; providing for the issuance of general obligation bonds for housing by the cities of Minneapolis and St. Paul; authorizing the city of Minneapolis to make small business loans; imposing a lead abatement fee on petroleum storage tanks; imposing a tax on wholesalers of paint and dedicating the revenue to lead abatement programs; modifying the property tax classification of certain residential real

estate; excluding housing districts from the calculation of local government aid reductions; modifying the interest rate reduction program; changing the definition of mentally ill person; consolidating special needs housing programs; clarifying and amending biennial reporting requirement; authorizing new construction of accessible housing; authorizing off-reservation home improvement program; appropriating money; amending Minnesota Statutes 1990, sections 116C.04, by adding a subdivision; 268.362; 268.364, subdivision 4; 268.365, subdivision 2; 268.39; 272.02, subdivision 1; 273.11, subdivision 1, and by adding a subdivision; 273.124, subdivision 1; 273.13, subdivision 25; 273.1399, subdivision 1; 357.021, subdivision 2; 462A.03, subdivisions 10, 13, and 16; 462A.05, subdivisions 14, 20, and by adding subdivisions; 462A.08, subdivision 2; 462A.21, subdivisions 4k, 12a, 14, and by adding a subdivision; 462A.22, subdivision 9; 462A.222, subdivision 3; 462C.03, subdivision 10; 469.011, subdivision 4; 469.012, subdivision 1; 469.015, subdivisions 3, 4, and by adding a subdivision; 469.176, subdivision 4f; 474A.048, subdivision 2; 481.02, subdivision 3; 504.02; 504.18, subdivision 1; 504.185, subdivision 2; 504.20, subdivisions 3, 4, 5, and 7; 504.27; 504.33, subdivisions 3, 5, and 7; 504.34, subdivisions 3, 5, and 6; 559.17, subdivision 2; 566.03, subdivision 1; 566.17, subdivisions 1, 2, and by adding a subdivision; 566.175, subdivision 6; 566.18, subdivision 9; 566.19, subdivision 2; 566.205, subdivisions 1, 3, and 4; 566.21, subdivision 2; 566.25; 566.29, subdivisions 2 and 4; 566.34, subdivision 2; and 576.01, subdivision 2; Laws 1974, chapter 285, section 4, as amended; Laws 1987, chapter 404, section 28, subdivision 1; Laws 1989, chapter 335, article 1, section 27, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapters 115C; 116K; 268; 273; 504; and 609; proposing coding for new law as Minnesota Statutes, chapter 297E; repealing Minnesota Statutes 1990, section 462A.05, subdivisions 28 and 29.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 718, A bill for an act relating to the state lottery; providing for the distribution of a portion of net proceeds from the state lottery in fiscal years 1992 and 1993 to the housing trust fund account and a head start account; amending Minnesota Statutes 1990, section 349A.10, subdivision 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268.

Reported the same back with the recommendation that the bill

pass and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 736, A bill for an act relating to alcohol and drug abuse; establishing statewide and local prevention programs; establishing family resource center pilot projects; requiring plans and studies; requiring children to attend school through age 17; establishing school prevention programs; providing for research and evaluation; expanding the definition of drug free zones to include post-secondary and technical colleges and public housing property; requiring the sentencing guidelines commission to develop a model set of local correctional guidelines; authorizing special levies for local correctional services that do not involve incarceration; changing the name and duties of the drug abuse prevention resource council; providing incentives for judicial districts to adopt local correctional guidelines; requiring reporting of felony convictions; requiring chemical use assessments of persons convicted of felonies; requiring studies; appropriating money; amending Minnesota Statutes 1990, sections 120.101, subdivisions 5 and 9; 120.105; 123.35, subdivision 8; 124.26, subdivision 1b; 126.031; subdivision 1; 145.924; 152.01, subdivision 14a, and by adding a subdivision; 152.022, subdivision 1; 152.023, subdivision 2; 244.095, subdivisions 1 and 2; 254A.16, by adding subdivisions; 254A.17, subdivision 1, and by adding a subdivision; 260.015, subdivision 19; 275.50, subdivision 5; 275.51, subdivision 3f; 299A.30; 299A.31, subdivision 1; 299A.32; 401.14, by adding a subdivision; 485.16; and 609.115, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 144, 244, and 245; repealing Minnesota Statutes 1990, sections 244.095, subdivision 3; 299A.29; and 299A.30.

Reported the same back with the following amendments:

Page 5, line 6, before the period insert "and the chairs of the human resources division of the house appropriations committee and the health and human services division of the senate finance committee"

Page 5, delete section 4

Re-number the sections in article 1 in sequence

Delete page 11, line 26 to page 32, line 9

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 761, A bill for an act relating to education; establishing the Minnesota training institute to ensure quality services to persons with developmental disabilities; requiring the institute to ensure appropriate training programs and materials; establishing a board to govern the training institute; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 252.

Reported the same back with the following amendments:

Page 1, line 10, delete “[252.53]” and insert “[136C.80]”

Page 1, line 24, delete “[252.54]” and insert “[136C.801]”

Page 1, line 27, delete “[252.55]” and insert “[136C.802]”

Page 2, line 8, after “materials” insert “used by post-secondary institutions”

Page 3, line 14, delete “[252.56]” and insert “[136C.803]”

Page 4, line 10, after the period insert “The staff shall be in the classified service.”

Amend the title as follows:

Page 1, line 8, delete “252” and insert “136C”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 813, A bill for an act relating to pensions and retirement; recodifying, correcting, and amending certain laws relating to the Minneapolis police relief association; proposing coding for new law as Minnesota Statutes, chapter 423B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Laws 1953, chapter 127, section 1, is amended by adding a subdivision to read:

Subd. 2b. [SURVIVING SPOUSE MEMBER.] “Surviving spouse member” means the person who was the legally married spouse of the member, residing with the decedent, and who was married while or prior to the time the decedent was on the payroll of the police department, and who, in case the deceased member was a pensioner or deferred pensioner, was legally married to the member at least one year before the decedent’s retirement from the police department. The term does not include the surviving spouse who has deserted a member or who has not been dependent upon the member for support, nor does it include the surviving common law spouse of a member.

Sec. 2. Laws 1965, chapter 493, section 3, as amended by Laws 1983, chapter 88, section 5, is amended to read:

Sec. 3. [INCORPORATION, GOVERNMENT BY BOARD.]

Subdivision 1. [MEMBERS, TERMS, ELECTIONS.] The association shall become incorporated. It shall be governed by a board of nine members. The mayor, chief of police, and city comptroller/treasurer of the city shall be ex officio members of the board. The Minneapolis city council shall appoint two persons to serve as members. Those members shall be appointed for a term of two years. All city appointments will be effective from January 1 in the odd-numbered years through December 31 in the even-numbered years. The other members of the board shall be elected by the members of the association. Those elected to the first board shall be elected for terms of one, two, three, four, five years respectively; thereafter election shall be for a term of five years. Each elective member of the board shall hold office until his successor is elected and has qualified. Any vacancy in the office of an elective member of the board shall be filled by a special election called for that purpose. Any member so elected shall hold office for the balance of the term for which his predecessor was elected. Those members of the board shall continue to serve their present terms as provided by this

section and the articles of incorporation and bylaws of the association. In 1983, the retired members shall separately from among themselves elect one member to serve on the board to serve a three-year term. This position shall continue to be filled by a retired member as in the same manner as provided for other elective members of the board; however, the election of this position shall be held every three years. In the years 1987, 1991, 1995, and 1999 when elections are held for board members, those board positions held by active members shall end and those board positions shall be filled by retired members from an election conducted amongst only the retired members, the term of office for those positions will be three years.

Beginning in 1991, the surviving spouse members of the relief association must elect from among themselves one surviving spouse member to serve as a member of the board for a three-year term. With the exception of a three-year term, the provisions of this section applicable to elective members of the board must govern the manner in which this position will be filled.

In the other years when elections are held to fill a board position of an active member only active members will vote. As long as there remains at least one active member on active duty with the Minneapolis police department, there shall be a member of the board of directors from the active ranks in accordance with the election procedures outlined in this section. The affairs of the association shall be regulated by its articles of incorporation and bylaws.

Subd. 2. [CONTINUATION OF BOARD.] Notwithstanding the provisions of Minnesota Statutes, section 423A.01, subdivision 2, or any other law, the board of trustees and its successors established pursuant to subdivision 1 shall continue to govern the association until there are no more than 100 members of the police pension fund. The fund must thereafter become a trust fund in accordance with Minnesota Statutes, section 423A.01, subdivision 2.

Sec. 3. Laws 1949, chapter 406, section 6, subdivision 3, as amended by Laws 1953, chapter 127, section 6; Laws 1965, chapter 493, section 3; and Laws 1983, chapter 88, section 11, is amended to read:

Subd. 3. [DISABLED MEMBERS.] Any active member who becomes disabled from performing his duties as a member of the police department of the city by reason of sickness or accident, if off the payroll of the police department, having exhausted all accumulated vacation, overtime, and sick leave credits due him, is entitled to receive from the association during his disability such benefits as the bylaws of the association provide, but such benefits shall not extend beyond a six-months period except when an active member is disabled because of an injury sustained while on duty. Such benefits

may extend for an indefinite time during disability. The bylaws may provide that an active member shall have completed a minimum number of years of service in order to be entitled to such benefits. Before any such benefits shall be paid or allowed, notice of the disability and application for benefits on account thereof shall be made to the secretary of the association within 90 days after such sickness or disability.

The bylaws may provide that such active member's periods of disability up to one year may be included in computing the member's total years of service for pension purposes.

Sec. 4. Laws 1949, chapter 406, section 4, subdivisions 2 and 3, as amended by Laws 1953, chapter 127, section 4; Laws 1965, chapter 534, section 1; Laws 1967, chapter 825, section 1; Laws 1969, chapter 258, section 1; Laws 1973, chapter 272, section 1; Laws 1975, chapter 428, section 1; Laws 1983, chapter 88, section 7; and Laws 1987, chapter 372, article 2, section 6, is amended to read:

Sec. 7. [MINNEAPOLIS, CITY OF; POLICEMEN'S PENSIONS.]

The policemen's pension fund shall be used only for the payment of:

(a) Service, disability or dependency pensions;

(b) Salaries of the secretary of the association in an amount not to exceed 30 percent of the base salary of a top-grade patrolman ~~and~~ of the president of the association in an amount not to exceed ten percent of the base salary of a top-grade patrolman, and of the other elected members of the board of trustees in an amount not to exceed three units;

(c) Expenses of officers and employees of the association in connection with the protection of the fund;

(d) All expenses of operating and maintaining the association;

(e) Hospital and medical insurance for pensioners who have completed 20 years or more of service or permanent disabilitants and surviving spouses of deceased active members, disabilitants, or service pensioners who have completed 20 years or more of service of one unit per month, such one unit to be added to the pension otherwise provided for herein; provided that a pensioner or surviving spouse may in writing authorize a deduction from their pension for an insurance plan adopted by the association;

(f) Health and welfare benefits of one unit per month in addition to other benefits for members who retire after July 1, 1980, and have

completed 20 years or more of service or members who are permanent disabilitants; and

(g) Other expenses authorized by law.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day after compliance with Minnesota Statutes, section 645.021, by a majority of the Minneapolis city council.

Delete the title and insert:

“A bill for an act relating to retirement; Minneapolis police relief association; adding a surviving spouse board member; changing board membership; providing for a phase-out of the board; amending Laws 1949, chapter 406, section 4, subdivisions 2 and 3, as amended; section 6, subdivision 3, as amended; Laws 1953, chapter 127, section 1, by adding a subdivision; Laws 1965, chapter 493, section 3, as amended.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 821, A bill for an act relating to commerce; prohibiting certain agreements between insurers and health care providers; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reported the same back with the following amendments:

Page 1, line 22, after “prohibit” insert “, or grant the insurer an option to prohibit,”

Page 1, line 25, after “require” insert “, or grant the insurer an option to require,”

Page 2, line 3, after “require” insert “, or grant the insurer an option of,” and after “of the” insert “existing”

Page 2, after line 5, insert:

“Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment and apply to contracts entered, renewed, or amended on or after the effective date."

With the recommendation that when so amended the bill pass.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 915, A bill for an act relating to manufactured homes; creating the office of ombudsman for manufactured home residents; authorizing the commissioner of finance to adopt rules for collection of fees from park owners; appropriating money; amending Minnesota Statutes 1990, sections 327C.01, subdivision 1; and 327C.12; proposing coding for new law in Minnesota Statutes, chapters 16A and 327C.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 939, A bill for an act relating to taxation; property; increasing a special levy for the cities of Maple Grove, Brooklyn Park, Brooklyn Center, and Coon Rapids for certain costs of providing drug abuse resistance education; amending Minnesota Statutes 1990, section 275.50, subdivision 5a; and Laws 1990, chapter 604, article 3, section 60.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 951, A bill for an act relating to local government; permitting the cities of Mankato and North Mankato to incur debt and tax for certain improvements.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1027, A bill for an act relating to human services; the Minnesota equal access to employment opportunities for persons with severe disabilities act; providing for equal employment opportunities for persons with severe disabilities; establishing rights; appropriating money; amending Minnesota Statutes 1990, sections 43A.191, subdivision 2; 120.183; 252.40; 268A.08, subdivision 2; and 268A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16B and 120.

Reported the same back with the following amendments:

Page 1, line 23, after "least" insert "one-tenth of"

Page 1, line 24, after "by" insert "the legislature and"

Page 2, line 3, after the headnote insert "The legislature and"

Page 2, line 6, after "least" insert "one-tenth of"

Page 3, line 4, after "For" insert "the legislature and"

Page 3, line 29, delete "early intervention" and insert "interagency"

Page 3, line 30, delete "services program" and insert "demonstration project"

Page 3, line 32, delete "EARLY INTERVENTION" and insert "INTERAGENCY"

Page 3, line 33, delete "SERVICES PROGRAM" and insert "DEMONSTRATION PROJECT"

Page 3, line 35, delete "a"

Page 3, line 36, delete "early intervention" and insert "interagency" and delete "services" and insert "demonstration projects."

Page 4, line 1, delete "program" and insert "Grants are"

Page 4, line 2, delete everything after “services” and insert “to develop model interagency service delivery demonstration projects in”

Page 4, line 6, after the period insert “All funds appropriated for this section must be matched by noneducational community resources or utilized to purchase transition services through private nonprofit rehabilitation agencies, community support programs, or day training and habilitation service providers.”

Page 7, line 4, delete “\$.....” and insert “\$500,000”

Page 7, line 7, delete “program” and insert “demonstration projects” and after the period insert “The commissioner shall develop two demonstration projects in the first year of the biennium and three demonstration projects in the second year of the biennium.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1031, A bill for an act relating to human services; providing for clarification and changes in law relating to child support enforcement; amending Minnesota Statutes 1990, sections 256B.031, subdivision 5; 518.131, subdivision 7; 518.17, subdivision 6; 518.551, subdivisions 5, 5a, and 6; 518.57, subdivision 1; and 518.64; proposing coding for new law in Minnesota Statutes, chapter 518.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE 1

REVISED CHILD SUPPORT GUIDELINES

Section 1. Minnesota Statutes 1990, section 518.551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] (a) The petitioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the

custody of a child, if either party is receiving aid to families with dependent children or applies for it subsequent to the commencement of the proceeding. After receipt of the notice, the court shall set child support as provided in this subdivision. The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support, without regard to marital misconduct. The court shall approve a child support agreement of the parties if each party is represented by independent counsel, unless the agreement is not in the best interest of justice the child or does not meet the conditions of paragraph (e). In other cases the court shall determine and order child support in a specific dollar amount in accordance with the guidelines and the other factors set forth in paragraph (b) and any departure therefrom.

The court shall derive a specific dollar amount by multiplying the obligor's net income by the percentage indicated by the following guidelines:

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
\$400 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						
\$401 – 500	14%	17%	20%	22%	24%	26%	28%
\$501 – 550	15%	18%	21%	24%	26%	28%	30%
\$551 – 600	16%	19%	22%	25%	28%	30%	32%
\$601 – 650	17%	21%	24%	27%	29%	32%	34%
\$651 – 700	18%	22%	25%	28%	31%	34%	36%
\$701 – 750	19%	23%	27%	30%	33%	36%	38%
\$751 – 800	20%	24%	28%	31%	35%	38%	40%
\$801 – 850	21%	25%	29%	33%	36%	40%	42%
\$851 – 900	22%	27%	31%	34%	38%	41%	44%
\$901 – 950	23%	28%	32%	36%	40%	43%	46%
\$951 – 1000	24%	29%	34%	38%	41%	45%	48%
\$1001 – 4000	25%	30%	35%	39%	43%	47%	50%

Guidelines for support for an obligor with a monthly income of \$4,001 or more shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income of \$4,000.

Net Income defined as:

Total monthly income less	*(i) Federal Income Tax
	*(ii) State Income Tax
	(iii) Social Security Deductions
	(iv) Reasonable Pension Deductions
*Standard Deductions apply-use of tax tables recommended	(v) Union Dues
	(vi) Cost of Dependent Health Insurance Coverage
	(vii) Cost of Individual or Group Health/Hospitalization Coverage or an Amount for Actual Medical Expenses
	(viii) A Child Support or Maintenance Order that is Currently Being Paid.

“Net income” does not include:

(1) the income of the obligor’s spouse, but does include in-kind payments received by the obligor in the course of employment, self-employment, or operation of a business if the payments reduce the obligor’s living expenses; or

(2) compensation received by a party for employment in excess of a 40-hour work week, provided that:

(a) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

(b) the party demonstrates, and the court finds, that:

(i) the excess employment began after the filing of the petition for dissolution;

(ii) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

(iii) the excess employment is voluntary and not a condition of employment;

(iv) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(v) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

(b) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support:

(1) all earnings, income, and resources of the parents, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of paragraph (a), clause (2)(b);

(2) the financial needs and resources, physical and emotional condition, and educational needs of the child or children to be supported;

(3) the standards of living the child would have enjoyed had the marriage not been dissolved, but recognizing that the parents now have separate households;

(4) the amount of the aid to families with dependent children grant for the child or children;

(5) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it; and

(6) the parents' debts as provided in paragraph (c).

(c) In establishing or modifying a support obligation, the court may consider debts owed to private creditors, but only if:

(1) the right to support has not been assigned under section 256.74;

(2) the court determines that the debt was reasonably incurred for necessary support of the child or parent or for the necessary generation of income. If the debt was incurred for the necessary generation of income, the court shall consider only the amount of debt that is essential to the continuing generation of income; and

(3) the party requesting a departure produces a sworn schedule of the debts, with supporting documentation, showing goods or services purchased, the recipient of them, the amount of the original debt, the outstanding balance, the monthly payment, and the number of months until the debt will be fully paid.

Any schedule prepared under paragraph (c), clause (3), shall contain a statement that the debt will be fully paid after the number of months shown in the schedule, barring emergencies beyond the party's control.

Any further departure below the guidelines that is based on a consideration of debts owed to private creditors shall not exceed 18 months in duration, after which the support shall increase automatically to the level ordered by the court. Nothing in this section shall be construed to prohibit one or more step increases in support to reflect debt retirement during the 18-month period.

Where payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

(d) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.

(e) The above guidelines are binding in each case unless the court makes express findings of fact as to the reason for departure below or above the guidelines. The guidelines in this subdivision are a rebuttable presumption and shall be used in all cases when establishing or modifying child support. If the court deviates from the guidelines, the court shall make written findings giving the reasons for the deviation and shall specifically address the criteria in paragraph (b) of this subdivision and how the deviation serves the best interest of the child. The provisions of this paragraph apply whether or not the parties, each represented by independent counsel, have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines; the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.

Sec. 2. Minnesota Statutes 1990, section 518.551, is amended by adding a subdivision to read:

Subd. 5b. [DETERMINATION OF INCOME.] (a) The parents shall timely serve on all parties and file documentation of earnings. In all cases, the court must receive the documentation of earnings at least ten days prior to the prehearing conference. Documentation of earnings includes, but is not limited to, pay stubs for the most recent three months, employer statements, or statement of receipts and expenses if self-employed. Documentation of earnings also includes copies of each parent's most recent federal tax returns, including W-2 forms, 1099 forms, unemployment compensation statements, workers' compensation statements, and all other documents evidencing income as received that provide verification of earnings over a longer period.

(b) If a parent under the jurisdiction of the court does not appear at a court hearing after proper notice of the time and place of the hearing, the court shall set income for that parent based on credible evidence before the court. This evidence may include documentation of current or recent income, testimony of the other parent concerning recent income levels, and the parent's wage reports filed with the Minnesota department of jobs and training under section 268.121.

Sec. 3. Minnesota Statutes 1990, section 518.551, is amended by adding a subdivision to read:

Subd. 5c. [CHILD SUPPORT GUIDELINES TO BE REVIEWED EVERY FOUR YEARS.] No later than 1994 and every four years after that, the department of human services shall conduct a review of the child support guidelines and shall present findings and recommendations from its review to the legislature.

Sec. 4. Minnesota Statutes 1990, section 518.64, is amended to read:

518.64 [MODIFICATION OF ORDERS OR DECREES.]

Subdivision 1. After an order for maintenance or support money, temporary or permanent, or for the appointment of trustees to receive property awarded as maintenance or support money, the court may from time to time, on ~~petition~~ motion of either of the parties or on ~~petition~~ motion of the public authority responsible for support enforcement, modify the order respecting the amount of maintenance or support money, and the payment of it, and also respecting the appropriation and payment of the principal and income of property held in trust, and may make an order respecting these matters which it might have made in the original proceeding, except as herein otherwise provided.

Subd. 2. [MODIFICATION.] (a) The terms of a ~~decree~~ an order respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased earnings of a party; (2) substantially increased or decreased need of a party or the child or children that are the subject of these proceedings; (3) receipt of assistance under sections 256.72 to 256.87; or (4) a change in the cost of living for either party as measured by the federal bureau of statistics, any of which makes the terms unreasonable and unfair.

The terms of a current support order shall be rebuttably presumed to be unreasonable and unfair if the application of the child support guidelines in section 518.551, subdivision 5, to the current circumstances of the parties results in a calculated court order that is at least 20 percent and at least \$50 per month higher or lower than the current support order.

(b) On a motion for modification of maintenance, the court shall apply, in addition to all other relevant factors, the factors for an award of maintenance under section 518.552 that exist at the time of the motion. On a motion for modification of support, the court:

~~(1) shall take into consideration apply the needs of the children~~
child support guidelines in section 518.551, subdivision 5, and shall not consider the financial circumstances of each party's spouse, if any; and

(2) shall not consider compensation received by a party for employment in excess of a 40-hour work week, provided that the party demonstrates, and the court finds, that:

(i) the excess employment began after entry of the existing support order;

(ii) the excess employment is voluntary and not a condition of employment;

(iii) the excess employment is in the nature of additional, part-time employment, or overtime employment compensable by the hour or fractions of an hour;

(iv) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation;

(v) in the case of an obligor, current child support payments are at least equal to the guidelines amount based on income not excluded under this clause; and

(vi) in the case of an obligor who is in arrears in child support payments to the obligee, any net income from excess employment must be used to pay the arrearages until the arrearages are paid in full.

(c) A modification of support or maintenance may be made retroactive only with respect to any period during which the petitioning party has pending a motion for modification but only from the date of service of notice of the motion on the responding party and on the public authority if payments are made through the public authority responsible for child support enforcement. However, modification may be applied to an earlier period if the court makes express findings that the party seeking modification was precluded from serving a motion by reason of a significant physical or mental disability ~~or~~, a material misrepresentation of another party, or fraud upon the court and that the party seeking modification, when no longer precluded, promptly served a motion.

(d) Except for an award of the right of occupancy of the homestead,

provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state, including motions under section 518.145, subdivision 2. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

Subd. 3. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

Subd. 4. Unless otherwise agreed in writing or expressly provided in the ~~decree order~~, provisions for the support of a child are terminated by emancipation of the child but not by the death of a parent obligated to support the child. When a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump sum payment, to the extent just and appropriate in the circumstances.

Subd. 5. [FORM.] The department of human services shall prepare and make available to courts, obligors and persons to whom child support is owed a form to be submitted by the obligor or the person to whom child support is owed in support of a motion for a modification of an order ~~pursuant to this section or section 256.87 for support or maintenance~~. The rulemaking provisions of chapter 14 shall not apply to the preparation of the form.

Sec. 5. Minnesota Statutes 1990, section 518.64, is amended by adding a subdivision to read:

Subd. 6. [EXPEDITED PROCEDURE.] (a) A modification of the child support order may be sought under the procedures in this subdivision by the public authority. The court shall order entry of the order modifying child support if:

(1) the public authority serves the obligor, in a manner provided for service of a summons under the rules of civil procedure, a copy of the notice of motion and motion for modification, the proposed order, and any memoranda, briefs, affidavits, and other papers supporting the motion for modification;

(2) the public authority demonstrates in the motion that there is a basis for modification under subdivision 2 of this section;

(3) the motion papers clearly and distinctly inform the obligor of the amount and the effective date of the modification, that the

obligor may oppose the motion, that the obligor may request a hearing on the motion, and the effect of opposing or not opposing the motion;

(4) the obligor does not oppose the motion and does not request a hearing on the motion within 20 days of service;

(5) not less than 20 days after service of a copy of the motion papers, the public authority files with the court the original notice of motion and motion, proposed order, memoranda, briefs, affidavits and other papers supporting the motion, and the affidavit of service, including the acknowledgement of service if service by mail; and

(6) the court determines that the procedures provided for in this subdivision have been followed and the requested modification is appropriate.

(b) If the obligor moves the court and requests a hearing, the court shall hear the motion under this subdivision within 45 days after the request. If, after the hearing, the modification is determined by the court to be warranted, the modification shall apply to child support payments due beginning 20 days after service of the notice of motion and motion.

(c) The supreme court shall develop standard forms for the notice of motion and motion for modification, and proposed order for the purposes of this subdivision. The supreme court shall also develop standard forms for the notice of motion and motion for a hearing on a motion for modification brought under this subdivision.

ARTICLE 2

DETERMINATION OF PATERNITY AMENDMENTS

Section 1. Minnesota Statutes 1990, section 257.57, subdivision 2, is amended to read:

Subd. 2. The child, the mother, or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor may bring an action:

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 257.55, subdivision 1, clause (d) ~~or~~ (e), or (f), or the nonexistence of the father and child relationship presumed under clause (d) of that subdivision; ~~or~~

(2) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (e) only if the action is brought within three years after the date of the execution of the declaration; or

(3) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (f), only if the action is brought within three years after the party bringing the action, or the party's attorney of record, has been provided the blood test results.

ARTICLE 3

REVENUE RECAPTURE AMENDMENTS

Section 1. Minnesota Statutes 1990, section 270A.04, subdivision 2, is amended to read:

Subd. 2. Any debt owed to a claimant agency shall be submitted by the agency for collection under the procedure established by sections 270A.01 to 270A.12 unless (a) an alternative means of collection is pending and the debtor is complying with the terms of alternative means of collection, except that this limitation does not apply to debts owed resulting from a default in payment of child support or maintenance, (b) the collection attempt would result in a loss of federal funds, or (c) the agency is unable to supply the department with the necessary identifying information required by subdivision 3 or rules promulgated by the commissioner, or (d) the debt is barred by section 541.05.

Sec. 2. Minnesota Statutes 1990, section 270A.08, subdivision 2, is amended to read:

Subd. 2. (a) This written notice shall clearly and with specificity set forth the basis for the claim to the refund including the name of the benefit program involved if the debt arises from a public assistance grant and the dates on which the debt was incurred and, further, shall advise the debtor of the claimant agency's intention to request setoff of the refund against the debt.

(b) The notice will also advise the debtor that any debt incurred more than six years from the date of the notice to the commissioner under section 270A.07, except for debts owed resulting from a default in payment of child support or maintenance or debts on which money judgment has been entered and docketed, must not be setoff against a refund and will advise the debtor of the right to contest the validity of the claim at a hearing. The debtor must assert this right by written request to the claimant agency, which request the agency must receive within 45 days of the mailing date of the original notice or of the corrected notice, as required by subdivision

1. If the debtor has not received the notice, the 45 days shall not commence until the debtor has received actual notice. The debtor shall have the burden of showing no notice and shall be entitled to a hearing on the issue of notice as well as on the merits.”

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1038, A bill for an act relating to checks; increasing bank verification requirements for opening checking accounts; prohibiting service charges for dishonored checks on persons other than the issuer; regulating check numbering procedures; requiring the commissioner of commerce to adopt rules regarding verification procedure requirements; authorizing fees for obtaining certain information from financial institutions; modifying procedures and liability for civil restitution for holders of worthless checks; authorizing service charges for use of law enforcement agencies; clarifying criminal penalties; increasing information that banks must provide to holders of worthless checks; imposing penalties; amending Minnesota Statutes 1990, sections 48.512, subdivisions 4, 5, 7, and by adding subdivisions; 332.50, subdivisions 1 and 2; and 609.535, subdivisions 2a, 6, and 7; proposing coding for new law in Minnesota Statutes, chapter 48.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 48.512, subdivision 4, is amended to read:

Subd. 4. IDENTIFICATION IS AND CONFIRMATION REQUIRED. A financial intermediary shall not open or authorize signatory power over a transaction account if none of the applicants provides a driver’s license, identification card, or identification document as required by subdivision 2. When a minor is the applicant and the minor does not have a driver’s license or identification card issued pursuant to section 171.07, the identification requirements of subdivision 2, clause (g), and this subdivision are satisfied if the minor’s parent or guardian provides identification of

that person's own that meets the identification requirement. The financial intermediary shall verify that the identification is valid. The commissioner shall adopt rules establishing a verification procedure to be used by the financial intermediary. The financial intermediary may waive the identification requirement if the applicant has had another type of account with the financial intermediary for at least one year immediately preceding the time of application.

Sec. 2. Minnesota Statutes 1990, section 48.512, subdivision 5, is amended to read:

Subd. 5. [NO LIABILITY.] The requirements of this section do not impose any liability on financial intermediaries offering transaction accounts or, except as provided in subdivisions 3 and 4, limit a financial intermediary's discretion as to whether to grant or deny an application subject to this section. This subdivision does not exempt a financial intermediary from civil penalties imposed under section 45.027.

Sec. 3. Minnesota Statutes 1990, section 48.512, is amended by adding a subdivision to read:

Subd. 8. [CHECK LABELING.] A person providing printed checks for a transaction account shall print the month and year that the original order was received or the month and year that appears on the facsimile of the check from which the new checks are produced, unless the applicant has an existing account in good standing or a previous account in good standing within the past five years that was voluntarily closed. This subdivision no longer applies after the account has been open and in good standing for one year.

Sec. 4. Minnesota Statutes 1990, section 48.512, is amended by adding a subdivision to read:

Subd. 9. [RULES AFFECTING CHECKING ACCOUNTS; OTHER FINANCIAL INFORMATION.] The commissioner of commerce may exercise the powers authorized under section 45.027 if the commissioner has reason to believe that a financial intermediary or drawer has failed to:

(1) comply with the verification requirements of subdivision 2, 3, or 4; or

(2) release information as required under section 609.535, subdivision 7.

Sec. 5. [48.513] [FINANCIAL INTERMEDIARY FEES.]

A financial intermediary may charge a fee for the assembly,

production, and copying of records requested under chapter 13A or section 609.535, subdivision 6 or 7. The fee may not exceed a reasonable standard charge for document search and duplication. For purposes of this section, "financial intermediary" has the meaning given in section 48.512, subdivision 1.

Sec. 6. Minnesota Statutes 1990, section 332.50, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] "Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.

"Credit" means an arrangement or understanding with the drawee for the payment of the check.

"Dishonor" has the meaning given in section 336.3-507, but does not include dishonor due to a stop payment order requested by an issuer who has a good faith defense to payment on the check.

Sec. 7. Minnesota Statutes 1990, section 332.50, subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] (a) Whoever issues any check that is dishonored and is not paid within 30 days after mailing a notice of dishonor that includes a citation to this section and section 609.535, and a description of the penalties contained in these sections, in compliance with subdivision 3, is liable to the holder for: (1) the amount of the check, plus a civil penalty of up to \$100, or up to 100 percent of the value of the check, whichever is greater; (2) interest at the rate payable on judgments pursuant to section 549.09 on the face amount of the check from the date of dishonor; and (3) reasonable attorney fees if the amount of the check is over \$1,250.

(b) Before bringing an action, a payee may make a written demand for payment for the liability imposed by paragraph (a) by sending a copy of this section and a description of the liability contained in this section to the issuer's last known address.

(c) Before an action under this section is heard by the court, the plaintiff shall settle the claim if the defendant gives the plaintiff the amount of the check plus court costs, any service charge owed under paragraph (d), and attorney fees if the amount of the check was over \$1,250.

(d) A service charge not exceeding \$15 may be imposed immediately on any dishonored check, regardless of mailing a notice of dishonor, if written notice of the service charge was conspicuously displayed on the premises when the check was issued. The service charge may not exceed \$20, except that if the payee uses the services

of a law enforcement agency to obtain payment of a dishonored check, a service charge of up to \$25 may be imposed. A payee may impose only one service charge under this paragraph for each dishonored check.

(e) This subdivision prevails over any provision of law limiting, prohibiting, or otherwise regulating service charges authorized by this subdivision, but does not nullify charges for dishonored checks, which do not exceed \$15 the charges in paragraph (d) or the actual cost of collection, but in no case more than \$30, or terms or conditions for imposing the charges which have been agreed to by the parties to an express contract.

Sec. 8. Minnesota Statutes 1990, section 609.535, subdivision 2a, is amended to read:

Subd. 2a. [PENALTIES.] (a) A person who is convicted of issuing a dishonored check under subdivision 2 may be sentenced as follows:

(1) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than \$250; or

(2) to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is not more than \$250.

(b) In a prosecution under this subdivision, the value of dishonored checks issued by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the dishonored checks was issued for all of the offenses aggregated under this paragraph.

Sec. 9. Minnesota Statutes 1990, section 609.535, subdivision 6, is amended to read:

Subd. 6. [RELEASE OF ACCOUNT INFORMATION TO LAW ENFORCEMENT AUTHORITIES.] A drawee shall release the information specified below to any state, county, or local law enforcement or prosecuting authority which certifies in writing that it is investigating or prosecuting a complaint against the drawer under this section or section 609.52, subdivision 2, clause (3)(a), and that 15 days have elapsed since the mailing of the notice of dishonor required by subdivisions 3 and 8. This subdivision applies to the following information relating to the drawer's account:

(1) Documents relating to the opening of the account by the drawer;

(2) Notices regarding nonsufficient funds, overdrafts, and the dishonor of any check drawn on the account within a period of six months of the date of request;

(3) Periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check which is the subject of the investigation or prosecution; or

(4) The last known home and business addresses and telephone numbers of the drawer.

The drawee shall release all of the information described in clauses (1) to (4) that it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. ~~The drawee may impose a reasonable fee for the cost for furnishing this information to law enforcement or prosecuting authorities, not to exceed 15 cents per page.~~

A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision.

Sec. 10. Minnesota Statutes 1990, section 609.535, subdivision 7, is amended to read:

Subd. 7. [RELEASE OF ACCOUNT INFORMATION TO PAYEE OR HOLDER.] (a) A drawee shall release the information specified in paragraph (b), clauses (1) ~~and (2)~~ to (3) to the payee or holder of a check that has been dishonored who makes a written request for this information and states in writing that the check has been dishonored and that 30 days have elapsed since the mailing of the notice described in subdivision 8 and who accompanies this request with a copy of the dishonored check and a copy of the notice of dishonor.

The requesting payee or holder shall notify the drawee immediately to cancel this request if payment is made before the drawee has released this information.

(b) This subdivision applies to the following information relating to the drawer's account:

(1) Whether at the time the check was issued or presented for payment the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed, or restricted for any reason and the date it was closed or restricted; and

(2) The last known home address and telephone number of the drawer. The drawee may not release the address or telephone number of the place of employment of the drawer unless the drawer is a business entity or the place of employment is the home; and

(3) A statement as to whether the aggregated value of dishonored checks attributable to the drawer within six months before or after the date of the dishonored check exceeds \$250; for purposes of this clause, a check is not dishonored if payment was not made pursuant to a stop payment order.

The drawee shall release all of the information described in clauses (1) ~~and (2)~~ to (3) that it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. ~~The drawee may require the person requesting the information to pay the reasonable costs, not to exceed 15 cents per page, of reproducing and mailing the requested information.~~

(c) A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision."

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete everything before "regulating"

Page 1, line 17, delete "7,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1062, A bill for an act relating to crimes; considering certain acts of theft that result in or contribute to the impairment or insolvency of an insurance company as criminal acts for purposes of the state racketeering statutes; amending Minnesota Statutes 1990, section 609.902, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 609.902, subdivision 4, is amended to read:

Subd. 4. [CRIMINAL ACT.] "Criminal act" means conduct constituting, or a conspiracy or attempt to commit, a felony violation of chapter 152, or a felony violation of section 297D.09; 299F.79; 299F.80; 299F.811; 299F.815; 299F.82; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.228; 609.235; 609.245; 609.25; 609.27; 609.322; 609.323; 609.342; 609.343; 609.344; 609.345; 609.42; 609.48; 609.485; 609.495; 609.496; 609.497; 609.498; 609.52, subdivision 2, if the offense is punishable under subdivision 3, clause (3)(b), or clause (4)(e) or (f) 3(d)(v) or (vi); 609.53; 609.561; 609.562; 609.582, subdivision 1 or 2; 609.67; 609.687; 609.713; 609.86; 624.713; or 624.74. "Criminal act" also includes conduct constituting, or a conspiracy or attempt to commit, a felony violation of section 609.52, subdivision 2, clause (3), (4), (15), or (16) if the violation involves an insurance company as defined in section 60A.02, subdivision 4, a nonprofit health service plan corporation regulated under chapter 62C, a health maintenance organization regulated under chapter 62D, or a fraternal beneficiary association regulated under chapter 64B.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1991, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; considering certain acts of theft that involve an insurance company or an insurance transaction as criminal acts for purposes of the state racketeering statutes; amending Minnesota Statutes 1990, section 609.902, subdivision 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1078, A bill for an act relating to civil legal services; making legislative findings; appropriating money to provide matching funds for qualified legal services; amending Minnesota Statutes 1990, section 480.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 480.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1094, A bill for an act relating to human services; establishing an investment per bed limit for nursing homes; establishing an equipment allowance for nursing homes; establishing a capital replacement per diem for nursing homes; authorizing the recognition of debt from sales or refinancing occurring after May 22, 1983; amending Minnesota Statutes 1990, section 256B.431, subdivision 3f, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, lines 29 to 32, delete the new language

Page 2, lines 33 and 34, delete the new language and reinstate the stricken language

Page 3, delete lines 23 to 27

Page 3, line 28, delete "(h)" and insert "(g)"

Page 4, line 1, after the period insert:

"(2) The annual replacement cost from clause (1) shall be reduced by 50 percent of the excess of the nursing home's annual property-related payments, not including equipment allowance and capital replacement per diems, over the nursing home's annual principal and interest payments on debt allowable for that rate year." and after "The" insert "reduced"

Page 4, line 2, delete "then" and insert "than"

Page 4, line 3, delete "300" and insert "200"

Page 4, line 7, delete "2" and insert "3"

Page 4, line 8, after "the" insert "reduced" and delete "(1)" and insert "(2)"

Page 4, line 10, delete "(i)" and insert "(h)"

Page 4, line 12, after "purchase" insert "or"

Page 5, line 35, after "purchase" insert "or"

With the recommendation that when so amended the bill be re-referred to the Committee on Appropriations.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 1157, A bill for an act relating to housing; redefining eligibility requirement for targeted neighborhoods; appropriating money; amending Minnesota Statutes 1990, sections 466A.01, subdivision 2; 466A.02, subdivision 2; and 466A.05, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 11, delete "of the second class"

Page 1, line 13, after the comma insert "or having a population of at least 55,000 as determined by the most recent federal census figures available,"

Page 1, line 26, after "census" insert "figures available"

Page 2, lines 4 and 10, after "census" insert "figures available"

Page 2, line 11, delete "of the second class" and insert "that is not a city of the first class"

Page 2, line 17, after "census" insert "figures available"

Page 2, delete sections 3 and 4 and insert:

"Sec. 3. Minnesota Statutes 1990, section 466A.05, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION.] Appropriation to each city of the first class shall be in proportion to the city's portion of the combined population of the cities. Appropriation to each city that is not a city of the first class shall be in proportion to the city's portion of population residing within targeted neighborhoods to the combined population of the targeted neighborhoods in all eligible non-first-class cities. The population of each city is determined by the most recent estimates available to the commissioner.

Sec. 4. [APPROPRIATION.]

\$20,000,000 is appropriated from the general fund to the commissioner of the state planning agency for the community resources program to be available for the biennium ending June 30, 1993.

\$14,000,000 is to be allocated to cities of the first class and \$6,000,000 is to be allocated to the other eligible cities with allocations to individual cities as described in section 3."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1190, A bill for an act relating to utilities; limiting assessments against cooperative electric associations and municipal electric utilities to the maximum assessments that may be made against public utilities; amending Minnesota Statutes 1990, section 216B.62, subdivision 5.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1990, section 216B.62, subdivision 3, is amended to read:

Subd. 3. The department and commission shall quarterly, at least 30 days before the start of each quarter, estimate the total of their expenditures in the performance of their duties relating to public utilities under section 216A.085, and sections 216B.01 to 216B.67, other than amounts chargeable to public utilities under subdivision 2 or 6. The remainder shall be assessed by the commission and department to the several public utilities in proportion to their respective gross operating revenues from retail sales of gas or electric service within the state during the last calendar year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed to the several public utilities, which shall constitute notice of the assessment and demand of payment thereof. The total amount which may be assessed to the public utilities, under authority of this subdivision, shall not exceed one-eighth of one percent of the total gross operating revenues of the public utilities during the calendar year from retail sales of gas or electric service within the state. The assessment for the ~~second~~ third quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the commission and department for the preceding fiscal year were more or less than the estimated expenditures previously assessed."

Page 1, line 8, delete "Section 1." and insert "Sec. 2."

Page 1, after line 26, insert:

“Sec. 3. Minnesota Statutes 1990, section 216D.01, subdivision 5, is amended to read:

Subd. 5. [EXCAVATION.] “Excavation” means an activity that moves, removes, or otherwise disturbs the soil by use of a motor, engine, hydraulic or pneumatically-powered tool, or machine-powered equipment of any kind, or by explosives. Excavation does not include:

(1) the repair or installation of agricultural drainage tile for which notice has been given as provided by section 116I.07, subdivision 2;

(2) the extraction of minerals;

(3) the opening of a grave in a cemetery;

(4) normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch;

(5) plowing, cultivating, planting, harvesting, and similar operations in connection with growing crops, unless any of these activities disturbs the soil to a depth of 18 inches or more; ~~or~~

(6) landscaping or gardening unless one of the activities disturbs the soil to a depth of 12 inches or more; or

(7) installation of real estate “For Sale” signs, unless the installation disturbs the soil to a depth of 12 inches or more.

Sec. 4. Minnesota Statutes 1990, section 237.295, subdivision 2, is amended to read:

Subd. 2. [ASSESSMENT OF COSTS.] The department and commission shall quarterly, at least 30 days before the start of each quarter, estimate the total of their expenditures in the performance of their duties relating to telephone companies, other than amounts chargeable to telephone companies under subdivision 1 or 5. The remainder must be assessed by the department to the telephone companies operating in this state in proportion to their respective gross jurisdictional operating revenues during the last calendar year. The assessment must be paid into the state treasury within 30 days after the bill has been mailed to the telephone companies. The bill constitutes notice of the assessment and demand of payment. The total amount that may be assessed to the telephone companies under this subdivision may not exceed one-eighth of one percent of the total gross jurisdictional operating revenues during the calendar year. The assessment for the ~~second~~ third quarter of each fiscal year

must be adjusted to compensate for the amount by which actual expenditures by the commission and department for the preceding fiscal year were more or less than the estimated expenditures previously assessed. A telephone company with gross jurisdictional operating revenues of less than \$5,000 is exempt from assessments under this subdivision.”

Page 2, line 1, delete “2” and insert “5”

Page 2, line 2, delete “Section 1 is” and insert “Sections 1 to 4 are”

Amend the title as follows:

Page 1, line 2, after the semicolon insert “changing the time for reconciliation of assessments of utilities and telephone companies;”

Page 1, line 5, after the semicolon insert “adding real estate signs to the exceptions from the one call excavation notice system;”

Page 1, line 6, delete “section” and insert “sections” and delete “subdivision 5” and insert “subdivisions 3 and 5; 216D.01, subdivision 5; and 237.295, subdivision 2”

With the recommendation that when so amended the bill pass.

The report was adopted.

Long from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1209, A resolution memorializing the President and Congress to condemn the use of Soviet military force in the Baltic Republics and support the Baltic Republics for their self-determination.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 1260, A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article XI; establishing a permanent housing trust fund.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1265, A bill for an act relating to human services; long-term care; allowing for cost-effective alternatives for metro transportation support grants; establishing limits for certain long-term care costs; providing for the establishment of certain rates for long-term care and for community residential treatment centers; amending Minnesota Statutes 1990, sections 252.46, subdivisions 6 and 14; 252.478, subdivisions 1 and 3; 256B.19, subdivision 1, and by adding a subdivision; 256B.431, subdivision 3i, and by adding subdivisions; 256B.50, subdivision 1d; and 256B.501, subdivision 8, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Pages 4 and 5, delete section 5

Page 6, line 2, delete "clauses" and insert "clause"

Page 6, line 3, delete everything before the period

Page 6, delete section 7

Page 6, line 22, delete everything after "Subd. 2n."

Page 6, delete lines 23 to 36

Page 7, delete lines 1 to 7

Page 7, line 8, delete "(c)"

Page 7, line 8, before the period insert "AFTER JULY 1, 1991"

Page 7, delete lines 21 to 23

Page 12, delete section 11

Page 13, lines 12 and 13, strike "or limitation exemption" and insert "approved by the commissioner after June 30, 1991,"

Page 13, line 23, delete "six" and insert "12"

Page 14, line 16, after the period insert "The commissioner may approve no more than two consecutive six-month rate exceptions for an eligible client whose first application for funding occurs after June 30, 1991."

Pages 14 to 22, delete sections 13 to 16

Re-number the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1272, A bill for an act relating to human services; establishing penalty provisions relating to those found to have wrongfully obtained assistance; limiting the availability of general assistance to those disqualified from the aid to families with dependent children program; expanding fraud prevention investigation programs; providing for a federally mandated penalty for intentionally falsifying a public assistance application; clarifying appeal filing times for medical assistance providers; amending Minnesota Statutes 1990, sections 256.98, by adding a subdivision; 256.983; 256B.064, subdivision 2; and 256D.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Page 1, line 18, delete "found" and insert "convicted"

Page 1, line 19, delete "to be guilty"

Page 1, lines 25, 26, and 27, delete "offense" and insert "conviction"

Page 1, line 29, delete "findings" and insert "conviction"

Page 1, line 30, delete "are" and insert "is"

Page 2, line 5, after the period insert "When the disqualified individual is a caretaker relative, the remainder of the aid to families with dependent children grant payable to the other eligible assistance unit members shall be provided in the form of protective payments. These payments can be made to the disqualified individual only if, after reasonable efforts, the county agency documents that it cannot locate an appropriate protective payee. Protective payments shall continue until the disqualification period ends."

Page 3, line 29, delete "assistance" and insert "foodstamps" and delete "chapters 256, 256B, 256D, 256I, and" and insert "chapter"

Page 5, after line 2, insert:

"Sec. 6. Minnesota Statutes 1990, section 609.52, is amended by adding a subdivision to read:

Subd. 4. [SENTENCE FOR WRONGFULLY OBTAINED ASSISTANCE.] (a) Notwithstanding subdivision 3, whoever commits theft by wrongfully obtaining assistance may not be sentenced to imprisonment for any period of time, unless the offender has one or more prior convictions for theft.

(b) In addition to any sentence imposed or stayed, the court may order waiver of the disqualification period required under section 256.98, subdivision 8.

(c) No interest may accrue on any court-ordered restitution that is reduced to a civil judgment against the defendant.

(d) If the court orders payment of restitution as a condition of probation, the period of probation must end when the defendant pays the entire amount of the court-ordered restitution."

Page 5, line 3, delete "6" and insert "7"

Page 5, line 4, delete the first semicolon and insert "and 6 are effective July 1, 1991, and apply to assistance wrongfully obtained after that date. Sections"

Amend the title as follows:

Page 1, line 3, delete "found to have" and insert "convicted of"

Page 1, line 4, delete "obtained" and insert "obtaining"

Page 1, line 13, delete "and" and after the second semicolon insert "and 609.52, by adding a subdivision;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1286, A bill for an act relating to the secretary of state; changing certain fees, deadlines, and procedures; providing for supplemental filing and information services; providing for removal of documents from the public record; clarifying certain language; amending Minnesota Statutes 1990, sections 5.03; 5.16, subdivision 5; 302A.821, subdivisions 3, 4, and 5; 303.07, subdivision 2; 303.08; 303.13, subdivision 1; 303.17, subdivision 1; 308A.131, subdivision 1; 308A.801, subdivision 6; 317A.821, subdivision 2; 317A.823; 317A.827, subdivision 1; and 331A.02, subdivision 1; Laws 1989, chapter 236, section 12; proposing coding for new law in Minnesota Statutes, chapter 5.

Reported the same back with the following amendments:

Page 4, line 8, strike "registrations" and insert "registration"

Page 10, line 25, strike "registrations" and insert "registration"

Page 13, line 4, delete "and 15" and insert "15, and 17"

With the recommendation that when so amended the bill pass:

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1318, A bill for an act relating to intoxicating liquor; providing for sale of intoxicating liquor at a sports arena in Minneapolis; amending Minnesota Statutes 1990, section 340A.404, subdivision 2, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 1359, A bill for an act relating to housing; requiring counseling for reverse mortgage loans; providing penalties; amending Minnesota Statutes 1990, section 47.58, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 24, delete "the lender provides"

Page 1, line 25, after "services" insert "are provided"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Financial Institutions and Insurance.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1422, A bill for an act relating to workers' compensation; regulating benefits and insurance; establishing a permanent commission on workers' compensation; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 79.252, by adding a subdivision; 176.011, subdivisions 3, 11a, and 18; 176.101, subdivisions 1, 2, and 3f; 176.102, subdivisions 1, 2, 3, 3a, 4, 6, 9, and 11; 176.111, subdivision 18; 176.135, subdivisions 1, 6, and 7; 176.136, subdivisions 1, 2, and by adding subdivisions; 176.645, subdivisions 1 and 2; 176.83, subdivisions 5, 6, and by adding a subdivision; 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 175 and 176; repealing Minnesota Statutes 1990, sections 175.007; and 176.136, subdivision 5.

Reported the same back with the following amendments:

Page 6, line 5, delete everything after "job"

Page 6, delete line 6

Page 6, line 7, delete everything before the comma and insert "through no fault of the employee"

Page 26, line 12, delete "requiring" and insert "to be adopted shall require"

Page 27, line 34, delete "11" and insert "12"

Page 28, line 1, delete "11" and insert "12"

Page 28, lines 3 and 11, delete "an 11" and insert "a 12"

Page 30, after line 19, insert:

"Sec. 6. [SPECIAL FUND ASSESSMENTS.]

The commissioner of labor and industry shall, in addition to any other adjustments, reduce the assessment rate for the special compensation fund under Minnesota Statutes, section 176.129, by a percentage that yields a decrease in the gross amount that would otherwise be collected from the assessment in the period January 1, 1992, to January 1, 1993, equal to the appropriation made from the general fund by sections 3 and 4.

Page 30, line 23, after the period insert "Section 6 is effective the day following final enactment."

Page 32, line 20, before "salary" insert "range of"

Page 32, line 21, delete "of" and insert "and the salary level within it for"

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 1508, A bill for an act relating to housing; providing for a neighborhood rehabilitation program for the cities of Saint Paul and Duluth; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 462A.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Long from the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 3, A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

Reported the same back with the following amendments:

Page 1, line 9, delete "Wednesday, April 3," and insert "Monday, April 15,"

With the recommendation that when so amended the concurrent resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 74, 123, 200, 244, 287, 407, 456, 459, 526, 551, 579, 584, 592, 642, 696, 813, 821, 1038, 1062, 1190 and 1209 were read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Kahn moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1209 be given its third reading and be placed upon its final passage. The motion prevailed.

Kahn moved that the Rules of the House be so far suspended that H. F. No. 1209 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 1209, A resolution memorializing the President and Congress to condemn the use of Soviet military force in the Baltic Republics and support the Baltic Republics for their self-determination.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Knickerbocker	Olson, K.	Smith
Anderson, I.	Frerichs	Koppendraye	Omann	Solberg
Anderson, R.	Garcia	Krinkie	Onnen	Sparby
Anderson, R. H.	Girard	Krueger	Orenstein	Stanius
Battaglia	Goodno	Lasley	Orfield	Steensma
Bauerly	Greenfield	Leppik	Osthoff	Sviggum
Beard	Gruenes	Lieder	Ostrom	Swenson
Begich	Gutknecht	Limmer	Ozment	Thompson
Bertram	Hanson	Long	Pauly	Tompkins
Bettermann	Hartle	Lourey	Pellow	Trimble
Bishop	Hasskamp	Lynch	Pelowski	Tunheim
Blatz	Haukoos	Macklin	Peterson	Uphus
Bodahl	Hausman	Mariani	Pugh	Valento
Boo	Heir	Marsh	Reding	Vellenga
Brown	Hufnagle	McEachern	Rest	Wagenius
Carlson	Hugoson	McGuire	Rice	Waltman
Carruthers	Jacobs	McPherson	Rodosovich	Weaver
Clark	Janezich	Milbert	Rukavina	Wejcmán
Cooper	Jefferson	Morrison	Runbeck	Welker
Dauner	Jennings	Murphy	Sarna	Welle
Davids	Johnson, A.	Nelson, K.	Schafer	Wenzel
Dawkins	Johnson, R.	Nelson, S.	Scheid	Winter
Dempsey	Johnson, V.	Newinski	Schreiber	Spk. Vanasek
Dille	Kahn	O'Connor	Seaberg	
Dorn	Kalis	Ogren	Segal	
Erhardt	Kelso	Olsen, S.	Simoneau	
Farrell	Kinkel	Olson, E.	Skoglund	

The bill was passed and its title agreed to.

SECOND READING OF HOUSE BILLS, Continued

H. F. Nos. 1286 and 1318 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 539 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel, Koppendraye and Omann introduced:

H. F. No. 1509, A bill for an act relating to water resources;

allowing certain land to be used as a veterans cemetery under certain circumstances; amending Minnesota Statutes 1990, section 103F.369, subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Stanius, Sarna, Milbert, Osthoff and Runbeck introduced:

H. F. No. 1510, A bill for an act relating to game and fish; authorizing designation of trophy northern pike waters; repealing certain restrictions on winter fishing; amending Minnesota Statutes 1990, section 97C.011; repealing Minnesota Statutes 1990, section 97C.385.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Goodno and Dauner introduced:

H. F. No. 1511, A bill for an act relating to education; authorizing construction at Moorhead Technical College.

The bill was read for the first time and referred to the Committee on Appropriations.

Bodahl introduced:

H. F. No. 1512, A bill for an act relating to taxation; revising qualifications for the metropolitan agricultural preserves program; reducing the tax on certain lands and buildings in agricultural preserves; amending Minnesota Statutes 1990, sections 473H.03, subdivision 4; and 473H.10, subdivision 3; repealing Minnesota Statutes 1990, section 473H.03, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Bodahl; Brown; Johnson, R., and Macklin introduced:

H. F. No. 1513, A bill for an act relating to waters; granting sheriffs power to bar vehicles from unsafe ice; proposing coding for new law in Minnesota Statutes, chapter 86B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Johnson, R., introduced:

H. F. No. 1514, A bill for an act relating to economic development; establishing the Minnesota marketplace program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Committee on Economic Development.

Orenstein, McGuire, Osthoff, Hausman and Valento introduced:

H. F. No. 1515, A bill for an act relating to Ramsey county; creating a Ramsey county consolidation study commission; setting its duties; appropriating money.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Hausman, McGuire, Trimble and Dawkins introduced:

H. F. No. 1516, A bill for an act relating to education; permitting the Roseville area, St. Paul, and South St. Paul school districts to form joint powers agreement to integrate schools and programs; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Skoglund introduced:

H. F. No. 1517, A bill for an act relating to insurance; providing for replacement cost insurance coverage for personal property; prohibiting insurers from requiring more than one residential renter's insurance policy be written to cover a single household; amending Minnesota Statutes 1990, section 65A.10; proposing coding for new law in Minnesota Statutes, chapter 65A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Hausman and Skoglund introduced:

H. F. No. 1518, A bill for an act relating to the environment; regulating financial responsibility for mining activities; modifying financial assurance requirements; amending Minnesota Statutes 1990, section 93.49.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Cooper introduced:

H. F. No. 1519, A bill for an act relating to cooperatives; modifying requirements for absentee ballots; amending Minnesota Statutes 1990, section 308A.635, subdivision 6.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Wejcman introduced:

H. F. No. 1520, A bill for an act relating to traffic regulations; authorizing cities of the first class to establish programs using volunteers to help enforce laws relating to parking for the physically disabled; amending Minnesota Statutes 1990, section 169.346, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Segal introduced:

H. F. No. 1521, A bill for an act relating to economic development; creating a legislature advisory commission on quasi-governmental agencies including public corporations and public nonprofit corporations; appropriating money.

The bill was read for the first time and referred to the Committee on Economic Development.

Olsen, S.; Heir and Haukoos introduced:

H. F. No. 1522, A bill for an act relating to consumer protection; trade regulations; prohibiting commercial telephone solicitation of residential subscribers who elect to not be solicited; setting a fee; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 325G.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Stanius, Greenfield, Runbeck, Tompkins and Welle introduced:

H. F. No. 1523, A bill for an act relating to health; requiring registration for drug outlets; allowing the board of pharmacy to regulate over-the-counter drugs; amending Minnesota Statutes 1990, sections 151.01, by adding a subdivision; 151.19, by adding a subdivision; and 151.26.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Steensma and Ogren introduced:

H. F. No. 1524, A bill for an act relating to recreational vehicles; establishing titling system for snowmobiles; providing for perfection of security interests in snowmobiles; amending Minnesota Statutes 1990, sections 84.82, subdivision 1a; and 336.9-302; proposing coding for new law in Minnesota Statutes, chapter 84.

The bill was read for the first time and referred to the Committee on Commerce.

Trimble and Farrell introduced:

H. F. No. 1525, A bill for an act relating to occupational safety and health; regulating the use of video display terminals; amending Minnesota Statutes 1990, sections 182.651, by adding subdivisions; and 182.653, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Erhardt, Goodno, Hufnagle, Krinkie and Newinski introduced:

H. F. No. 1526, A bill for an act proposing an amendment to the Minnesota Constitution; changing article IV, section 4, and article V, section 1; providing limits for legislative and executive service.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Simoneau introduced:

H. F. No. 1527, A bill for an act relating to self-insurance; regulating custodial accounts; amending Minnesota Statutes 1990, sections 79A.02, subdivision 2, and by adding a subdivision; 79A.03, subdivisions 3, 7, and 9; 79A.04, subdivision 2; and 79A.06, subdi-

vision 5; proposing coding for new law in Minnesota Statutes, chapter 79A; repealing Minnesota Rules, part 2780.0400, subparts 2, 3, 6, and 7.

The bill was read for the first time and referred to the Committee on Commerce.

Rukavina introduced:

H. F. No. 1528, A bill for an act relating to occupations and professions; barber registration; clarifying registration requirements for barbers, apprentices, and instructors; expanding causes for discipline; providing for summary suspension; amending Minnesota Statutes 1990, sections 154.01; 154.03; 154.04; 154.05; 154.06; 154.065, subdivisions 2 and 4; 154.07, subdivisions 1, 3, 5, 6, and by adding a subdivision; 154.09; 154.10; 154.11; 154.12; 154.14; 154.15; 154.16; 154.18; and 154.22; proposing coding for new law in Minnesota Statutes, chapter 154; repealing Minnesota Statutes 1990, sections 154.065, subdivisions 1, 3, 5, 7, and 8; 154.07, subdivision 2; 154.085; 154.13; and 154.17.

The bill was read for the first time and referred to the Committee on Commerce.

Gruenes, Bertram, Bauerly and Marsh introduced:

H. F. No. 1529, A bill for an act relating to education; authorizing a land exchange between the city of St. Cloud and St. Cloud State University.

The bill was read for the first time and referred to the Committee on Education.

Welle introduced:

H. F. No. 1530, A bill for an act relating to human services; providing an exception to the nursing home moratorium; clarifying requirements for proposals of renovations or replacements of existing nursing homes; establishing a health development review process for renovation or replacement proposals; amending Minnesota Statutes 1990, sections 144A.071, subdivision 3, and by adding subdivisions; 144A.073, subdivisions 1, 2, 4, and 5; proposing coding for new law in Minnesota Statutes, chapter 144A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Anderson, I., introduced:

H. F. No. 1531, A bill for an act relating to metropolitan government; providing for the appointments and terms of the metropolitan council; assigning duties relating to transit; transferring transit duties to the department of transportation; amending Minnesota Statutes 1990, sections 174.01; 398A.04, subdivision 8; 473.123, subdivisions 2a, 3, and 4; 473.373; 473.375, subdivisions 8, 11, 13, 14, and 15; 473.377; 473.38; 473.382; 473.384; 473.385, subdivision 2; 473.386; 473.387; 473.388; 473.39; 473.391; 473.392; 473.399, subdivision 3; 473.3991, subdivisions 1 and 4; 473.3994; 473.3996; 473.404, subdivisions 2 and 6; 473.446; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1990, sections 473.373, subdivision 6; 473.375, subdivision 7; 473.38, subdivision 3; 473.384, subdivision 9; 473.388, subdivision 6; and 473.3994, subdivision 7.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Ozment introduced:

H. F. No. 1532, A bill for an act relating to the city of Rosemount; authorizing the establishment of a special environmental treatment area, the establishment of tax increment financing districts, and the exercise of certain development and contaminant remediation powers.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Reding, Hanson and Jefferson introduced:

H. F. No. 1533, A bill for an act relating to retirement; judges retirement fund; modifying the procedures for the payment of social security and retirement fund contributions; appropriating money to the supreme court for the payment of social security and retirement fund employer contributions; amending Minnesota Statutes 1990, sections 355.392, subdivisions 2 and 3; and 490.123, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding; Hanson; Johnson, R., and Jefferson introduced:

H. F. No. 1534, A bill for an act relating to retirement; state unclassified employees retirement program; permitting plan participants who move to unclassified positions not covered by the plan to

elect to participate in the plan; amending Minnesota Statutes 1990, section 352D.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Girard introduced:

H. F. No. 1535, A bill for an act relating to counties; permitting county boards to appropriate necessary funds to be used for a radio or television broadcast facility; amending Minnesota Statutes 1990, section 375.164.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Bauerly and Gruenes introduced:

H. F. No. 1536, A bill for an act relating to the city of St. Cloud; authorizing the commissioner of administration to sell certain surplus lands to the city.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Clark, Kahn and Rice introduced:

H. F. No. 1537, A bill for an act relating to taxation; updating references to the Internal Revenue Code; modifying the computation of taxable income; increasing individual income tax rates; imposing the sales tax on services; amending Minnesota Statutes 1990, sections 290.01, subdivisions 19 and 19a; 290.06, subdivisions 2c and 2d, and by adding a subdivision; 290.067, subdivision 1; 290.92, subdivision 1; 297A.01, subdivision 3; 297A.14, by adding a subdivision; 297A.25, by adding a subdivision; and 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 297A.

The bill was read for the first time and referred to the Committee on Taxes.

Greenfield and Lourey introduced:

H. F. No. 1538, A bill for an act relating to human services; requiring a grant program for congregate housing; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Henry, Blatz and Hufnagle introduced:

H. F. No. 1539, A bill for an act relating to elections; authorizing certain school district elections to be held in odd-numbered years; amending Minnesota Statutes 1990, section 205A.04.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Runbeck, Winter, Lynch and Girard introduced:

H. F. No. 1540, A bill for an act relating to occupations and professions; requiring licensure for electrical lighting fixture installers in private dwellings; amending Minnesota Statutes 1990, section 326.242, subdivision 8, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce.

Lynch, Rukavina, Weaver, McEachern and Bettermann introduced:

H. F. No. 1541, A bill for an act relating to education; adding a requirement for licensure of teachers of hearing impaired students; proposing coding for new law in Minnesota Statutes, chapter 125.

The bill was read for the first time and referred to the Committee on Education.

Kahn, Garcia, Lourey, Kelso and Wejzman introduced:

H. F. No. 1542, A bill for an act relating to motor vehicles; clarifying that engines may be replaced under certain conditions; amending Minnesota Statutes 1990, sections 116.63, subdivision 3; and 325E.0951, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Peterson, Cooper and Bodahl introduced:

H. F. No. 1543, A bill for an act relating to taxation; providing that

city of Dawson is exempt from certain tax increment financing provisions.

The bill was read for the first time and referred to the Committee on Taxes.

Peterson; Nelson, K.; McEachern and Winter introduced:

H. F. No. 1544, A bill for an act relating to education; authorizing certain school districts to levy for interactive television projects, subject to a reverse referendum.

The bill was read for the first time and referred to the Committee on Education.

Steensma, Sparby, Long, Battaglia and Wenzel introduced:

H. F. No. 1545, A bill for an act relating to agriculture; appropriating money for farm advocates within the farmer-lender mediation act.

The bill was read for the first time and referred to the Committee on Agriculture.

Koppendraye, Omann, Bauerly, Rodosovich and Leppik introduced:

H. F. No. 1546, A bill for an act relating to taxation; property tax; providing that a penalty not be imposed on Mille Lacs county for an excess levy.

The bill was read for the first time and referred to the Committee on Taxes.

Sviggum introduced:

H. F. No. 1547, A bill for an act relating to taxation; providing that a penalty not be imposed on Goodhue County for an excess levy.

The bill was read for the first time and referred to the Committee on Taxes.

Davids; Anderson, R. H.; Ostrom and Frederick introduced:

H. F. No. 1548, A bill for an act relating to education; transferring the Waseca campus from the University of Minnesota to the com-

munity college system; establishing a planning committee; requiring a report; appropriating money; amending Minnesota Statutes 1990, section 136.60.

The bill was read for the first time and referred to the Committee on Education.

Wenzel, Omann, Steensma, Krueger and Nelson, S., introduced:

H. F. No. 1549, A resolution memorializing the President and Congress of the United States to ensure that the federal milk marketing order is modified.

The bill was read for the first time and referred to the Committee on Agriculture.

Welker; Olson, K.; McEachern; Sviggum and Vanasek introduced:

H. F. No. 1550, A bill for an act relating to education; authorizing districts with interdistrict cooperation agreements to hold school board meetings in any district that is a party to the agreement; amending Minnesota Statutes 1990, section 122.541, subdivision 7.

The bill was read for the first time and referred to the Committee on Education.

Erhardt introduced:

H. F. No. 1551, A bill for an act relating to retirement; Edina volunteer firefighters relief association; modifying limitations on survivor benefit coverage; amending Laws 1965, chapter 592, section 4, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Heir, Goodno, Davids, Newinski and Bettermann introduced:

H. F. No. 1552, A bill for an act relating to lawful gambling; treating combined receipt tax expenditures and costs of required audits as lawful purposes; modifying the minimum percentages of gross profit which must be expended for lawful purposes; repealing authority of the gambling control board to define allowable expenses; making requirements for posting of pull-tab winners applicable only at the direction of the gambling control board; amending Minnesota Statutes 1990, sections 349.12, subdivision 25; 349.15; 349.172; and 349.213, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Swenson, McPherson, Hanson and Beard introduced:

H. F. No. 1553, A bill for an act relating to Washington county; exempting items purchased for use in the construction of the Washington County Law Enforcement Center from the sales tax; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Krinkie, Ozment and Abrams introduced:

H. F. No. 1554, A bill for an act relating to taxation; property; exempting certain wetlands; amending Minnesota Statutes 1990, section 272.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Krinkie, Stanius and Abrams introduced:

H. F. No. 1555, A bill for an act relating to taxation; providing a property tax exemption for certain property leased by a municipality; amending Minnesota Statutes 1990, section 272.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Clark introduced:

H. F. No. 1556, A bill for an act relating to human services; requiring coverage of depo medroxyprogesterone acetate under the medical assistance program without prior authorization; amending Minnesota Statutes 1990, section 256B.0625, subdivision 13.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Trimble introduced:

H. F. No. 1557, A bill for an act relating to appropriations;

providing a refund of a bond allocation deposit; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Runbeck, Dille and Weaver introduced:

H. F. No. 1558, A bill for an act relating to state government; providing for citizen accessibility to the capitol and meetings of the legislature; providing for citizen accessibility to county board meetings; requiring a study by the commissioner of employee relations on incentive-based pay; requiring a moratorium on new state government positions in the classified service; amending Minnesota Statutes 1990, sections 15.50, subdivision 2; and 375.07; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Simoneau introduced:

H. F. No. 1559, A bill for an act relating to workers' compensation; regulating self-insurance; defining various terms; regulating certain administrative duties, powers, and procedures; regulating various benefits; providing penalties; amending Minnesota Statutes 1990, sections 175.171; 175.24; 175.27; 176.011, subdivision 24; 176.061, by adding a subdivision; 176.102, subdivisions 3, 3a, and 4; 176.103, subdivision 3; 176.104, subdivision 1; 176.106, subdivisions 3, 7, and 8; 176.135, subdivisions 3, 6, and 7; 176.138; 176.155, subdivision 1; 176.191, subdivisions 2 and 3; 176.238, subdivisions 6 and 9; 176.239, subdivisions 2, 3, 4, and 7; 176.351, subdivision 2a; 176.401; 182.659, subdivision 8, and by adding a subdivision; and 268A.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1990, sections 175.10; 176.021, subdivision 3a; 176.136, subdivision 3; and 176.231, subdivisions 8 and 9.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Simoneau introduced:

H. F. No. 1560, A bill for an act relating to occupational safety and health; providing definitions; modifying duties; increasing penalties; amending Minnesota Statutes 1990, sections 182.651, by adding subdivisions; 182.661, subdivisions 1, 2, 2a, 3, 3a, and by adding subdivisions; 182.664, subdivisions 3 and 5; 182.666, subdivisions 1,

2, 3, 4, 5, and 5a; 182.669, subdivision 1; repealing Minnesota Statutes 1990, section 182.664, subdivision 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Simoneau introduced:

H. F. No. 1561, A bill for an act relating to department of labor and industry data; establishing data privacy for workers' compensation and occupational safety and health data; providing penalties; amending Minnesota Statutes 1990, sections 175.24; 175.27; 176.38; 176.401; 182.659, subdivision 8; and 182.659, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1990, sections 175.10; and 176.231, subdivisions 8 and 9.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Farrell, Dawkins, Hausman and Osthoff introduced:

H. F. No. 1562, A bill for an act relating to courts; permitting a joint committee to determine functions to be discharged in Ramsey county municipalities; amending Minnesota Statutes 1990, section 488A.18, subdivision 10; repealing Minnesota Statutes 1990, sections 488A.18, subdivision 13; and 488A.185.

The bill was read for the first time and referred to the Committee on Judiciary.

Wenzel introduced:

H. F. No. 1563, A bill for an act relating to education; providing that a decision of a resident school district to disallow transportation by a nonresident district shall be final; amending Minnesota Statutes 1990, sections 120.062, subdivision 9; and 123.39, subdivision 6.

The bill was read for the first time and referred to the Committee on Education.

Johnson, V.; Newinski; Anderson, R. H.; Smith and Krinkie introduced:

H. F. No. 1564, A bill for an act relating to lawful gambling; treating combined receipt tax expenditures and costs of required

audits as lawful purposes; modifying the minimum percentages of gross profit which must be expended for lawful purposes; repealing authority of the gambling control board to define allowable expenses; making requirements for posting of pull-tab winners applicable only at the direction of the gambling control board; amending Minnesota Statutes 1990, sections 349.12, subdivision 25; 349.15; 349.172; and 349.213, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Murphy; Anderson, I.; Janezich and Gruenes introduced:

H. F. No. 1565, A bill for an act relating to utilities; authorizing public utilities commission to hear, determine, and redress discriminatory treatment by municipally owned utilities against nonresidents; amending Minnesota Statutes 1990, section 216B.17, subdivision 6.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Onnen introduced:

H. F. No. 1566, A bill for an act relating to state government; appropriations; reducing state personnel costs for managerial and supervisory employees; requiring the development of a plan by the commissioners of employee relations and finance; increasing local government aid; amending Minnesota Statutes 1990, sections 477A.011, subdivision 28, as amended; 477A.014, subdivision 1, as amended; and Laws 1990, chapter 604, article 4, section 19.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McGuire introduced:

H. F. No. 1567, A bill for an act relating to retirement; Falcon Heights volunteer firefighters relief associations; authorizing full vesting with five years of service.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Scheid, Waltman, Ozment and Weaver introduced:

H. F. No. 1568, A bill for an act relating to education; clarifying

and reducing certain mandates for school districts; amending Minnesota Statutes 1990, sections 121.882, by adding a subdivision; 122.94, subdivision 6; 123.706, subdivision 6; 126.666, by adding a subdivision; 203B.085; 275.065, subdivisions 3, 5a, and 6.

The bill was read for the first time and referred to the Committee on Education.

Bishop, Kahn, Krueger, Reding and Solberg introduced:

H. F. No. 1569, A bill for an act relating to state property; authorizing the rental of state land for public purposes under certain conditions; authorizing lease-purchase agreements and leases with option to buy; amending Minnesota Statutes 1990, section 16B.24, subdivisions 5 and 6.

The bill was read for the first time and referred to the Committee on Appropriations.

Clark and Hausman introduced:

H. F. No. 1570, A bill for an act relating to human services; appropriating money for the New Chance demonstration project.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carruthers, Rest, Leppik, Ogren and Erhardt introduced:

H. F. No. 1571, A bill for an act relating to taxation; changing certain collection, penalty, and disclosure provisions; authorizing and clarifying revenue notices and tax information bulletins; requiring payment of certain tax liabilities by electronic funds transfer; providing for uniform recording of state and federal tax liens; creating a revenue department revolving fund; appropriating money; imposing a penalty; amending Minnesota Statutes 1990, sections 13.51, subdivision 2; 14.03, subdivision 3; 115B.24, subdivision 2; 138.17, subdivision 1a; 268.161, subdivision 1; 270.274, subdivision 1; 270.66, subdivision 3; 270.68, subdivision 1; 270.69, subdivisions 2, 8, 9, and by adding a subdivision; 270.70, subdivision 10; 270.703, subdivision 2; 270.75, subdivision 4; 270B.09; 272.479; 272.482; 272.483; 272.485; 272.486; 289A.19, subdivision 1; 289A.20, subdivisions 1, 2, and 4; 289A.26, by adding a subdivision; 289A.30, subdivision 1; 289A.37, subdivision 1; 289A.38, subdivision 9; 289A.42, subdivisions 1 and 2; 289A.60, subdivisions 2, 12, and by adding a subdivision; 290.611, subdivision 1; 290.92, by adding a subdivision; 296.14, subdivision 1; 297.03, subdivision 6; 297.35, subdivision 1; 297C.03, subdivision 1; 297C.04; 336.9-411;

349.212, subdivision 4; 357.18, subdivision 2; 386.46; 473.843, subdivision 3; 508.25; and 508A.25; proposing coding for new law in Minnesota Statutes, chapters 270 and 272; repealing Minnesota Statutes 1990, sections 272.487; 289A.19, subdivision 6; 290.48, subdivisions 5 and 8; and 297A.39, subdivision 9.

The bill was read for the first time and referred to the Committee on Taxes.

Schafer introduced:

H. F. No. 1572, A bill for an act relating to transportation; authorizing advance funding by local governments to expedite trunk highway projects; proposing coding for new law in Minnesota Statutes, chapter 161.

The bill was read for the first time and referred to the Committee on Transportation.

Rest introduced:

H. F. No. 1573, A bill for an act relating to occupations and professions; changing education requirements for certification and licensure as a certified public accountant; amending Minnesota Statutes 1990, section 326.19.

The bill was read for the first time and referred to the Committee on Commerce.

Nelson, K., introduced:

H. F. No. 1574, A bill for an act relating to taxation; extending the property tax exemption for buildings leased to school districts for use in certain community education programs; amending Minnesota Statutes 1990, section 272.02, subdivision 8.

The bill was read for the first time and referred to the Committee on Taxes.

Kalis introduced:

H. F. No. 1575, A bill for an act relating to workers' compensation; regulating coverage for family farm employees; amending Minnesota Statutes 1990, section 176.011, subdivision 11a.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Brown introduced:

H. F. No. 1576, A bill for an act relating to human services; providing an exception to rate setting procedures for certain facilities; amending Minnesota Statutes 1990, section 256B.501, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Sparby introduced:

H. F. No. 1577, A bill for an act relating to natural resources; providing for a study of the consolidated conservation areas; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sparby introduced:

H. F. No. 1578, A bill for an act relating to state government; appropriating money for the construction of a noncommercial television station tower in northwestern Minnesota.

The bill was read for the first time and referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 661, A resolution memorializing Canada to correct the new permit regulations for the Canada-Minnesota border, and to encourage federal, state, and provincial governments to resolve differences to the mutual benefit and satisfaction of the citizens of both countries.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 254, 713, 729, 391, 734 and 774.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 254, A bill for an act relating to health; maternal and child health; clarifying newborn screening requirements; clarifying eligibility for maternal and child health services; requiring birth or death certificate medical supplements to report prenatal exposure to controlled substances; amending Minnesota Statutes 1990, sections 144.126; 144.128; 145.883, subdivision 5; and 626.5562, subdivision 3.

The bill was read for the first time.

Greenfield moved that S. F. No. 254 and H. F. No. 735, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 713, A bill for an act relating to human services licensing; repealing certain rule criteria for disqualification of applicants for licensing and their employees; amending Minnesota Statutes 1990, section 245A.04, subdivision 3.

The bill was read for the first time.

Segal moved that S. F. No. 713 and H. F. No. 488, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 729, A bill for an act relating to game and fish; qualifications for obtaining a license to take wild animals by firearms; proposing coding for new law in Minnesota Statutes, chapter 97B.

The bill was read for the first time.

Pugh moved that S. F. No. 729 and H. F. No. 935, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 391, A bill for an act relating to animal health; providing alternative methods for the disposal of certain animal carcasses; amending Minnesota Statutes 1990, section 35.82, subdivisions 1b and 2.

The bill was read for the first time and referred to the Committee on Agriculture.

S. F. No. 734, A bill for an act relating to retirement; highway patrol refund of certain employee contributions upon death; amending Minnesota Statutes 1990, section 352B.11, by adding a subdivision.

The bill was read for the first time.

Jefferson moved that S. F. No. 734 and H. F. No. 389, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 774, A bill for an act relating to health; clarifying licensing requirements for certain residential programs for persons with chemical dependency; establishing procedures for contesting a transfer or discharge from a nursing home; setting a time limit for appeals of civil penalties under the nursing home licensing laws; providing procedures for contesting findings under the vulnerable adults act; amending Minnesota Statutes 1990, sections 144.50, subdivision 6; 144.653, subdivision 5; 144A.10, subdivisions 4 and 6d; 144A.135; 144A.45, subdivision 2; 144A.46, subdivision 2, and by adding a subdivision; 144A.53, subdivision 1; 144A.61, subdivisions 3, 3a, and 6a; 144A.611, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 144A.

The bill was read for the first time and referred to the Committee on Health and Human Services.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 196

A resolution memorializing the Congress of the United States to enact the POW/MIA truth bill, that relates to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea, and Vietnam.

April 5, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 196, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H. F. No. 196 be further amended as follows:

Page 2 of the Senate amendment, delete lines 7 to 10, and insert:

“Be It Resolved by the Legislature of the State of Minnesota that it urges the Congress of the United States to begin immediate committee hearings and requests action on the POW/MIA truth bill.”

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

House Conferees: PAT BEARD, ROBERT P. MILBERT AND DENNIS R. NEWINSKI.

Senate Conferees: JOE BERTRAM, SR., JANET JOHNSON AND GARY W. LAIDIG.

Beard moved that the report of the Conference Committee on H. F. No. 196 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 196, A resolution memorializing the Congress of the United States to enact the POW/MIA truth bill, that relates to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea, and Vietnam.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olson, E.	Skoglund
Anderson, I.	Garcia	Koppentrayer	Olson, K.	Smith
Anderson, R.	Girard	Krinkie	Omann	Solberg
Anderson, R. H.	Goodno	Krueger	Onnen	Sparby
Battaglia	Greenfield	Lasley	Orenstein	Stanius
Bauerly	Gruenes	Leppik	Orfield	Steensma
Beard	Gutknecht	Lieder	Osthoff	Sviggum
Begich	Hanson	Limmer	Ostrom	Swenson
Bertram	Hartle	Long	Ozment	Thompson
Bettermann	Hasskamp	Lourey	Pauly	Tompkins
Bishop	Haukoos	Lynch	Pellow	Trimble
Blatz	Hausman	Macklin	Pelowski	Tunheim
Bodahl	Heir	Mariani	Peterson	Uphus
Boo	Hufnagle	Marsh	Pugh	Valento
Brown	Hugoson	McEachern	Reding	Vellenga
Carlson	Jacobs	McGuire	Rest	Wagenius
Carruthers	Janezich	McPherson	Rice	Waltman
Clark	Jaros	Milbert	Rodosovich	Weaver
Dauner	Jefferson	Morrison	Rukavina	Wejcman
Davids	Jennings	Munger	Runbeck	Welker
Dawkins	Johnson, A.	Murphy	Sarna	Welle
Dempsey	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, V.	Nelson, S.	Scheid	Winter
Dorn	Kahn	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kalis	O'Connor	Seaberg	
Farrell	Kelso	Ogren	Segal	
Frederick	Kinkel	Olsen, S.	Simoneau	

The bill was repassed, as amended by Conference, and its title agreed to.

CONSENT CALENDAR

Long moved that the bills on the Consent Calendar for today be continued. The motion prevailed.

CALENDAR

Long moved that the bill on the Calendar for today be continued. The motion prevailed.

GENERAL ORDERS

Long moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Uphus moved that the name of Frederick be added as an author on H. F. No. 906. The motion prevailed.

Tunheim moved that the names of Jaros, Hartle and Carlson be added as authors on H. F. No. 1119. The motion prevailed.

Skoglund moved that the name of Clark be added as an author on H. F. No. 1139. The motion prevailed.

Wenzel moved that the name of Newinski be added as an author on H. F. No. 1202. The motion prevailed.

Rest moved that the name of Leppik be added as an author on H. F. No. 1251. The motion prevailed.

Clark moved that the name of Skoglund be added as an author on H. F. No. 1328. The motion prevailed.

Runbeck moved that the name of Swenson be added as an author on H. F. No. 1355. The motion prevailed.

Reding moved that the name of Goodno be added as an author on H. F. No. 1375. The motion prevailed.

Stanius moved that the name of Newinski be added as an author on H. F. No. 1424. The motion prevailed.

Thompson moved that the name of Anderson, R., be added as an author on H. F. No. 1447. The motion prevailed.

Seaberg moved that the name of Solberg be added as an author on H. F. No. 1449. The motion prevailed.

Jefferson moved that the names of Sarna and Long be added as authors on H. F. No. 1455. The motion prevailed.

Rest moved that the name of Abrams be added as an author on H. F. No. 1497. The motion prevailed.

Ostrom moved that S. F. No. 252 be recalled from the Committee on Housing and together with H. F. No. 407, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Peterson moved that H. F. No. 552, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Onnen moved that H. F. No. 93 be returned to its author. The motion prevailed.

Runbeck moved that H. F. No. 946 be returned to its author. The motion prevailed.

House Concurrent Resolution No. 3 was reported to the House.

Long moved that House Concurrent Resolution No. 3 be now adopted.

Long moved to amend House Concurrent Resolution No. 3, as amended by the Committee on Rules and Legislative Administration, as follows:

Page 1, line 9, delete "Monday, April 15," and insert "Wednesday, April 17,"

The motion prevailed and the amendment was adopted.

HOUSE CONCURRENT RESOLUTION NO. 3

A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

Be It Resolved by the House of Representatives of the State of Minnesota, the Senate concurring:

The House of Representatives and the Senate shall meet in joint convention on Wednesday, April 17, 1991, at 12 o'clock noon in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota.

The motion prevailed and House Concurrent Resolution No. 3, as amended, was adopted.

Vanasek, for the Committee on Ways and Means, introduced:

House Resolution No. 3, A house resolution setting the maximum limit on revenues and appropriations for the biennium.

HOUSE RESOLUTION NO. 3

A house resolution setting the maximum limit on revenues and appropriations for the biennium.

Be It Resolved by the House of Representatives that the sum of \$15,339,055,000 is the maximum limit on state appropriations and transfers from the general fund for fiscal years 1992 and 1993. This limit is adopted under House Rule 5.10.

Be It Further Resolved that the Legislature finds that a budget reserve of the sum of \$250,730,000 is necessary.

Be It Further Resolved that the sum of (1) the unreserved general fund balance at the end of fiscal year 1993 and, (2) revenues for the purpose of general fund appropriations and transfers for the fiscal years of 1992 and 1993 must not exceed \$15,589,785,000. This limit is adopted under House Rule 5.10.

Be It Further Resolved that the Legislature finds that it should continue to improve legislative oversight of off budget expenditures through fund consolidation into the general fund and that the limit on appropriations and transfers from the general fund established under House Rule 5.10 may be automatically adjusted to reflect fund consolidation adopted by the Legislature.

Be It Further Resolved that if a law is enacted to reform the property tax system, the maximum limit on general fund appropriations and transfers is changed by the amount by which the law changes general fund revenues and expenditures for the biennium ending June 30, 1993.

Long moved that House Resolution No. 3 be now adopted.

CALL OF THE HOUSE

On the motion of Schreiber and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abrams	Davids	Hausman	Leppik	Olson, E.
Anderson, I.	Dawkins	Heir	Lieder	Olson, K.
Anderson, R.	Dempsey	Hufnagle	Limmer	Omann
Anderson, R. H.	Dille	Hugoson	Long	Onnen
Battaglia	Dorn	Jacobs	Lourey	Orenstein
Bauerly	Erhardt	Jaros	Lynch	Orfield
Beard	Farrell	Jefferson	Macklin	Osthoff
Begich	Frederick	Jennings	Mariani	Ostrom
Bertram	Frerichs	Johnson, A.	Marsh	Ozment
Bettermann	Garcia	Johnson, R.	McGuire	Pauly
Bishop	Girard	Johnson, V.	McPherson	Pellow
Blatz	Goodno	Kahn	Milbert	Pelowski
Bodahl	Greenfield	Kelso	Morrison	Peterson
Boo	Gruenes	Kinkel	Murphy	Pugh
Brown	Gutknecht	Knickerbocker	Nelson, K.	Rice
Carlson	Hanson	Koppendrayner	Nelson, S.	Rodosovich
Clark	Hartle	Krinkie	Newinski	Rukavina
Cooper	Hasskamp	Krueger	Ogren	Runbeck
Dauner	Haukoos	Lasley	Olsen, S.	Schafer

Scheid	Smith	Swenson	Vellenga	Welle
Schreiber	Solberg	Thompson	Wagenius	Wenzel
Seaberg	Sparby	Tompkins	Waltman	Winter
Segal	Stanius	Trimble	Weaver	Spk. Vanasek
Simoneau	Steensma	Uphus	Wejeman	
Skoglund	Sviggum	Valento	Welker	

Long moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Welker; Stanius; Tompkins; Smith; Johnson, V.; Schafer; Frerichs; Davids; Heir; Blatz; Olsen, S.; Krinkie; Limmer and Bettermann moved to amend House Resolution No. 3, as follows:

Page 1, line 6, delete "\$15,339,055,000" and insert "\$14,781,055,000"

Page 1, line 10, delete "\$250,730,000" and insert "\$400,000,000"

Page 1, line 15, delete "\$15,589,785,000" and insert "\$15,181,055,000"

A roll call was requested and properly seconded.

The question was taken on the Welker et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 50 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Morrison	Seaberg
Anderson, R. H.	Girard	Koppendrayner	Newinski	Smith
Bettermann	Goodno	Krinkie	Olsen, S.	Stanius
Blatz	Gruenes	Leppik	Omann	Swenson
Boo	Gutknecht	Limmer	Onnen	Tompkins
Davids	Haukoos	Lynch	Osthoff	Uphus
Dempsey	Heir	Macklin	Pellow	Valento
Dille	Hufnagle	Marsh	Schafer	Waltman
Erhardt	Hugoson	McPherson	Scheid	Weaver
Frederick	Johnson, V.	Milbert	Schreiber	Welker

Those who voted in the negative were:

Anderson, I.	Begich	Carruthers	Dorn	Hasskamp
Anderson, R.	Bertram	Clark	Farrell	Hausman
Battaglia	Bodahl	Cooper	Greenfield	Jacobs
Bauerly	Brown	Dauner	Hanson	Jaros
Beard	Carlson	Dawkins	Hartle	Jefferson

Jennings	Mariani	Orfield	Runbeck	Tunheim
Johnson, A.	McEachern	Ostrom	Sarna	Vellenga
Johnson, R.	McGuire	Ozment	Segal	Wagenius
Kahn	Murphy	Pauly	Simoneau	Wejcman
Kelso	Nelson, K.	Pelowski	Skoglund	Welle
Kinkel	Nelson, S.	Peterson	Solberg	Wenzel
Krueger	O'Connor	Pugh	Sparby	Spk. Vanasek
Lasley	Ogren	Rest	Steensma	
Lieder	Olson, E.	Rice	Sviggum	
Long	Olson, K.	Rodosovich	Thompson	
Lourey	Orenstein	Rukavina	Trimble	

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

Schreiber; Dempsey; Olsen, S.; Schafer; Onnen; Seaberg; Uphus; Frerichs; Ozment and Smith moved to amend House Resolution No. 3, as follows:

Page 1, line 6, delete "\$15,339,055,000" and insert "\$14,967,055,000"

Page 1, line 10, delete "\$250,730,000" and insert "\$400,000,000"

Page 1, line 15, delete "\$15,589,785,000" and insert "\$15,367,055,000"

A roll call was requested and properly seconded.

The question was taken on the Schreiber et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 60 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Koppendrayer	Olsen, S.	Seaberg
Anderson, R. H.	Goodno	Krinkie	Olson, K.	Smith
Bettermann	Gruenes	Leppik	Omann	Stanius
Bishop	Gutknecht	Limmer	Onnen	Sviggum
Blatz	Hartle	Lourey	Osthoff	Swenson
Boo	Haukoos	Lynch	Ozment	Tompkins
Davids	Heir	Macklin	Pauly	Uphus
Dempsey	Hufnagle	Marsh	Pellow	Valento
Dille	Hugoson	McPherson	Runbeck	Waltman
Erhardt	Jennings	Milbert	Schafer	Weaver
Frederick	Johnson, V.	Morrison	Scheid	Welker
Frerichs	Knickerbocker	Newinski	Schreiber	Wenzel

Those who voted in the negative were:

Anderson, I.	Dawkins	Kalis	O'Connor	Sarna
Anderson, R.	Dorn	Kelso	Ogren	Segal
Battaglia	Farrell	Kinkel	Olson, E.	Simoneau
Bauerly	Garcia	Krueger	Orenstein	Skoglund
Beard	Greenfield	Lasley	Orfield	Solberg
Begich	Hanson	Lieder	Ostrom	Sparby
Bertram	Hasskamp	Long	Pelowski	Thompson
Bodahl	Hausman	Mariani	Peterson	Trimble
Brown	Jacobs	McEachern	Pugh	Tunheim
Carlson	Jaros	McGuire	Reding	Vellenga
Carruthers	Jefferson	Munger	Rest	Wagenius
Clark	Johnson, A.	Murphy	Rice	Wejcmán
Cooper	Johnson, R.	Nelson, K.	Rodosovich	Welle
Dauner	Kahn	Nelson, S.	Rukavina	Spk. Vanasek

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

Morrison; Olsen, S.; Limmer; Onnen; Dempsey; Abrams; Leppik; Sviggum; Blatz and Newinski moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$15,000,000 must be for battered women's shelters and services."

A roll call was requested and properly seconded.

The question was taken on the Morrison et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Newinski	Seaberg
Anderson, R. H.	Girard	Knickerbocker	Olsen, S.	Smith
Bettermann	Goodno	Koppendrayner	Olson, K.	Stanius
Bishop	Gruenes	Krinkie	Omann	Sviggum
Blatz	Gutknecht	Leppik	Onnen	Swenson
Boo	Hartle	Limmer	Ozment	Tompkins
Davids	Haukoos	Lynch	Pauly	Uphus
Dempsey	Heir	Macklin	Pellow	Valento
Dille	Hufnagle	Marsh	Runbeck	Waltman
Erhardt	Hugoson	McPherson	Schafer	Weaver
Frederick	Johnson, V.	Morrison	Schreiber	Welker

Those who voted in the negative were:

Anderson, I.	Bertram	Cooper	Greenfield	Jaros
Anderson, R.	Bodahl	Dauner	Hanson	Jefferson
Battaglia	Brown	Dawkins	Hasskamp	Jennings
Bauerly	Carlson	Dorn	Hausman	Johnson, A.
Beard	Carruthers	Farrell	Jacobs	Johnson, R.
Begich	Clark	Garcia	Janezich	Kahn

Kelso	Munger	Ostrom	Scheid	Vellenga
Krueger	Murphy	Pelowski	Segal	Wagenius
Lasley	Nelson, K.	Peterson	Simoneau	Wejzman
Lieder	Nelson, S.	Pugh	Skoglund	Welle
Long	O'Connor	Reding	Solberg	Wenzel
Lourey	Ogren	Rest	Sparby	Winter
Mariani	Olson, E.	Rice	Steensma	Spk. Vanasek
McEachern	Orenstein	Rodosovich	Thompson	
McGuire	Orfield	Rukavina	Trimble	
Milbert	Osthoff	Sarna	Tunheim	

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

Valento, Davids, Goodno, Smith, Newinski, Waltman, Swenson, Bettermann and Hufnagle moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

“Be It Further Resolved that if short-term borrowing is necessary during fiscal years 1992 and 1993, the appropriation for expenses of the legislature must be reduced by the amount of short-term borrowing interest costs and transferred to the commissioner of finance for payment of those costs.”

A roll call was requested and properly seconded.

The question was taken on the Valento et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Newinski	Smith
Anderson, R. H.	Girard	Koppendrayner	Olsen, S.	Stanius
Bettermann	Goodno	Krinkie	Omman	Sviggum
Blatz	Gruenes	Leppik	Onnen	Swenson
Boo	Gutknecht	Limmer	Ozment	Tompkins
Dauner	Hartle	Lynch	Pauly	Uphus
Davids	Haukoos	Macklin	Pellow	Valento
Dempsey	Heir	Marsh	Runbeck	Waltman
Dille	Hufnagle	McPherson	Schafer	Weaver
Erhardt	Hugoson	Morrison	Schreiber	Welker
Frederick	Johnson, V.	Nelson, S.	Seaberg	

Those who voted in the negative were:

Anderson, I.	Bauerly	Bertram	Brown	Clark
Anderson, R.	Beard	Bishop	Carlson	Cooper
Battaglia	Begich	Bodahl	Carruthers	Dawkins

Dorn	Kahn	Munger	Pugh	Trimble
Farrell	Kahis	Murphy	Reding	Tunheim
Garcia	Kelso	Nelson, K.	Rest	Vellenga
Greenfield	Kinkel	O'Connor	Rodosovich	Wagenius
Hanson	Krueger	Ogren	Rukavina	Wejman
Hasskamp	Lasley	Olson, E.	Sarna	Welle
Hausman	Lieder	Olson, K.	Scheid	Wenzel
Jacobs	Long	Orenstein	Segal	Winter
Janezich	Lourey	Orfield	Simoneau	Spk. Vanasek
Jaros	Mariani	Osthoff	Skoglund	
Jefferson	McEachern	Ostrom	Solberg	
Jennings	McGuire	Pelowski	Sparby	
Johnson, A.	Milbert	Peterson	Thompson	

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

Macklin; Olsen, S.; Limmer; Onnen; Heir; Uphus; Pellow; Swenson; Newinski; Bettermann; Goodno; Girard; Hugoson; Seaberg; Runbeck; Smith; Hartle and McPherson moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$4,000,000 must be to provide for legal services to women filing for orders for protection."

A roll call was requested and properly seconded.

The question was taken on the Macklin et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Johnson, V.	Newinski	Smith
Anderson, R. H.	Girard	Knickerbocker	Olsen, S.	Stanius
Bettermann	Goodno	Koppendrayer	Omann	Sviggum
Bishop	Gruenes	Krinkie	Onnen	Swenson
Blatz	Gutknecht	Leppik	Ozment	Tompkins
Boo	Hanson	Limmer	Pauly	Uphus
Davids	Hartle	Lynch	Pellow	Valento
Dempsey	Haukoos	Macklin	Runbeck	Waltman
Dille	Heir	Marsh	Schafer	Weaver
Erhardt	Hufnagle	McPherson	Schreiber	Welker
Frederick	Hugoson	Morrison	Seaberg	

Those who voted in the negative were:

Anderson, I.	Beard	Brown	Cooper	Farrell
Anderson, R.	Begich	Carlson	Dauner	Garcia
Battaglia	Bertram	Carruthers	Dawkins	Greenfield
Bauerly	Bodahl	Clark	Dorn	Hasskamp

Hausman	Lasley	O'Connor	Rest	Tunheim
Jacobs	Lieder	Ogren	Rodosovich	Vellenga
Janezich	Long	Olson, E.	Rukavina	Wagenius
Jaros	Lourey	Olson, K.	Sarna	Wejcman
Jefferson	Mariani	Orenstein	Scheid	Welle
Jennings	McEachern	Orfield	Segal	Wenzel
Johnson, A.	McGuire	Osthoff	Simoneau	Winter
Kahn	Milbert	Ostrom	Skoglund	Spk. Vanasek
Kalis	Munger	Pelowski	Solberg	
Kelso	Murphy	Peterson	Sparby	
Kinkel	Nelson, K.	Pugh	Thompson	
Krueger	Nelson, S.	Reding	Trimble	

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

Pauly; Johnson, V.; Runbeck; Swenson; Newinski; Limmer; Morrison; Bettermann and Gutknecht moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$15,000,000 must be used for the supplemental food program for women, infants, and children (W.I.C.)."

A roll call was requested and properly seconded.

The question was taken on the Pauly et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olsen, S.	Stanius
Anderson, R.	Girard	Koppendrayner	Omann	Svigum
Anderson, R. H.	Goodno	Krinkie	Onnen	Swenson
Bettermann	Gruenes	Leppik	Ozment	Thompson
Blatz	Gutknecht	Limmer	Pauly	Tompkins
Boo	Hartle	Lynch	Pellow	Uphus
Davids	Haukoos	Macklin	Runbeck	Valento
Dempsey	Heir	Marsh	Schafer	Waltman
Dille	Hufnagle	McPherson	Schreiber	Weaver
Erhardt	Hugoson	Morrison	Seaberg	Welker
Frederick	Johnson, V.	Newinski	Smith	

Those who voted in the negative were:

Anderson, I.	Brown	Dorn	Jacobs	Kahn
Battaglia	Carlson	Farrell	Janezich	Kalis
Bauerly	Carruthers	Garcia	Jaros	Kelso
Beard	Clark	Greenfield	Jefferson	Kinkel
Begich	Cooper	Hanson	Jennings	Krueger
Bertram	Dauner	Hasskamp	Johnson, A.	Lasley
Bodahl	Dawkins	Hausman	Johnson, R.	Lieder

Long	Nelson, S.	Pelowski	Scheid	Wagenius
Lourey	O'Connor	Peterson	Segal	Wejcman
Mariani	Ogren	Pugh	Simoneau	Welle
McEachern	Olson, E.	Reding	Skoglund	Wenzel
McGuire	Olson, K.	Rest	Solberg	Winter
Milbert	Orenstein	Rice	Sparby	Spk. Vanasek
Munger	Orfield	Rodosovich	Trimble	
Murphy	Osthoff	Rukavina	Tunheim	
Nelson, K.	Ostrom	Sarna	Vellenga	

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

Abrams; Valento; Olsen, S.; Blatz; Knickerbocker; Morrison; Macklin; Limmer; Boo; Pellow; Goodno; Dempsey; Swenson; Smith; Hufnagle; Schafer; Waltman; Lynch; Frerichs; Pauly; Runbeck; Gutknecht; Stanius; Haukoos; McPherson and Leppik moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

“Be It Further Resolved that the valuation of residential homesteads for property tax purposes must be frozen for taxes payable in 1992, and that the valuation for taxes payable thereafter must be based on a percentage of the purchase price of the property.”

A roll call was requested and properly seconded.

The question was taken on the Abrams et al amendment and the roll was called.

Bauerly moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olsen, S.	Sviggum
Anderson, R.	Goodno	Koppendrayner	Omann	Swenson
Anderson, R. H.	Gruenes	Krinkie	Onnen	Thompson
Bettermann	Gutknecht	Leppik	Ozment	Tompkins
Blatz	Hartle	Limmer	Pauly	Uphus
Boo	Hasskamp	Lynch	Pellow	Valento
Davids	Haukoos	Macklin	Runbeck	Waltman
Dempsey	Heir	McGuire	Schafer	Weaver
Dille	Hufnagle	McPherson	Seaberg	Welker
Erhardt	Jefferson	Morrison	Smith	Wenzel
Frederick	Johnson, V.	Newinski	Stanius	

Those who voted in the negative were:

Anderson, I.	Beard	Bishop	Carlson	Cooper
Battaglia	Begich	Bodahl	Carruthers	Dauner
Bauerly	Bertram	Brown	Clark	Dawkins

Dorn	Johnson, R.	Murphy	Pugh	Steensma
Farrell	Kahn	Nelson, K.	Reding	Trimble
Garcia	Kalis	Nelson, S.	Rest	Tunheim
Girard	Kelso	O'Connor	Rice	Vellenga
Greenfield	Kinkel	Ogren	Rodosovich	Wagenius
Hanson	Krueger	Olson, E.	Rukavina	Wejeman
Hausman	Lasley	Olson, K.	Sarna	Welle
Hugoson	Lieder	Orenstein	Scheid	Winter
Jacobs	Lourey	Orfield	Segal	Spk. Vanasek
Janezich	Mariani	Osthoff	Simoneau	
Jaros	Marsh	Ostrom	Skoglund	
Jennings	McEachern	Pelowski	Solberg	
Johnson, A.	Munger	Peterson	Sparby	

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

Valento, Schreiber, Pellow, Newinski, Swenson, Bettermann, Runbeck and Anderson, R. H., moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

“Be It Further Resolved that if a law is enacted to impose new state taxes or increase the rates or bases of state taxes, except for a law conforming to federal income tax changes, the proceeds of the taxes or the increase in the proceeds of the taxes must be used solely to provide a targeted homestead credit paid directly to homeowners, and that the taxes or increase in taxes, and the targeted property tax relief must sunset at the end of fiscal year 1993.”

A roll call was requested and properly seconded.

The question was taken on the Valento et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Leppik	Ozment	Tompkins
Anderson, R.	Goodno	Limmer	Pauly	Uphus
Anderson, R. H.	Gruenes	Lynch	Pellow	Valento
Bettermann	Hartle	Macklin	Runbeck	Waltman
Blatz	Haukoos	Marsh	Schafer	Weaver
Boo	Heir	McPherson	Schreiber	Welker
Davids	Hufnagle	Milbert	Seaberg	
Dempsey	Hugoson	Morrison	Smith	
Dille	Johnson, V.	Newinski	Stanius	
Erhardt	Knickerbocker	Olsen, S.	Sviggum	
Frederick	Koppendrayer	Omann	Swenson	
Frerichs	Krinkie	Onnen	Thompson	

Those who voted in the negative were:

Anderson, I.	Farrell	Krueger	Orenstein	Solberg
Battaglia	Garcia	Lasley	Orfield	Sparby
Bauerly	Greenfield	Lieder	Osthoff	Steensma
Beard	Hanson	Long	Ostrom	Trimble
Begich	Hausman	Lourey	Pelowski	Tunheim
Bertram	Jacobs	Mariani	Peterson	Vellenga
Bishop	Janezich	McEachern	Pugh	Wagenius
Bodahl	Jaros	McGuire	Rest	Wejzman
Brown	Jefferson	Munger	Rice	Welle
Carlson	Jennings	Murphy	Rodosovich	Wenzel
Carruthers	Johnson, A.	Nelson, K.	Rukavina	Winter
Clark	Johnson, R.	Nelson, S.	Sarna	Spk. Vanasek
Cooper	Kahn	O'Connor	Scheid	
Dauner	Kalis	Ogren	Segal	
Dawkins	Kelso	Olson, E.	Simoneau	
Dorn	Kinkel	Olson, K.	Skoglund	

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

Stanius; Anderson, R. H.; Goodno; Pellow; Johnson, V.; Waltman; Ozment; Smith; Swenson; Heir; Hugoson; Uphus; Morrison; Krinkie; Hufnagle; Runbeck; Limmer; Newinski; Valento; Girard; Koppendrayner; Blatz; Leppik; Weaver; Olsen, S.; Pauly; Lynch; Davids; Erhardt; Macklin; Abrams and Dempsey moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$30,000,000 must be used for the Reinvest in Minnesota program."

A roll call was requested and properly seconded.

The question was taken on the Stanius et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 58 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Leppik	Omann	Solberg
Anderson, R. H.	Gutknecht	Limmer	Onnen	Stanius
Bettermann	Hartle	Lourey	Osthoff	Sviggum
Blatz	Haukoos	Lynch	Ozment	Swenson
Boo	Hufnagle	Macklin	Pauly	Tompkins
Davids	Hugoson	Marsh	Pellow	Uphus
Dempsey	Johnson, R.	McPherson	Pugh	Valento
Erhardt	Johnson, V.	Milbert	Runbeck	Waltman
Frederick	Kelso	Morrison	Schafer	Weaver
Frerichs	Kinkel	Newinski	Schreiber	Welker
Girard	Koppendrayner	Olsen, S.	Seaberg	
Goodno	Krinkie	Olson, K.	Smith	

Those who voted in the negative were:

Anderson, I.	Dawkins	Kalis	Orenstein	Sparby
Anderson, R.	Dille	Knickerbocker	Orfield	Steensma
Battaglia	Dorn	Krueger	Ostrom	Thompson
Bauerly	Farrell	Lasley	Pelowski	Trimble
Beard	Garcia	Lieder	Peterson	Tunheim
Begich	Greenfield	Long	Reding	Vellenga
Bertram	Hanson	Mariani	Rest	Wagenius
Bishop	Hausman	McEachern	Rice	Wejman
Bodahl	Heir	Munger	Rodosovich	Welle
Brown	Jacobs	Murphy	Rukavina	Wenzel
Carlson	Janezich	Nelson, K.	Sarna	Winter
Carruthers	Jaros	Nelson, S.	Scheid	Spk. Vanasek
Clark	Jefferson	O'Connor	Segal	
Cooper	Jennings	Ogren	Simoneau	
Dauner	Johnson, A.	Olson, E.	Skoglund	

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

Ozment; Stanius; Hartle; Waltman; Weaver; Pellow; Tompkins; Leppik; Schafer; Krinkie; Swenson; Dempsey; Welker; Omann; Sviggum; Johnson, V.; Davids; Erhardt; Morrison; Schreiber; Olsen, S.; Onnen; Heir; Anderson, R. H.; Seaberg; Gruenes; Koppendraye; Uphus; Frerichs; Limmer; Marsh; Macklin; Abrams; Pauly; Boo; Valento; Smith; Frederick; Blatz; Knickerbocker; Hufnagle; Lynch; Haukoos; Goodno; Newinski; Girard; Runbeck; Hugoson; McPherson; Gutknecht and Bettermann moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

“Be It Further Resolved that no less than 33 and one-third percent of expenditures, including school tax credits, from the general fund for fiscal years 1992 and 1993 shall be for education finance at the levels K to 12.”

A roll call was requested and properly seconded.

The question was taken on the Ozment et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 56 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abrams	Bishop	Dempsey	Frerichs	Gutknecht
Anderson, R.	Blatz	Dille	Girard	Hartle
Anderson, R. H.	Boo	Erhardt	Goodno	Haukoos
Bettermann	Davids	Frederick	Gruenes	Heir

Hufnagle	Lynch	Omann	Seaberg	Valento
Hugoson	Macklin	Onnen	Smith	Waltman
Johnson, V.	Marsh	Ozment	Stanius	Weaver
Knickerbocker	McPherson	Pauly	Sviggum	Welker
Koppendrayner	Morrison	Pellow	Swenson	
Krinkie	Newinski	Runbeck	Thompson	
Leppik	Olsen, S.	Schafer	Tompkins	
Limmer	Olson, K.	Schreiber	Uphus	

Those who voted in the negative were:

Anderson, I.	Garcia	Krueger	Orfield	Skoglund
Battaglia	Greenfield	Lasley	Osthoff	Solberg
Bauerly	Hanson	Lieder	Ostrom	Sparby
Beard	Hausman	Long	Pelowski	Steensma
Begich	Jacobs	Lourey	Peterson	Trimble
Bertram	Janezich	Mariani	Pugh	Tunheim
Bodahl	Jaros	McEachern	Reding	Vellenga
Brown	Jefferson	Munger	Rest	Wagenius
Carlson	Jennings	Murphy	Rice	Wejcman
Carruthers	Johnson, A.	Nelson, K.	Rodosovich	Wenzel
Clark	Johnson, R.	Nelson, S.	Rukavina	Winter
Dauner	Kahn	O'Connor	Sarna	Spk. Vanasek
Dawkins	Kalis	Ogren	Scheid	
Dorn	Kelso	Olson, E.	Segal	
Farrell	Kinkel	Orenstein	Simoneau	

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

Gutknecht, McPherson, Sviggum, Omann, Hugoson, Onnen, Pellow, Stanius, Weaver, Bettermann, Waltman and Girard moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

“Be It Further Resolved that of the \$32,000,000 designated for the workers’ compensation special fund, \$22,000,000 must be allocated to enhance wages for direct care workers at intermediate care facilities for the mentally retarded, development achievement centers, semi-independent living services, and waived services.”

A roll call was requested and properly seconded.

The question was taken on the Gutknecht et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 58 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Kinkel	Newinski	Smith
Anderson, R. H.	Goodno	Knickerbocker	Olsen, S.	Stanius
Bettermann	Gruenes	Koppendrayner	Olson, K.	Sviggum
Bishop	Gutknecht	Krinkie	Omann	Swenson
Blatz	Hartle	Leppik	Onnen	Tompkins
Boo	Haukoos	Limmer	Ozment	Uphus
Davids	Heir	Lynch	Pauly	Valento
Dempsey	Hufnagle	Macklin	Pellow	Waltman
Dille	Hugoson	Marsh	Runbeck	Weaver
Erhardt	Jennings	McPherson	Schafer	Welker
Frederick	Johnson, R.	Morrison	Schreiber	
Frerichs	Johnson, V.	Nelson, S.	Seaberg	

Those who voted in the negative were:

Anderson, I.	Dawkins	Kalis	Ogren	Segal
Anderson, R.	Dorn	Kelso	Olson, E.	Simoneau
Battaglia	Farrell	Krueger	Orenstein	Skoglund
Bauerly	Garcia	Lasley	Orfield	Sparby
Beard	Greenfield	Lieder	Ostrom	Steenasma
Begich	Hanson	Long	Pelowski	Thompson
Bertram	Hasskamp	Lourey	Peterson	Trimble
Bodahl	Hausman	Mariani	Pugh	Tunheim
Brown	Jacobs	McEachern	Rest	Vellenga
Carlson	Janezich	McGuire	Rice	Wagenius
Carruthers	Jaros	Munger	Rodosovich	Wejzman
Clark	Jefferson	Murphy	Rukavina	Wenzel
Cooper	Johnson, A.	Nelson, K.	Sarna	Winter
Dauner	Kahn	O'Connor	Scheid	Spk. Vanasek

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

Olsen, S.; Tompkins; Lynch; Blatz; Swenson; Ozment; Davids; McPherson; Leppik; Schafer; Heir; Bettermann; Hartle and Frederick moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$70,000,000 must be spent on special education."

A roll call was requested and properly seconded.

The question was taken on the Olsen, S., et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Davids	Frerichs	Hartle	Johnson, R.
Anderson, R. H.	Dempsey	Girard	Haukoos	Johnson, V.
Bettermann	Dille	Goodno	Heir	Knickerbocker
Blatz	Erhardt	Gruenes	Hufnagle	Koppendrayner
Boo	Frederick	Gutknecht	Hugoson	Krinkie

Leppik	Morrison	Ozment	Seaberg	Uphus
Limmer	Newinski	Pauly	Smith	Valento
Lynch	Olsen, S.	Pellow	Stanius	Waltman
Macklin	Olsen, K.	Runbeck	Sviggum	Weaver
Marsh	Omann	Schafer	Swenson	Welker
McPherson	Onnen	Schreiber	Tompkins	

Those who voted in the negative were:

Anderson, I.	Dorn	Krueger	Orenstein	Skoglund
Anderson, R.	Farrell	Lasley	Orfield	Solberg
Battaglia	Garcia	Lieder	Osthoff	Sparby
Bauerly	Greenfield	Long	Ostrom	Steensma
Beard	Hanson	Lourey	Pelowski	Thompson
Begich	Hausman	Mariani	Peterson	Trimble
Bertram	Jacobs	McEachern	Pugh	Tunheim
Bishop	Janezich	McGuire	Reding	Vellenga
Bodahl	Jaros	Milbert	Rest	Wagenius
Brown	Jefferson	Munger	Rice	Wejcman
Carlson	Jennings	Murphy	Rodosovich	Wenzel
Carruthers	Johnson, A.	Nelson, K.	Rukavina	Winter
Clark	Kahn	Nelson, S.	Sarna	Spk. Vanasek
Cooper	Kalis	O'Connor	Scheid	
Dauner	Kelso	Ogren	Segal	
Dawkins	Kinkel	Olson, E.	Simoneau	

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

Frerichs; Tompkins; Davids; Heir; Johnson, V.; Dempsey; Swenson; Uphus; Olsen, S.; Sviggum; Anderson, R. H.; Hufnagle; Newinski; Hartle; Smith; Goodno; McPherson; Dille; Haukoos; Frederick and Girard moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$40,000,000 must be for upgrading and maintaining the state park system."

A roll call was requested and properly seconded.

The question was taken on the Frerichs et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 45 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Heir	Macklin	Pauly
Anderson, R. H.	Frederick	Hufnagle	Marsh	Runbeck
Bettermann	Frerichs	Hugoson	McPherson	Schafer
Blatz	Girard	Johnson, V.	Newinski	Smith
Boo	Goodno	Koppendrayner	Olsen, S.	Stanius
Davids	Gutknecht	Leppik	Omann	Sviggum
Dempsey	Hartle	Limmer	Onnen	Swenson
Dille	Haukoos	Lynch	Ozment	Tompkins

Uphus Valento Waltman Weaver Welker

Those who voted in the negative were:

Anderson, I.	Farrell	Krinkie	Orenstein	Seaberg
Anderson, R.	Garcia	Krueger	Orfield	Segal
Battaglia	Greenfield	Lasley	Osthoff	Simoneau
Bauerly	Hanson	Lieder	Ostrom	Skoglund
Beard	Hausman	Long	Pellow	Solberg
Begich	Jacobs	Lourey	Pelowski	Sparby
Bertram	Jaros	Mariani	Peterson	Steensma
Bodahl	Jefferson	McEachern	Pugh	Thompson
Brown	Jennings	McGuire	Reding	Trimble
Carlson	Johnson, A.	Milbert	Rest	Tunheim
Carruthers	Johnson, R.	Munger	Rice	Vellenga
Clark	Kahn	Murphy	Rodosovich	Wagenius
Cooper	Kalis	Nelson, S.	Rukavina	Wejzman
Dauner	Kelso	O'Connor	Sarna	Wenzel
Dawkins	Kinkel	Olson, E.	Scheid	Winter
Dorn	Knickerbocker	Olson, K.	Schreiber	Spk. Vanasek

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

Uphus, Krinkie, Koppendrayer, Goodno, Smith and Newinski moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

“Be It Further Resolved that salaries for state legislators must be reduced by ten percent and the resulting savings used to increase targeted property tax relief paid directly to homeowners.”

A roll call was requested and properly seconded.

The question was taken on the Uphus et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anderson, R. H.	Frerichs	Jennings	Olsen, S.	Smith
Bauerly	Garcia	Johnson, V.	Omann	Stanius
Bertram	Girard	Koppendrayer	Onnen	Sviggum
Bettermann	Goodno	Krinkie	Ozment	Swenson
Blatz	Gruenes	Leppik	Pauly	Tompkins
Boo	Hartle	Limmer	Pellow	Uphus
Davids	Hasskamp	Lynch	Pelowski	Valento
Dempsey	Haukoos	Macklin	Runbeck	Waltman
Dille	Heir	Marsh	Schafer	Weaver
Erhardt	Hufnagle	McPherson	Schreiber	Welker
Frederick	Hugoson	Morrison	Seaberg	

Those who voted in the negative were:

Abrams	Dorn	Krueger	Orenstein	Skoglund
Anderson, I.	Farrell	Lasley	Orfield	Solberg
Anderson, R.	Greenfield	Lieder	Osthoff	Sparby
Battaglia	Hanson	Long	Ostrom	Steensma
Beard	Hausman	Lourey	Peterson	Thompson
Begich	Jacobs	Mariani	Pugh	Trimble
Bishop	Janezich	McEachern	Reding	Tunheim
Bodahl	Jefferson	Munger	Rest	Vellenga
Brown	Johnson, A.	Murphy	Rice	Wagenius
Carlson	Johnson, R.	Nelson, K.	Rodosovich	Wejzman
Carruthers	Kahn	Nelson, S.	Rukavina	Welle
Clark	Kalis	O'Connor	Sarna	Wenzel
Cooper	Kelso	Ogren	Scheid	Winter
Dauner	Kinkel	Olson, E.	Segal	Spk. Vanasek
Dawkins	Knickerbocker	Olson, K.	Simoneau	

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

Frederick, Hufnagle, Waltman, Hugoson, Girard, Koppendrayer, Newinski and Swenson moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$20,000,000 must be for conservation easements payments to landowners for wetlands protection."

A roll call was requested and properly seconded.

The question was taken on the Frederick et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 52 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Koppendrayer	Omann	Swenson
Anderson, R.	Girard	Krinkie	Onnen	Thompson
Anderson, R. H.	Goodno	Leppik	Pauly	Tompkins
Bettermann	Gutknecht	Limmer	Pellow	Uphus
Blatz	Hartle	Lynch	Runbeck	Valento
Boo	Haukoos	Macklin	Schafer	Waltman
Davids	Heir	Marsh	Schreiber	Weaver
Dempsey	Hufnagle	McPherson	Seaberg	Welker
Dille	Hugoson	Morrison	Smith	
Erhardt	Johnson, V.	Newinski	Stanius	
Frederick	Knickerbocker	Olsen, S.	Sviggum	

Those who voted in the negative were:

Anderson, I.	Battaglia	Bauerly	Beard	Begich
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Bertram	Hasskamp	Lieder	Osthoff	Solberg
Bodahl	Hausman	Long	Ostrom	Sparby
Brown	Jacobs	Mariani	Pelowski	Steensma
Carlson	Janezich	McEachern	Peterson	Trimble
Carruthers	Jaros	McGuire	Pugh	Tunheim
Clark	Jefferson	Milbert	Reding	Vellenga
Cooper	Jennings	Murphy	Rest	Wagenius
Dauner	Johnson, A.	Nelson, K.	Rice	Wejcman
Dawkins	Johnson, R.	Nelson, S.	Rodosovich	Welle
Dorn	Kahn	O'Connor	Rukavina	Wenzel
Farrell	Kalis	Ogren	Sarna	Winter
Garcia	Kelso	Olson, E.	Scheid	Spk. Vanasek
Greenfield	Kinkel	Olson, K.	Segal	
Gruenes	Krueger	Orenstein	Simoneau	
Hanson	Lasley	Orfield	Skoglund	

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

Frerichs; Johnson, V.; Waltman; Dempsey; Hugoson; Hartle; Davids and Schafer moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$10,000,000 must be for ethanol production subsidies."

A roll call was requested and properly seconded.

The question was taken on the Frerichs et al amendment and the roll was called.

Pursuant to Minnesota Statutes, section 10A.07, Girard and Uphus requested that they be excused from voting on the Frerichs et al amendment to House Resolution No. 3. The request was granted by the Speaker.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 51 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frerichs	Koppendraye	Onnen	Swenson
Anderson, R. H.	Garcia	Limmer	Ozment	Thompson
Bettermann	Goodno	Lynch	Pauly	Tompkins
Blatz	Gruenes	Macklin	Fellow	Valento
Boo	Gutknecht	Marsh	Runbeck	Waltman
Dauner	Hartle	McPherson	Schafer	Weaver
Davids	Haukoos	Morrison	Seaberg	Welker
Dempsey	Heir	Nelson, S.	Smith	
Dille	Hufnagle	Newinski	Stanius	
Erhardt	Hugoson	Olson, K.	Steensma	
Frederick	Johnson, V.	Omann	Svigum	

Those who voted in the negative were:

Abrams	Farrell	Knickerbocker	Olsen, S.	Segal
Anderson, I.	Greenfield	Krinkie	Olson, E.	Simoneau
Battaglia	Hanson	Krueger	Orenstein	Skoglund
Bauerly	Hasskamp	Lasley	Orfield	Solberg
Beard	Hausman	Lieder	Osthoff	Sparby
Begich	Jacobs	Long	Ostrom	Trimble
Bertram	Janezich	Lourey	Pelowski	Tunheim
Bishop	Jaros	Mariani	Peterson	Vellenga
Bodahl	Jefferson	McEachern	Pugh	Wagenius
Brown	Jennings	McGuire	Reding	Wejzman
Carlson	Johnson, A.	Milbert	Rest	Welle
Carruthers	Johnson, R.	Munger	Rice	Wenzel
Clark	Kahn	Murphy	Rodosovich	Winter
Cooper	Kalis	Nelson, K.	Rukavina	Spk. Vanasek
Dawkins	Kelso	O'Connor	Sarna	
Dorn	Kinkel	Ogren	Scheid	

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

Koppendraye, Sviggum, Frederick, Newinski, Haukoos, Hugoson, Weaver, Bettermann, Girard, McPherson and Heir moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount, \$100,000,000 must be used to bring every school district up to the statewide average general education funding per pupil unit."

A roll call was requested and properly seconded.

The question was taken on the Koppendraye et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 45 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Girard	Johnson, V.	Omann	Sviggum
Anderson, R. H.	Goodno	Koppendraye	Onnen	Swenson
Bettermann	Gruenes	Limmer	Ozment	Thompson
Davids	Gutknecht	Lynch	Pellow	Tompkins
Dempsey	Hartle	Macklin	Runbeck	Uphus
Dille	Haukoos	Marsh	Schafer	Valento
Erhardt	Heir	McPherson	Schreiber	Waltman
Frederick	Hugoson	Nelson, S.	Smith	Weaver
Frerichs	Johnson, R.	Newinski	Stanius	Welker

Those who voted in the negative were:

Abrams	Begich	Carlson	Dorn	Hasskamp
Anderson, I.	Bertram	Carruthers	Farrell	Hausman
Battaglia	Bodahl	Clark	Garcia	Hufnagle
Bauerly	Boo	Dauner	Greenfield	Jacobs
Beard	Brown	Dawkins	Hanson	Janezich

Jaros	Leppik	O'Connor	Pugh	Solberg
Jefferson	Lieder	Ogren	Reding	Sparby
Jennings	Long	Olsen, S.	Rest	Steensma
Johnson, A.	Lourey	Olsen, E.	Rice	Trimble
Kahn	Mariani	Olson, K.	Rodosovich	Tunheim
Kalis	McEachern	Orenstein	Rukavina	Vellenga
Kelso	McGuire	Orfield	Sarna	Wagenius
Kinkel	Milbert	Osthoff	Scheid	Wejcman
Knickerbocker	Morrison	Ostrom	Seaberg	Welle
Krinkie	Munger	Pauly	Segal	Wenzel
Krueger	Murphy	Pelowski	Simoneau	Winter
Lasley	Nelson, K.	Peterson	Skoglund	Spk. Vanasek

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

Bettermann; Anderson, R. H.; Heir; Onnen; Lynch; Waltman; Johnson, V.; Davids; Schafer; Pellow; Gutknecht; Goodno; Seaberg and Leppik moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount, \$10,000,000 must be to assist private nursing homes to improve employee salaries and benefits, hire additional staff, and improve cash flow problems."

A roll call was requested and properly seconded.

The question was taken on the *Bettermann et al* amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 61 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olsen, S.	Swenson
Anderson, R.	Garcia	Knickerbocker	Omann	Thompson
Anderson, R. H.	Girard	Koppendraye	Onnen	Tompkins
Bettermann	Goodno	Krinkie	Ozment	Uphus
Bishop	Gruenes	Leppik	Pauly	Valento
Blatz	Gutknecht	Limmer	Pellow	Waltman
Boo	Hartle	Lynch	Runbeck	Weaver
Dauner	Haukoos	Macklin	Schafer	Welker
Davids	Heir	Marsh	Schreiber	Winter
Dempsey	Hufnagle	McPherson	Seaberg	
Dille	Hugoson	Morrison	Smith	
Erhardt	Johnson, R.	Nelson, S.	Stanius	
Frederick	Johnson, V.	Newinski	Sviggum	

Those who voted in the negative were:

Anderson, I.	Begich	Brown	Clark	Dorn
Battaglia	Bertram	Carlson	Cooper	Farrell
Beard	Bodahl	Carruthers	Dawkins	Greenfield

Hanson	Krueger	Nelson, K.	Pugh	Solberg
Hausman	Lasley	O'Connor	Reding	Sparby
Jacobs	Lieder	Ogren	Rest	Steensma
Janezich	Long	Olson, E.	Rice	Trimble
Jaros	Laurey	Olson, K.	Rodosovich	Tunheim
Jefferson	Mariani	Orenstein	Rukavina	Vellenga
Jennings	McEachern	Orfield	Sarna	Wagenius
Johnson, A.	McGuire	Osthoff	Scheid	Wejzman
Kahn	Milbert	Ostrom	Segal	Welle
Kalis	Munger	Pelowski	Simoneau	Wenzel
Kelso	Murphy	Peterson	Skoglund	Spk. Vanasek

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

Leppik; Olsen, S.; Limmer; Onnen; Frerichs; Tompkins; Stanius; Ozment; Blatz; Heir; Morrison; Lynch; Davids; Newinski; Runbeck; Koppendrayar; Weaver; Frederick; McPherson and Bettermann moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

"Be It Further Resolved that of the \$32,000,000 designated for the workers' compensation special fund, \$15,000,000 must be used for battered women's services and \$5,000,000 for the head start program."

A roll call was requested and properly seconded.

The question was taken on the Leppik et al amendment and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Johnson, V.	Morrison	Seaberg
Anderson, R. H.	Girard	Kinkel	Newinski	Smith
Bettermann	Goodno	Knickerbocker	Olsen, S.	Stanius
Blatz	Gruenes	Koppendrayar	Omann	Sviggum
Boo	Gutknecht	Krinkie	Onnen	Swenson
Dauner	Hartle	Leppik	Ozment	Tompkins
Davids	Haukoos	Limmer	Pauly	Uphus
Dempsey	Heir	Lynch	Pellow	Valento
Dille	Hufnagle	Macklin	Runbeck	Waltman
Erhardt	Hugoson	Marsh	Schafer	Weaver
Frederick	Jennings	McPherson	Schreiber	Welker

Those who voted in the negative were:

Anderson, I.	Battaglia	Begich	Bodahl	Carlson
Anderson, R.	Beard	Bertram	Brown	Carruthers

Cooper	Kahn	Murphy	Pugh	Steensma
Dawkins	Kalis	Nelson, K.	Reding	Thompson
Dorn	Kelso	Nelson, S.	Rest	Trimble
Farrell	Krueger	O'Connor	Rice	Tunheim
Garcia	Lasley	Ogren	Rodosovich	Vellenga
Greenfield	Lieder	Olson, E.	Rukavina	Wagenius
Hanson	Long	Olson, K.	Sarna	Wejzman
Hausman	Lourey	Orenstein	Scheid	Welle
Jacobs	Mariani	Orfield	Segal	Wenzel
Janezich	McEachern	Osthoff	Simoneau	Winter
Jaros	McGuire	Ostrom	Skoglund	Spk. Vanasek
Jefferson	Milbert	Pelowski	Solberg	
Johnson, A.	Munger	Peterson	Sparby	

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

The question recurred on the Long motion that House Resolution No. 3 be now adopted and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 69 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Lasley	Orenstein	Solberg
Anderson, R.	Farrell	Lieder	Orfield	Sparby
Battaglia	Greenfield	Long	Ostrom	Steensma
Bauerly	Hasskamp	Lourey	Pelowski	Thompson
Beard	Hausman	Mariani	Peterson	Trimble
Begich	Jacobs	McEachern	Pugh	Tunheim
Bertram	Janezich	McGuire	Reding	Vellenga
Brown	Jefferson	Munger	Rest	Wagenius
Carlson	Johnson, A.	Murphy	Rice	Wejzman
Carruthers	Johnson, R.	Nelson, K.	Rodosovich	Welle
Clark	Kahn	O'Connor	Sarna	Wenzel
Cooper	Kalis	Ogren	Segal	Winter
Dauner	Kinkel	Olson, E.	Simoneau	Spk. Vanasek
Dawkins	Krueger	Olson, K.	Skoglund	

Those who voted in the negative were:

Abrams	Garcia	Kelso	Newinski	Smith
Anderson, R. H.	Girard	Knickerbocker	Olsen, S.	Stanius
Bettermann	Goodno	Koppendrayner	Omann	Sviggum
Bishop	Gruenes	Krinkie	Onnen	Swenson
Blatz	Gutknecht	Leppik	Osthoff	Tompkins
Bodahl	Hanson	Limmer	Ozment	Uphus
Boo	Hartle	Lynch	Pauly	Valento
Davids	Haukoos	Macklin	Pellow	Waltman
Dempsey	Heir	Marsh	Runbeck	Weaver
Dille	Hufnagle	McPherson	Schafer	Welker
Erhardt	Hugoson	Milbert	Scheid	
Frederick	Jennings	Morrison	Schreiber	
Frerichs	Johnson, V.	Nelson, S.	Seaberg	

The motion prevailed and House Resolution No. 3 was adopted.

CALL OF THE HOUSE LIFTED

Long moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Newinski moved that H. F. No. 1319 be returned to its author. The motion prevailed.

Anderson, I., moved that H. F. No. 1442 be recalled from the Committee on Transportation and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

POINT OF ORDER

Reding raised a point of order pursuant to rule 5.08 that H. F. No. 1422 be re-referred to the Committee on Governmental Operations. The Speaker ruled the point of order well taken and H. F. No. 1422 was re-referred to the Committee on Governmental Operations.

POINT OF ORDER

Schreiber raised a point of order pursuant to rule 6.03 relating to committee meeting schedules. The Speaker ruled the point of order not well taken.

ADJOURNMENT

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, April 11, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

THIRTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 11, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Donald L. Germain, Pastor of Bethel United Methodist Church, Mound, Minnesota.

The roll was called and the following members were present:

Abrams	Frerichs	Knickerbocker	Olson, E.	Skoglund
Anderson, I.	Garcia	Koppendrayer	Olson, K.	Smith
Anderson, R.	Girard	Krinkie	Omann	Solberg
Battaglia	Goodno	Krueger	Onnen	Sparby
Bauerly	Greenfield	Lasley	Orenstein	Stanius
Beard	Gruenes	Leppik	Orfield	Steensma
Begich	Gutknecht	Lieder	Osthoff	Sviggum
Bertram	Hanson	Limmer	Ostrom	Swenson
Bettermann	Hartle	Long	Ozment	Thompson
Bishop	Hasskamp	Lourey	Pauly	Tompkins
Blatz	Haukoos	Lynch	Pellow	Trimble
Bodahl	Hausman	Macklin	Pelowski	Tunheim
Boo	Heir	Mariani	Peterson	Uphus
Brown	Hufnagle	Marsh	Pugh	Valento
Carlson	Hugoson	McEachern	Reding	Vellenga
Carruthers	Jacobs	McGuire	Rest	Wagenius
Clark	Janezich	McPherson	Rice	Waltman
Cooper	Jaros	Milbert	Rodosovich	Weaver
Dauner	Jefferson	Morrison	Rukavina	Wejeman
Davids	Jennings	Munger	Runbeck	Welker
Dawkins	Johnson, A.	Murphy	Sarna	Welle
Dempsey	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, V.	Nelson, S.	Scheid	Winter
Dorn	Kahn	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kalis	O'Connor	Seaberg	
Farrell	Kelso	Ogren	Segal	
Frederick	Kinkel	Olsen, S.	Simoneau	

A quorum was present.

Anderson, R. H., and Henry were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Garcia moved that further reading of the Journal be dispensed

with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 252 and H. F. No. 407, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Ostrom moved that S. F. No. 252 be substituted for H. F. No. 407 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 254 and H. F. No. 735, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Greenfield moved that the rules be so far suspended that S. F. No. 254 be substituted for H. F. No. 735 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 713 and H. F. No. 488, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Segal moved that the rules be so far suspended that S. F. No. 713 be substituted for H. F. No. 488 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 729 and H. F. No. 935, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Pugh moved that the rules be so far suspended that S. F. No. 729 be substituted for H. F. No. 935 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 734 and H. F. No. 389, which had been referred to the

Chief Clerk for comparison, were examined and found to be identical.

Jefferson moved that S. F. No. 734 be substituted for H. F. No. 389 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 8, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Representative Vanasek:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 82, relating to public contracts; modifying the criteria for businesses and firms required to file affirmative action plans.

H. F. No. 373, relating to commerce; removing a real estate licensing prohibition.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1991</i>	<i>Date Filed 1991</i>
	82	19	11:11 a.m. April 8	April 8
	373	20	11:14 a.m. April 8	April 8
75		21	11:14 a.m. April 8	April 8
468		22	11:16 a.m. April 8	April 8

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 214, A bill for an act relating to county and district agricultural societies; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 384, A bill for an act relating to agriculture; appropriating money for farm and small business management programs at technical colleges.

Reported the same back with the following amendments:

Page 1, line 7, delete "\$....." and insert "\$600,000"

Page 1, line 16, delete "....." and insert "June 30, 1993"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 408, A bill for an act relating to animal health; providing alternative methods for the disposal of certain animal carcasses; amending Minnesota Statutes 1990, section 35.82, subdivisions 1b and 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 528, A bill for an act relating to natural resources; increasing the number of permits that may be held by one purchaser of timber on state lands; setting an interest rate of six percent for certain extensions of the permits; amending Minnesota Statutes 1990, section 90.121.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 577, A bill for an act relating to public safety; authorizing reimbursement of certain legal expenses incurred by certain law enforcement personnel; amending Minnesota Statutes 1990, section 299A.01, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 9, delete "The commissioner,"

Page 1, line 12, delete "consultation with" and insert "approval by" and after the comma insert "the commissioner"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 583, A bill for an act relating to public safety; expanding the juvenile code definition of "child in need of protection or services" to include children exposed to criminal gang-related activity in the home; increasing penalties for certain assaults committed against school officials; increasing penalties for dangerous weapon offenses committed in school or park zones; establishing a grant program to assist targeted young people in setting and realizing education and employment goals; appropriating money; amending Minnesota Statutes 1990, sections 260.015, subdivision 2a; 609.2231, by adding a subdivision; and 609.66, subdivisions 1 and 1a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [EMPLOYMENT AND EDUCATION PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] A grant program is established to provide adolescents with opportunities for gaining a high school diploma, exploring occupations, evaluating vocational options, receiving career and life skills counseling, developing and pursuing personal goals, and participating in community-based projects. The program shall be for targeted young people as defined in Laws 1990, chapter 562, article 4, section 12, between the ages of 14 and 18 who, because of a lack of personal resources and skills, need assistance in setting and realizing education and employment goals and in becoming contributing members of their community.

Subd. 2. [ELIGIBILITY.] (a) An applicant for a grant must be a (1) school district, (2) education district, (3) group of districts cooperating for a particular purpose, or (4) eligible program under contract with a school district to provide educational services in the high school graduation incentives program under Minnesota Statutes, section 126.22. To meet the requirement in paragraph (b), clause (1), an applicant may apply jointly with a provider of an employment

and training program administered through the department of jobs and training.

(b) To be eligible for a grant an applicant must meet all of the following criteria:

(1) have operated or must be applying jointly with an entity which has operated a youth employment program serving targeted young people, administered through the department of jobs and training, for at least two years before applying for the grant;

(2) have operated a specialized or nontraditional education program designed to meet the needs of targeted young people, for at least two years before applying for the grant;

(3) develop a plan to identify and assess the knowledge, skills, and aptitudes of targeted young people under subdivision 1; and

(4) must use the results of the assessment to provide appropriate education and employment opportunities to targeted young people that promote a sense of self-sufficiency, self-esteem, and community.

Subd. 3. [APPLICATION PROCESS.] To obtain a grant to provide targeted young people with appropriate education and employment opportunities, an applicant must submit an application to the commissioner of jobs and training in the form and manner prescribed by the commissioner after consultation with the commissioner of education. The application must describe how the applicant will assist targeted young people to set useful education and employment goals, secure meaningful employment, and lead productive lives within their community. The applicant must also indicate what resources will be available to continue the program if it is found to be effective. The commissioner may require additional information from an applicant.

Subd. 4. [REVIEWING APPLICATIONS.] When reviewing applications, the commissioner shall determine whether all the requirements in subdivisions 2 and 3 are met. The commissioner, in consultation with the commissioner of education, shall, at a minimum, consider the following when reviewing applications:

(1) the education and employment activities proposed for the program;

(2) the demonstrated effectiveness of the applicant or joint applicants as a provider of similar services to targeted young people;

(3) the attraction and use of other resources including federal and state education funding, federal and state employment training

funding, local and private funding, and targeted jobs tax credits in funding the proposed programs;

(4) the availability of both the education and employment components of the program on a year-round basis; and

(5) diversity in the geographic location and delivery mechanism of the proposed programs.

Subd. 5. [GRANT AWARDS.] The commissioner may award up to ... grants. Grant recipients must be located throughout the state. The amount of the grant shall be based on the number of targeted young people expected to participate in the program.

Subd. 6. [PRELIMINARY REPORT.] The commissioner shall provide a preliminary report on the employment and education program to the education and judiciary committees of the legislature no later than February 1, 1992. The report shall address the grant applications received and awarded and any preliminary information on the implementation and results of the grant programs.

Sec. 2. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of administration for the purposes of section 1, to be available until June 30, 1992. \$...... is transferred from the commissioner of administration to the commissioner of jobs and training for grants under section 1."

Delete the title and insert:

"A bill for an act relating to targeted young people; establishing a grant program to assist targeted young people in setting and realizing employment and education goals; appropriating money."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 593, A bill for an act relating to crimes; driving while intoxicated; authorizing counties to create pilot programs to provide intensive probation for repeat violators of the driving while intoxicated laws; increasing the chemical dependency assessment charge for repeat violators of the driving while intoxicated laws; appropri-

ating money; amending Minnesota Statutes 1990, section 169.121, subdivision 5a.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 594, A bill for an act relating to foreign money claims; enacting the uniform foreign-money claims act; proposing coding for new law in Minnesota Statutes, chapter 548.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 663, A bill for an act relating to occupations and professions; regulating athletic trainers; creating an advisory committee; providing for registration; establishing fees; requiring rule-making; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 148.

Reported the same back with the following amendments:

Page 2, line 22, delete “, except for initial appointees,”

Page 2, line 25, delete “Except for the initial appointees,”

Page 3, line 6, after the third comma insert “evaluation,”

Page 3, line 7, delete “athlete” and insert “individual during participation in athletic activities or sports”

Page 3, line 10, after “as” insert “cold,”

Page 3, line 11, after the period insert “An athletic trainer employed in a health care institution may use the modalities listed above under the supervision of a registered physical therapist.”

Page 4, line 22, delete “proof is” and insert “the person pays the registration fee required by sections 1 to 14 and:”

(1) submits proof of five years of primary employment as an athletic trainer by an educational or health care institution or a bona fide amateur or professional athletic organization within the preceding seven-year period and holds a baccalaureate degree from an accredited college or university; or

(2) is presently certified by the National Athletic Trainers Association.”

Page 4, delete lines 23 to 26

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 676, A bill for an act relating to transportation; requiring a study and report by the commissioner of transportation on the effect of allowing the use of 110-foot, triple-trailer vehicle combinations; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 695, A bill for an act relating to battered women's programs; clarifying and expanding the role of the battered women's advisory council; updating and correcting certain statutory provisions; amending Minnesota Statutes 1990, sections 611A.31, subdivision 2; 611A.32, subdivisions 1 and 2; 611A.33; 611A.34; 611A.35; and 611A.36, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1990, section 611A.32, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 518B.01, is amended by adding a subdivision to read:

Subd. 3a. [FILING FEE.] The filing fees for an order for protection under this section are waived for the petitioner. The court shall also direct payment of the reasonable costs of service of process in the manner provided in section 563.01, whether served by a sheriff, private process server, or by publication. The court may direct a respondent to pay to the court administrator the petitioner's filing fees and reasonable costs of service of process if the court determines that the respondent has the ability to pay the petitioner's fees and costs.

Sec. 2. Minnesota Statutes 1990, section 518B.01, subdivision 14, is amended to read:

Subd. 14. [VIOLATION OF AN ORDER FOR PROTECTION.] (a) Whenever an order for protection is granted pursuant to this section, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor. A person who violates this paragraph after a previous conviction under this paragraph is guilty of a gross misdemeanor.

(b) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

(c) A violation of an order for protection shall also constitute contempt of court and be subject to the penalties therefor.

(d) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the

contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.

(e) Upon the filing of an affidavit by the petitioner or, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation. The court also may refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (a).

(f) If the court finds that the respondent has violated an order for protection issued under subdivision 6 and that the order has expired between the time of the violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's violation of the prior order.

(g) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by clause (b).

Sec. 3. Minnesota Statutes 1990, section 609.135, subdivision 2, is amended to read:

Subd. 2. (1) If the conviction is for a felony the stay shall be for not more than three years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

(2) If the conviction is for a gross misdemeanor the stay shall be for not more than two years.

(3) If the conviction is for a any misdemeanor under section 169.121 or for a misdemeanor under section 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

(4) If the conviction is for a misdemeanor not specified in clause (3), the stay shall be for not more than one year.

(5) The defendant shall be discharged when the stay expires, unless the stay has been revoked or the defendant has already been discharged.

Sec. 4. [611A.25] [SEXUAL ASSAULT ADVISORY COUNCIL.]

Subdivision 1. [CREATION.] Within 60 days after the effective date of this section, the commissioner of corrections shall appoint a 12-member advisory council on sexual assault to advise the commissioner on the implementation and continued operation of sections 611A.21 to 611A.25. The sexual assault advisory council shall also serve as a liaison between the commissioner and organizations that provide services to victims of sexual assault, and as an advocate within the department of corrections for the rights of sexual assault victims.

Subd. 2. [MEMBERSHIP.] Six of the sexual assault advisory council members shall either be representatives of or persons who have received services from organizations that provide services to sexual assault victims, and six of the members shall be public members. One-half of the council's members shall reside in the metropolitan area and one-half of the members shall reside in the nonmetropolitan area.

Subd. 3. [TERMS; VACANCIES; EXPENSES.] Section 15.059 governs the filling of vacancies and removal of members of the sexual assault advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Subd. 4. [REPORT TO LEGISLATURE.] On or before August 1, 1992, the sexual assault advisory council, in consultation with the commissioner and the Minnesota coalition of sexual assault services, shall file a written report with the legislature, containing recommendations on the following matters:

(1) the scope of the commissioner's authority regarding the administration of grants for sexual assault services;

(2) the membership and duties of the sexual assault advisory council;

(3) criteria for funding programs for services for sexual assault victims;

(4) the appointment of a sexual assault program director; and

(5) other matters agreed to by the commissioner, the sexual

assault advisory council and the Minnesota coalition of sexual assault services.

Sec. 5. Minnesota Statutes 1990, section 611A.31, subdivision 2, is amended to read:

Subd. 2. "Battered woman" means a woman who is being or has been ~~assaulted by her spouse, other male relative, or by a male with whom she is residing or has resided in the past victimized by domestic abuse as defined in section 518B.01, subdivision 2, except that "family or household members" includes persons with whom the woman has had a continuing relationship.~~

Sec. 6. Minnesota Statutes 1990, section 611A.32, subdivision 1, is amended to read:

Subdivision 1. [~~PROGRAMS DESIGNATED GRANTS AWARDED.~~] The commissioner shall ~~designate four or more pilot award grants to programs to which provide emergency shelter services and support services to battered women and shall award grants to the pilot programs. At least two pilot programs shall be designated in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington and Carver counties. At least one pilot program shall be designated in a city located outside of the metropolitan area, and at least one pilot program shall be designated in a location accessible to a predominately rural population their children. The commissioner shall also award grants for training, technical assistance, and for the development and implementation of education programs to increase public awareness of the causes of battering, the solutions to preventing and ending domestic violence, and the problems faced by battered women. Grants shall be awarded in a manner that ensures that they are equitably distributed to programs serving metropolitan and nonmetropolitan populations.~~

Sec. 7. Minnesota Statutes 1990, section 611A.32, subdivision 2, is amended to read:

Subd. 2. [APPLICATIONS.] Any public or private nonprofit agency may apply to the commissioner for ~~designation as a pilot program a grant to provide emergency shelter services and, support services, or both, to battered women and their children.~~ The application shall be submitted in a form approved by the commissioner by rule adopted under chapter 14, after consultation with the advisory council, and shall include:

(a) (1) a proposal for the provision of emergency shelter services and, support services, or both, for battered women and their children;

(b) (2) a proposed budget;

(c) (3) evidence of the integration of an ability to integrate into the proposed program the uniform method of data collection and program evaluation established by the director pursuant to section under sections 611A.33 into the proposed program and 611A.34;

(d) (4) evidence of the participation of the an ability to represent the interests of battered women and their children to local law enforcement agencies and courts, county welfare agencies, and local boards or departments of health, and other interested agencies or groups in the development of the application; and

(e) (5) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

(6) any other content the commissioner may, require by rule adopted under chapter 14, require after considering the recommendations of the advisory council.

Programs which have been approved for grants in prior years may submit materials which indicate changes in items listed in clauses (1) to (6), in order to qualify for renewal funding. Nothing in this subdivision may be construed to require programs to submit complete applications for each year of renewal funding.

Sec. 8. Minnesota Statutes 1990, section 611A.33, is amended to read:

611A.33 [DUTIES OF COMMISSIONER.]

The commissioner shall:

(a) (1) Review applications for designation as and award grants to a pilot program; and designate four or more pilot programs pursuant to section 611A.32, subdivision 1, after considering the recommendation of the advisory council;

(b) Review applications from and award grants to public or private nonprofit agencies which submit proposals to develop and implement education programs pursuant to section 611A.32, subdivision 4;

(c) (2) Appoint the members of the advisory task force council created under section 611A.34, after considering the recommendations of the advisory council, and provide consultative and legal staff and other administrative services to the advisory task force council;

(d) (3) After considering the recommendation of the advisory council, appoint a project coordinator program director to perform the duties set forth in section 611A.35;

(e) (4) Design and implement a uniform method of collecting and evaluating data on battered women and of evaluating to be used to evaluate the programs funded under section 611A.32;

(f) (5) Provide technical aid to applicants in the design and implementation of the programs funded under section 611A.32 development of grant requests and provide technical aid to programs in meeting the data collection requirements established by the commissioner; and

(g) Promulgate (6) Adopt, under chapter 14, all rules necessary to implement the provisions of sections 611A.31 to 611A.36 and 256D.05, subdivision 3, including emergency rules; and

(h) Report to the legislature on January 1, 1978, January 1, 1979, and November 15, 1979, on the programs funded under section 611A.32 and report to the legislature by January 1, 1979 on the feasibility of creating similar programs for men.

Sec. 9. Minnesota Statutes 1990, section 611A.34, is amended to read:

611A.34 [ADVISORY COUNCIL.]

Subdivision 1. [CREATION GENERALLY.] Within 60 days after June 3, 1977, The commissioner shall appoint a nine 12 member advisory council to advise the commissioner on the implementation and continued operation of sections 611A.31 to 611A.36. The provisions of battered women's advisory council shall also serve as a liaison between the commissioner and organizations that provide services to battered women. Section 15.059 shall govern governs the terms, filling of vacancies and removal of members, and expiration of the advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Notwithstanding section 15.059, the council shall not expire. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Subd. 2. [MEMBERSHIP.] Persons appointed shall be knowledgeable in the fields of health, law enforcement, social services or the law. Five members of the advisory council shall be representatives of community or governmental organizations which provide services to battered women; and four members of the advisory council shall be public members. about and have experience or interest in issues concerning battered women, including the need for effective advo-

cacy services. The membership of the council shall broadly represent the interests of battered women in Minnesota. Six of the council members shall either be representatives of or persons who have received services from community or governmental organizations that provide services to battered women, and six of the members shall be public members. One-half of the council's members shall reside in the metropolitan area and one-half of the members shall reside in the nonmetropolitan area. The commissioner shall also make special efforts to ensure that the membership of the council is representative of women of all racial minority groups, women who have been formerly battered, and women of different sexual orientations.

Subd. 3. [DUTIES.] The advisory council shall:

(a) (1) advise the commissioner on all planning, development, data collection, rulemaking, funding, and evaluation of programs and services for battered women that are funded under section 611A.32, other than matters of a purely administrative nature;

(2) advise the commissioner on the adoption of rules under chapter 14 governing the award of grants to ensure that funded programs further the objectives described in section 611A.32, subdivision 1;

(3) recommend to the commissioner the names of five applicants for the position of ~~project coordinator~~ battered women's program director;

(b) (4) advise the commissioner on the rules ~~promulgated~~ adopted under chapter 14 pursuant to section 611A.33;

(c) (5) review ~~and comment on~~ applications received by the commissioner for ~~designation as a pilot program and applications for education~~ grants under section 611A.32 and make recommendations on the awarding of grants; provided, that the council may not recommend that a grant application be denied because the applicant program does not offer family planning and abortion referral services to its clients unless it receives a request for those referral services; and

(d) (6) advise the ~~project coordinator~~ program director in the performance of duties in the administration and coordination of the programs funded under section 611A.32.

Subd. 4. [CONFLICTS OF INTEREST.] A member of the advisory council shall be excluded from participating in review and recommendations concerning a grant application if the member:

(1) serves or has served at any time during the past three years as

an employee, volunteer, or governing board member of an organization whose application is being reviewed; or

(2) has a financial interest in the funding of an applicant organization.

Sec. 10. [611A.345] [ADVISORY COUNCIL RECOMMENDATIONS.]

Subdivision 1. [PROPOSED ACTION.] The commissioner shall consider the advisory council's recommendations before awarding grants or adopting policies regarding the planning, development, data collection, rulemaking, funding or evaluation of programs and services for battered women funded under section 611A.32. Before taking action on matters related to programs and services for battered women and their children, except day-to-day administrative operations, the commissioner shall notify the advisory council of the intended action. Notification of grant award decisions shall be given to the advisory council in time to allow the council to request reconsideration under subdivision 2 without causing a delay in the issuance of grant money. If the commissioner decides to take action contrary to or inconsistent with the recommendations of the advisory council, the commissioner shall provide the advisory council with written objections to the advisory council's recommendation, the basis for the objections, and the information, records, or data supporting the decision.

Subd. 2. [RECONSIDERATION.] Within ten days after receiving the commissioner's written objections, the advisory council may ask the commissioner to reconsider the decision to take action contrary to or inconsistent with the advisory council's recommendations. The advisory council may respond in writing to the commissioner's objections and may offer alternative recommendations. The advisory council may also ask the commissioner to meet with the advisory council and discuss its recommendations and the commissioner's decision. Prior to requesting a reconsideration, the advisory council shall have access to all records or other information not previously made available to the advisory council upon which the commissioner relied in reaching a decision. A request for reconsideration stays implementation of the commissioner's proposed action.

Within five days after receiving the request for reconsideration, the commissioner shall deliver to the advisory council a written decision amending or affirming the proposed decision. Failure of the commissioner to take action on a recommendation of the advisory council is also grounds for requesting reconsideration. A request for reconsideration shall not be a basis for the commissioner to fail to propose action on other recommendations of the advisory council.

Sec. 11. [611A.346] [GRANTEE REQUEST FOR RECONSIDERATION OF GRANT DENIAL.]

Within five days of receiving notification of the commissioner's decision, any applicant whose grant application was denied by the commissioner or not recommended by the advisory council, in whole or in part, may ask the commissioner to reconsider the decision. The commissioner and advisory council shall respond to the applicant within ten days of the request. If the commissioner and advisory council affirm the prior decision, the commissioner shall provide the applicant with a written explanation of the reasons why the applicant's grant was denied or not recommended for funding.

Sec. 12. Minnesota Statutes 1990, section 611A.35, is amended to read:

611A.35 [PROJECT COORDINATOR BATTERED WOMEN'S PROGRAM DIRECTOR.]

The commissioner shall appoint a ~~project coordinator program director~~. In appointing the ~~project coordinator program director~~ the commissioner shall give due consideration to the list of applicants submitted to the commissioner by the ~~advisory task force~~ pursuant to section 611A.34, subdivision 3, clause (a) (3). The ~~project coordinator program director~~ shall administer the funds appropriated for sections 611A.31 to 611A.36 and ~~256D.05, subdivision 3, coordinate the programs funded under section 611A.32,~~ consult with and provide staff to the advisory council, and perform other duties related to battered women's programs as the commissioner may assign. The ~~project coordinator program director~~ shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 13. Minnesota Statutes 1990, section 611A.36, subdivision 1, is amended to read:

Subdivision 1. [FORM PRESCRIBED.] The commissioner shall, by rule adopted under chapter 14, after considering the recommendations of the advisory council, prescribe a uniform form and method for the collection of data on battered women. The method and form of data collection shall be designed to document the incidence of assault on battered women by ~~their spouses, male relatives or other males with whom they are residing or have resided in the past as defined in section 611A.31, subdivision 2.~~ All data collected by the commissioner pursuant to this section shall be summary data within the meaning of section 13.02, subdivision 19.

Sec. 14. [TRANSITION.]

(a) Notwithstanding Minnesota Statutes, section 611A.34, until the first Monday in January 1992, the battered women's advisory council consists of the members serving as delegates or alternates on the council on January 1, 1991.

(b) Notwithstanding any law to the contrary, the terms of all members serving on the council before the first Monday in January 1992, expire on the first Monday in January 1992. Of the members appointed to terms beginning in January 1992, six shall be appointed to one-year terms and six shall be appointed to two-year terms.

(c) The limit on consecutive terms in Minnesota Statutes, section 611A.34, applies to members serving on the council on and after the effective date of section 611A.34, but does not operate to remove a person from the council before the expiration of the person's term.

Sec. 15. [REPEALER.]

Minnesota Statutes 1990, section 611A.32, subdivision 4, is repealed.

Sec. 16. [APPROPRIATION.]

\$..... is appropriated from the general fund to the commissioner of corrections to provide advocacy services for battered women to be available for the biennium ending June 30, 1993.

Sec. 17. [EFFECTIVE DATE.]

Sections 2 and 3 are effective August 1, 1991, and apply to crimes committed on and after that date."

Delete the title and insert:

"A bill for an act relating to domestic violence; battered women; providing that no filing fee shall be charged for issuing a domestic abuse order for protection except under certain circumstances; increasing the penalty for violating an order for protection; authorizing warrantless arrests for violations at a place of employment; permitting the issuance of a new order based on violation of a prior order; increasing the probationary period for misdemeanor domestic assaults; clarifying and expanding the role of the battered women's advisory council; establishing a sexual assault advisory council; updating and correcting certain statutory provisions; appropriating money; amending Minnesota Statutes 1990, sections 518B.01, subdivision 14, and by adding a subdivision; 609.135, subdivision 2; 611A.31, subdivision 2; 611A.32, subdivisions 1 and 2; 611A.33; 611A.34; 611A.35; and 611A.36, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1990, section 611A.32, subdivision 4."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 702, A bill for an act relating to agriculture; providing for an agricultural development bond program; proposing coding for new law as Minnesota Statutes, chapter 41C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1
RURAL FINANCE AUTHORITY

Section 1. Minnesota Statutes 1990, section 41B.025, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] There is created a public body corporate and politic within the department of agriculture to be known as the "Minnesota rural finance authority," which shall perform the governmental functions and exercise the sovereign powers delegated to it in sections 41B.01 to 41B.23 and 41C.01 to 41C.XX in furtherance of the public policies and purposes declared in section 41B.01. The board of the authority consists of the commissioners of agriculture, commerce, and finance, the state auditor, and ~~three~~ seven public members appointed by the governor with the advice and consent of the senate. No public member may reside within the metropolitan area, as defined in section 473.121, subdivision 2. Each member shall hold office until a successor has been appointed and has qualified. A certificate of appointment or reappointment of any member is conclusive evidence of the proper appointment of the member.

Sec. 2. Minnesota Statutes 1990, section 41B.025, subdivision 3, is amended to read:

Subd. 3. [CHAIR.] The commissioner of ~~finance~~ agriculture is the chair of the board. The commissioner of ~~agriculture~~ finance is the vice-chair of the board.

Sec. 3. Minnesota Statutes 1990, section 41B.025, subdivision 5, is amended to read:

Subd. 5. [MEETINGS; ACTIONS OF THE AUTHORITY.] Meetings may be called by the chair as needed. Upon the request of five members, the chair shall call a meeting at the earliest reasonable time. A majority of the members of the authority, excluding vacancies, constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of a quorum present.

Sec. 4. Minnesota Statutes 1990, section 41B.025, subdivision 6, is amended to read:

Subd. 6. [ADMINISTRATIVE CONTROL.] The authority is under the administrative control of the commissioner of ~~finance~~ agriculture.

Sec. 5. Minnesota Statutes 1990, section 41B.211, is amended to read:

41B.211 [DATA PRIVACY.]

Financial information, including credit reports, financial statements, and net worth calculations, received or prepared by the authority regarding any authority loan and the name of each individual who is the recipient of a loan are private data on individuals, under chapter 13, except that information obtained under the agricultural development bond program in sections 6 to 17 may be released as required by federal tax law.

Sec. 6. [41C.01] [SHORT TITLE.]

This chapter shall be called and may be cited as the "Minnesota agricultural development act."

Sec. 7. [41C.02] [DEFINITIONS.]

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

Subd. 2. [AGRICULTURAL BUSINESS ENTERPRISE.]

"Agricultural business enterprise" means an individual or partnership with a low or moderate net worth who owns or plans to own properties, real or personal, used or useful in connection with the general processing of agricultural products or in the manufacturing, assembly, or fabrication of agricultural or agricultural-related equipment."

Subd. 3. [AGRICULTURAL IMPROVEMENTS.] "Agricultural improvements" means improvements, buildings, structures, or fix-

tures suitable for use in farming located on agricultural land, including a single-family dwelling located on agricultural land which is or will be occupied by a beginning farmer and structures attached to or incidental to the use of the dwelling.

Subd. 4. [AGRICULTURAL LAND.] “Agricultural land” means land suitable for use in farming.

Subd. 5. [AUTHORITY.] “Authority” means the Minnesota rural finance authority established in section 41B.025.

Subd. 6. [BEGINNING FARMER.] “Beginning farmer” means an individual or partnership with a low or moderate net worth who engages in farming or plans to engage in farming.

Subd. 7. [BONDS.] “Bonds” means bonds, notes, or other evidence of indebtedness issued by the authority under this chapter.

Subd. 8. [CONSERVATION FARM EQUIPMENT.] “Conservation farm equipment” means the specialized planters, cultivators, and tillage equipment used for reduced tillage or no-till planting of row crops.

Subd. 9. [DEPRECIABLE AGRICULTURAL PROPERTY.] “Depreciable agricultural property” means personal property suitable for use in farming for which an income tax deduction for depreciation is allowable in computing federal income tax under the Internal Revenue Code of 1986, as amended.

Subd. 10. [FARMING.] “Farming” means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing, the production of livestock, aquaculture, hydroponics, the production of forest products, or other activities designated by the authority by rules.

Subd. 11. [LENDING INSTITUTION.] “Lending institution” includes “eligible lender” as defined in section 41B.02 and individuals.

Subd. 12. [LOW OR MODERATE NET WORTH.] “Low or moderate net worth” means:

(1) for an individual, an aggregate net worth of the individual and the individual’s spouse and minor children of less than \$200,000; or

(2) for a partnership, an aggregate net worth of all partners, including each partner’s net capital in the partnership, and each partner’s spouse and minor children of less than \$400,000. However, the aggregate net worth of each partner and that partner’s spouse and minor children may not exceed \$200,000.

Sec. 8. [41C.03] [GUIDING PRINCIPLES.]

(a) In the performance of its duties, implementation of its powers, and selection of specific programs and projects to receive its assistance under this chapter, the authority must be guided by the principles in paragraphs (b) to (e).

(b) The authority shall not become an owner of real or depreciable property, except on a temporary basis if it is necessary in order to implement its programs, to protect its investments by means of foreclosure or other means, or to facilitate transfer of real or depreciable property for the use of beginning farmers.

(c) The authority shall exercise diligence and care in selection of projects to receive its assistance and shall apply customary and acceptable business and lending standards in selection and subsequent implementation of the projects. The authority may delegate primary responsibility for determination and implementation of the projects to any federal governmental agency that assumes any obligation to repay the loan, either directly or by insurance or guarantee.

(d) The authority shall establish a beginning farmer and agricultural business enterprise loan program to aid in the acquisition of agricultural land and improvements and depreciable agricultural property by beginning farmers and real and personal property for an agricultural business enterprise.

(e) The authority shall develop programs for providing financial assistance to agricultural producers in this state.

Sec. 9. [41C.04] [COMBINATION PROGRAMS.]

Programs authorized in this chapter may be combined with any other programs authorized in this chapter or under another state or federal program in order to facilitate as far as practicable the acquisition of agricultural land and property by beginning farmers, to facilitate the implementation of permanent soil and water conservation practices and the acquisition of conservation farm equipment, and to encourage the development of agricultural business enterprises.

Sec. 10. [41C.05] [AGRICULTURAL DEVELOPMENT BOND BEGINNING FARMER AND AGRICULTURAL BUSINESS ENTERPRISE LOAN PROGRAM.]

Subdivision 1. [DEVELOPMENT OF PROGRAM.] The authority shall develop an agricultural development bond beginning farmer and agricultural business enterprise loan program to facilitate the acquisition of agricultural land and improvements and depreciable

agricultural property by beginning farmers and real and personal property by an agricultural business enterprise. The authority shall exercise the powers granted to it in this chapter in order to fulfill the goal of providing financial assistance to beginning farmers and agricultural business enterprises in the acquisition of agricultural land, agricultural improvements, depreciable agricultural property, and real and personal property for an agricultural business enterprise. The authority may participate in and cooperate with programs of the farmers home administration, federal land bank, or any other agency or instrumentality of the federal government or with any program of any other state agency in the administration of the agricultural development bond beginning farmer and agricultural business enterprise loan program and in the making or purchasing of mortgage or secured loans under this chapter.

Subd. 2. [ELIGIBILITY; BEGINNING FARMERS.] The authority shall provide in the agricultural development bond beginning farmer and agricultural business enterprise loan program that a mortgage or a contract on behalf of a beginning farmer may be provided if the borrower qualifies under section 41B.03 and authority rules.

Subd. 3. [ELIGIBILITY; AGRICULTURAL BUSINESS ENTERPRISES.] (a) The authority shall provide in the agricultural development bond beginning farmer and agricultural business enterprise loan program that a mortgage or contract on behalf of an agricultural business enterprise may be provided if the borrower qualifies under this chapter and rules of the authority.

(b) An agricultural business enterprise is eligible for a program loan in an aggregate amount not exceeding \$250,000.

(c) An agricultural business enterprise is eligible for program loans only for new or expanded operations located in a community with a population of 5,000 or less.

Subd. 4. [LOANS AND CONTRACTS FOR BEGINNING FARMERS AND AGRICULTURAL BUSINESS ENTERPRISES.] (a) From the bond proceeds available to the authority for this program, the authority may:

(1) make mortgage loans to qualified beginning farmers for the acquisition of agricultural land, agricultural improvements, depreciable agricultural property, and real and personal property for an agricultural business enterprise. Each mortgage loan made by the authority under this program and all collateral securing the loan shall be assigned to the individual investor or agricultural lender originating the loan as the sole security for the authorities bond.

(2) enter into contracts to purchase agricultural land, agricultural improvements, depreciable agricultural property, and real and

personal property for an agricultural business enterprise from individuals or agricultural lenders on behalf of a beginning farmer or agricultural business enterprise. Each contract entered into by the authority under this program and all obligations of the authority under the contract shall be assigned to the beginning farmer or agricultural business enterprise as the sole security for the authority bond.

(b) Mortgages and contracts entered into by the authority shall contain such terms and conditions of repayment as may be agreed to between the beginning farmer or agricultural business enterprise and the individual or agricultural lender involved, and such terms and conditions as the authority may deem necessary.

(c) Each individual or agricultural lender purchasing a bond from the authority under this program is responsible for making their own independent credit evaluation of the beginning farmer or the agricultural business enterprise involved, and for the creation and perfection of any security interest which they deem necessary for the loan or contract to be made on behalf of the beginning farmer or the agricultural business enterprise.

(d) The authority shall bear no continuing responsibility for repayment of any bond issued under the program other than the assignment of its interests under the mortgage made with the proceeds of the bond or the contract made pursuant to the bond.

Subd. 5. [OTHER TERMS.] The authority may provide that mortgages and contracts made under this program may not be assumed or any interest in the agricultural land or improvements or depreciable agricultural property or real or personal property of an agricultural business enterprise may not be leased, sold, or otherwise conveyed without its prior written consent and may provide a due-on-sale clause with respect to the occurrence of any of the foregoing events without its prior written consent. The authority may provide by rule the grounds for permitted assumptions of mortgages and contracts or for the leasing, sale, or other conveyance of any interest in the agricultural land or improvements or real or personal property of an agricultural business enterprise. However, the authority shall provide and state in its mortgages and contracts that the interest rate of the loan or contracts shall increase to the then prevailing market rate if the mortgage or contract is assumed by anyone other than a qualified beginning farmer or agricultural business enterprise. This subdivision controls with respect to a mortgage loan or contract made under this program, notwithstanding other law.

Sec. 11. [41C.06] [LOAN ALLOCATION.]

Not more than 25 percent of the total bond allocation available for beginning farmer and agricultural business enterprise loans may be

used for agricultural business enterprise loans. However, any portion of the bond allocation that remains unencumbered on November 1 of each year may be made available for agricultural business enterprise loans.

Sec. 12. [41C.07] [BONDS.]

Subdivision 1. [AUTHORITY.] The authority may issue its negotiable bonds in principal amounts which, in the opinion of the authority, are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds, the establishment of reserves to secure its bonds, and all other expenditures of the authority incident to and necessary or convenient to carry out its purposes and powers. The bonds are investment securities and negotiable instruments within the meaning of and for all purposes of the Uniform Commercial Code.

Subd. 2. [PAYMENT OF BONDS.] Bonds are payable solely and only out of the money, assets, or revenues of the authority and as provided in the agreement with bondholders pledging any particular money, assets, or revenues. Bonds are not an obligation of this state or any political subdivision of this state other than the authority within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority payable solely and only from the sources provided in this chapter, and the authority shall not pledge the credit or taxing power of this state or any political subdivision of this state other than the authority or make its debts payable out of any money except that of the authority.

Subd. 3. [RESOLUTION OF AUTHORITY.] Bonds must be authorized by a resolution of the authority. However, a resolution authorizing the issuance of bonds may delegate to an officer of the authority the power to negotiate and fix the details of an issue of bonds by an appropriate certificate of the authorized officer.

Subd. 4. [REQUIREMENTS.] Bonds must:

(1) state the date and series of the issue, be consecutively numbered and state on their face that they are payable both as to principal and interest solely out of the assets of the authority and do not constitute an indebtedness of this state or any political subdivision of this state other than the authority within the meaning of any constitutional or statutory debt limit; and

(2) be either registered, registered as to principal only, issued in denominations as the authority prescribes, fully negotiable instruments under the laws of this state, signed on behalf of the authority with the manual or facsimile signature of the chair or vice-chair, attested by the manual or facsimile signature of the secretary, have impressed or imprinted on them the seal of the authority or a

facsimile of it, be payable as to interest at rates and at times as the authority determines, be payable as to principal at times over a period not to exceed 50 years from the date of issuance, at places and with reserved rights of prior redemption as the authority prescribes, be sold at prices, at public or private sale, and in a manner as the authority prescribes, and the authority may pay all expenses, premiums, and commissions that it considers necessary or advantageous in connection with the issuance and sale, and be issued under and subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this chapter, as are found to be necessary by the authority for the most advantageous sale.

Subd. 5. [REFUNDING.] The authority may issue its bonds for the purpose of refunding any bonds of the authority then outstanding, including the payment of any redemption premiums and any interest accrued or to accrue to the date of redemption of the outstanding bonds. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds are applied to the purchase or retirement of outstanding bonds or the redemption of outstanding bonds, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this chapter. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned to the authority for use by it in any lawful manner. All refunding bonds shall be issued and secured and are subject to the provisions of this chapter in the same manner and to the same extent as other bonds.

Subd. 6. [ANTICIPATION NOTES.] The authority may issue negotiable bond anticipation notes and may renew them from time to time, but the maximum maturity of the notes, including renewals, must not exceed ten years from the date of issue of the original notes. Notes are payable from any available money of the authority not otherwise pledged or from the proceeds of the sale of bonds in anticipation of which the notes were issued. Notes may be issued for any corporate purpose of the authority. Notes must be issued in the same manner as bonds and notes and the resolution authorizing them may contain any provisions, conditions, or limitations, not inconsistent with the provisions of this subdivision, which the bonds or a bond resolution of the authority may contain. Notes may be sold at public or private sale. In case of default on its notes or violation of any obligations of the authority to the noteholders, the noteholders have all the remedies provided in this chapter for bondholders. Notes are as fully negotiable as bonds of authority.

Subd. 7. [FILING.] A copy of each pledge agreement by or to the

authority, including without limitation each bond resolution, indenture of trust or similar agreement, or any revisions or supplements to it must be filed with the secretary of state and no further filing or other action under article 9 of the Uniform Commercial Code or any other law of the state is required to perfect the security interest in the collateral or any additions to it or substitutions for it and the lien and trust so created are binding from and after the time made against all parties having claims of any kind in tort, contract, or otherwise against the pledgor.

Subd. 8. [PERSONAL LIABILITY LIMITED.] Members of the authority and any person executing its bonds are not liable personally on the bonds or subject to personal liability or accountability by reason of the issuance of the authority's bonds.

Subd. 9. [NOTICE.] The authority shall publish a notice of intention to issue bonds in a newspaper published and of general circulation in the state. The notice shall include a statement of the maximum amount of bonds proposed to be issued and, in general, what net revenues will be pledged to pay the bonds and interest on them. An action may not be brought questioning the legality of the bonds or the power of the authority to issue the bonds or the legality of any proceedings in connection with the authorization or issuance of the bonds after 60 days from the date of publication of the notice.

Sec. 13. [41C.08] [RESERVE FUNDS AND APPROPRIATIONS.]

Subdivision 1. [AUTHORITY.] The authority may create and establish one or more special funds, each to be known as a "bond reserve fund" and shall pay into each bond reserve fund any money appropriated and made available by the state for the purpose of the fund, any proceeds of sale of bonds to the extent provided in the resolutions of the authority authorizing their issuance, and any other money that is available to the authority for the purpose of the fund from any other sources. Money held in a bond reserve fund, except as otherwise provided in this chapter, must be used as required solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds, or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

Subd. 2. [WITHDRAWALS.] Money in a bond reserve fund may not be withdrawn from it in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this section, except for the purpose of making payment when due of principal, interest, redemption premiums, and the sinking fund payments with respect to the bonds for the payment of which other money of the authority is not available. Any income or interest earned by, or incremental to, a

bond reserve fund due to the investment of it may be transferred by the authority to other funds or accounts of the authority to the extent the transfer does not reduce the amount of that bond reserve fund below the bond reserve fund requirement for it.

Subd. 3. [ISSUANCE OF SECURED BONDS.] The authority may not at any time issue bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the authority at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other sources an amount which, together with the amount then in the fund will not be less than the bond reserve fund requirement for the fund. For the purposes of this section, the term "bond reserve fund requirement" means, as of any particular date of computation, an amount of money required to be on deposit therein in the bond reserve fund, as provided in the resolutions of the authority authorizing the bonds with respect to which the fund is established.

Subd. 4. [MAINTENANCE OF LEVELS.] To assure the continued operation and solvency of the authority for the carrying out of its corporate purposes, provision is made in subdivision 1 for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the chair of the authority shall, on or before July 1 of each calendar year, make and deliver to the governor a certificate stating the sum, if any, required to restore each bond reserve fund to its bond reserve fund requirement. Within 30 days after the beginning of the session of the legislature next following the delivery of the certificate, the governor may submit to both houses printed copies of a budget including any sum required to restore each bond reserve fund to its bond reserve fund requirement. Sums appropriated by the legislature and paid to the authority under this section must be deposited by the authority in the applicable bond reserve fund.

Subd. 5. [REPAYMENT.] Amounts paid over to the authority by the state under this section constitute and must be accounted for as advances by the state to the authority and, subject to the rights of the holders of any bonds of the authority, must be repaid to the state without interest from all available operating revenues of the authority in excess of amounts required for the payment of bonds, the bond reserve fund, and operating expenses.

Subd. 6. [ANNUAL REPORT.] The authority shall cause to be delivered to the finance committees in the legislature within 90 days of the close of its fiscal year its annual report certified by an independent certified public accountant, who may be the accountant or a member of the firm of accountants who regularly audits the books and accounts of the authority selected by the authority. In the event that the principal amount of any bonds deposited in a bond

reserve fund is withdrawn for payment of principal or interest thereby reducing the amount of that fund to less than the bond reserve fund requirement, the authority shall immediately notify the legislature of this event and take steps to restore the fund to its bond reserve fund requirement from any amounts available, other than principal of a bond issue, that are not pledged to the payment of other bonds.

Sec. 14. [41C.09] [REMEDIES OF BONDHOLDERS.]

Subdivision 1. [DEFAULT.] If the authority defaults in the payment of principal or interest on an issue of bonds at maturity or upon call for redemption and the default continues for a period of 30 days or if the authority fails or refuses to comply with the provisions of this chapter, or defaults in an agreement made with the holders of an issue of bonds, the holders of 25 percent in aggregate principal amount of bonds of the issue then outstanding, by instrument filed in the office of the clerk of the county in which the principal office of the authority is located and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds for the purposes provided in this section.

Subd. 2. [ACTIONS.] The authority or any trustee appointed under the indenture under which the bonds are issued may, but upon written request of the holders of 25 percent in aggregate principal amount of the issue of bonds then outstanding shall:

(1) enforce all rights of the bondholders including the right to require the authority to carry out its agreements with the holders and to perform its duties under this chapter;

(2) bring suit upon the bonds;

(3) by action require the authority to account as if it were the trustee of an express trust for the holders;

(4) by action enjoin any acts or things which are unlawful or in violation of the rights of the holders; and

(5) declare all the bonds due and payable and, if all defaults are made good, with the consent of the holders of 25 percent of the aggregate principal amount of the issue of bonds then outstanding, annul the declaration and its consequences.

Subd. 3. [TRUSTEE'S POWERS.] The trustees may exercise functions specifically set forth or incident to the general representation of bondholders in the enforcement and protection of their rights.

Subd. 4. [NOTICE.] Before declaring the principal of bonds due

and payable, the trustee shall first give 30 days' notice in writing to the governor, to the authority, and to the attorney general of the state.

Subd. 5. [JURISDICTION.] The district court has jurisdiction of any action by the trustee on behalf of bondholders. The venue of the action is in the county in which the principal office of the authority is located.

The bondholders may, to the extent provided in the resolution to which the bonds were issued or in its agreement with the authority, enforce any of the remedies in subdivision 2, clauses (1) to (5), or the remedies provided in the proceedings or agreements for and on their own behalf.

Sec. 15. [41C.10] [BONDS AS LEGAL INVESTMENTS.]

Bonds are securities in which public officers, state departments and agencies, political subdivisions, insurance companies, and other persons carrying on an insurance business, banks, trust companies, savings and loan associations, investment companies, and other persons carrying on a banking business, administrators, executors, guardians, conservators, trustees, and other fiduciaries and other persons authorized to invest in bonds or other obligations of this state may properly and legally invest funds including capital in their control or belonging to them. The bonds are also securities which may be deposited with and may be received by public officers, state departments and agencies, and political subdivisions for any purpose for which the deposit of bonds or other obligations of this state is authorized.

Sec. 16. [41C.11] [CONFLICTS OF INTEREST.]

Subdivision 1. [DISCLOSURE; PROHIBITIONS.] If a member or employee of the authority has an interest, either direct or indirect, in a contract to which the authority is or is to be a party or in a mortgage lender requesting a loan from or offering to sell mortgage or secured loans to the authority, the interest must be disclosed to the authority in writing and must be set forth in the minutes of the authority. The member or employee having the interest may not participate in action by the authority with respect to that contract or mortgage lender.

The total base level of appropriations and complement currently assigned to the department of finance for purposes of administering the rural finance authority, under chapter 41B, is transferred to the department of agriculture. This transfer is effective July 1, 1991.

Sec. 17. [41C.12] [APPLICATION AND ORIGINATION FEE; FUND CREATED.]

(a) There is created in the general fund a rural finance authority administrative fund. Proceeds from the application and origination fees assessed by the authority under paragraph (b) must be deposited in the dedicated fund. Beginning July 1, 1993, money in the fund is appropriated as needed to the director of the rural finance authority for administrative costs of the agricultural development bond beginning farmer and agricultural business enterprise loan program.

(b) The authority may impose a reasonable application and origination fee for each loan issued under the beginning farmer and agricultural business enterprise loan program. The fee must be deposited in the rural finance authority administrative fund created in paragraph (a).

Sec. 18. Minnesota Statutes 1990, section 474A.02, subdivision 13a, is amended to read:

Subd. 13a. [~~MANUFACTURING SMALL ISSUE POOL.~~] “Manufacturing Small issue pool” means the amount of the annual volume cap allocated under section 474A.061, that is available for the issuance of small issue bonds to finance manufacturing projects, and the agricultural development bond program authorized in sections 6. to 17.

Sec. 19. Minnesota Statutes 1990, section 474A.02, subdivision 23a, is amended to read:

Subd. 23a. [~~QUALIFIED BONDS.~~] “Qualified bonds” means the specific type or types of obligations that are subject to the annual volume cap. Qualified bonds include the following types of obligations as defined in federal tax law:

(a) “public facility bonds” means “exempt facility bonds” as defined in federal tax law, except for residential rental project bonds, which are those obligations issued to finance airports, docks and wharves, mass commuting facilities, facilities for the furnishing of water, sewage facilities, solid waste disposal facilities, facilities for the local furnishing of electric energy or gas, local district heating or cooling facilities, and qualified hazardous waste facilities;

(b) “residential rental project bonds” which are those obligations issued to finance qualified residential rental projects;

(c) “mortgage bonds”;

(d) “small issue bonds” issued to finance manufacturing projects and the acquisition or improvement of agricultural property under sections 6 to 17;

- (e) "student loan bonds";
- (f) "redevelopment bonds"; and

(g) "governmental bonds" with a nonqualified amount in excess of \$15,000,000 as set forth in section 141(b)5 of federal tax law.

Sec. 20. Minnesota Statutes 1990, section 474A.03, subdivision 1, is amended to read:

Subdivision 1. [ANNUAL VOLUME CAP UNDER FEDERAL TAX LAW; POOL ALLOCATIONS.] At the beginning of each calendar year after December 31, ~~1990~~ 1991, the commissioner shall determine the aggregate dollar amount of the annual volume cap under federal tax law for the calendar year, and of this amount the commissioner shall make the following allocation:

(1) \$75,000,000 to the ~~manufacturing~~ small issue pool, of which \$..... must be reserved for the agricultural development bond program authorized under sections 6 to 17;

- (2) \$46,000,000 to the housing pool;
- (3) \$10,000,000 to the public facilities pool; and
- (4) amounts to be allocated as provided in subdivision 2a.

If the annual volume cap is greater or less than the amount of bonding authority allocated under clauses (1) to (4) and subdivision 2a, paragraph (a), clauses (1) to (3), the allocation must be adjusted so that each adjusted allocation is the same percentage of the annual volume cap as each original allocation is of the total bonding authority originally allocated.

Sec. 21. Minnesota Statutes 1990, section 474A.061, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] (a) An issuer may apply for an allocation under this section by submitting to the department an application on forms provided by the department, accompanied by (1) a preliminary resolution, (2) a statement of bond counsel that the proposed issue of obligations requires an allocation under this chapter, (3) the type of qualified bonds to be issued, (4) an application deposit in the amount of one percent of the requested allocation before the last Monday in August, or in the amount of two percent of the requested allocation on or after the last Monday in August, and (5) a public purpose scoring worksheet for ~~small issue manufacturing project applications~~. The issuer must pay the application deposit by check. The Minnesota housing finance agency and the Minnesota

rural finance authority may apply for and receive an allocation under this section without submitting an application deposit.

(b) An entitlement issuer may not apply for an allocation from the housing pool or from the public facilities pool unless it has either permanently issued bonds equal to the amount of its entitlement allocation for the current year plus any amount of bonding authority carried forward from previous years or returned for reallocation all of its unused entitlement allocation. For purposes of this subdivision, its entitlement allocation includes an amount obtained under section 474A.04, subdivision 6.

(c) If an application is rejected under this section, the commissioner must notify the applicant and return the application deposit to the applicant within 30 days unless the applicant requests in writing that the application be resubmitted. The granting of an allocation of bonding authority under this section must be evidenced by a certificate of allocation.

Sec. 22. Minnesota Statutes 1990, section 474A.061, subdivision 2b, is amended to read:

Subd. 2b. [~~MANUFACTURING SMALL ISSUE POOL ALLOCATION.~~] From the beginning of the calendar year until the last Monday in August, the commissioner shall allocate available bonding authority from the ~~manufacturing small issue pool~~ on Monday of each week to applications received on or before the Monday of the preceding week. The amount of allocation provided to an issuer for a specific manufacturing project will be based on the number of points received for the proposed project under the scoring system under section 474A.045. Proposed projects that receive 50 points or more are eligible for all of the proposed allocation. Proposed projects that receive less than 50 points are eligible to receive a proportionally reduced share of the proposed authority.

If there are two or more applications for manufacturing projects from the ~~manufacturing small issue pool~~ and there is insufficient bonding authority to provide allocations for all projects in any one week after all eligible bonding authority has been transferred as provided in section 474A.081, the available bonding authority shall be awarded by lot unless otherwise agreed to by the respective issuers.

Sec. 23. Minnesota Statutes 1990, section 474A.061, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL DEPOSIT.] An issuer which has received an allocation under this section may retain any unused portion of the allocation after the first Tuesday in September only if the issuer has submitted to the department before the first Tuesday in September a letter stating its intent to issue obligations pursuant to the

allocation before the end of the calendar year or within the time period permitted by federal tax law and a deposit in addition to that provided under subdivision 1, equal to one percent of the amount of allocation to be retained. The Minnesota housing finance agency and the Minnesota rural finance authority may retain an unused portion of an allocation after the first Tuesday in September without submitting an additional deposit.

Sec. 24. Minnesota Statutes 1990, section 474A.061, subdivision 4, is amended to read:

Subd. 4. [RETURN OF ALLOCATION; DEPOSIT REFUND.] (a) If an issuer that receives an allocation under this section determines that it will not issue obligations equal to all or a portion of the allocation received under this section within 90 days of allocation or within the time period permitted by federal tax law, whichever is less, the issuer must notify the department. If the issuer notifies the department or the 90-day period since allocation has expired prior to the last Monday in August, the amount of allocation is canceled and returned for reallocation through the pool from which it was originally allocated. If the issuer notifies the department or the 90-day period since allocation has expired on or after the last Monday in August, the amount of allocation is canceled and returned for reallocation through the unified pool. If the issuer notifies the department after the last Monday in November, the amount of allocation is canceled and returned for reallocation to the Minnesota housing finance agency.

(b) An issuer that returns for reallocation all or a portion of an allocation received under this section within 90 days of allocation shall receive within 30 days a refund equal to:

(1) one-half of the application deposit for the amount of bonding authority returned within 30 days of receiving allocation;

(2) one-fourth of the application deposit for the amount of bonding authority returned between 31 and 60 days of receiving allocation; and

(3) one-eighth of the application deposit for the amount of bonding authority returned between 61 and 90 days of receiving allocation.

No refund shall be available for allocations returned 90 or more days after receiving the allocation. This subdivision does not apply to the Minnesota housing finance agency or the Minnesota rural finance authority.

Sec. 25. Minnesota Statutes 1990, section 474A.081, is amended to read:

474A.081 [POOL TRANSFERS.]

Subdivision 1. [AUTHORITY TO TRANSFER BONDING AUTHORITY.] If there is insufficient bonding authority in either the manufacturing small issue pool or the multifamily housing pool to provide allocations for applications received in any one week, additional bonding authority for small issue bonds and residential rental project bonds may be obtained under this section.

Subd. 2. [TRANSFER LIMITS.] No transfer of bonding authority may be made from any pool for qualified bonds not eligible to receive allocations from that pool (i) prior to June 30, or (ii) if, on June 30, allocations of bonding authority have been made from that pool equal to or exceeding 50 percent of the annual volume cap originally allocated to that pool. For 1987, the amount considered originally allocated to each of the pools shall be \$80,000,000 for the manufacturing small issue pool and \$60,000,000 for the multifamily housing pool.

Subd. 4. [POOL TRANSFERS.] If there is insufficient bonding authority to provide allocations for all small issue bonds or residential rental project bonds in any one week, applications for small issue bonds may receive bonding authority from the multifamily housing pool or applications for residential rental project bonds may receive bonding authority from the manufacturing small issue pool, except as provided in subdivision 2. If bonding authority is transferred from one pool to the other pool, applications for small issue bonds must receive priority for allocations from the manufacturing small issue pool, and applications for residential rental project bonds must receive priority for allocations from the multifamily housing pool.

Sec. 26. Minnesota Statutes 1990, section 474A.091, is amended to read:

474A.091 [ALLOCATION OF UNIFIED POOL.]

Subdivision 1. [UNIFIED POOL AMOUNT.] On the day after the last Monday in August any bonding authority remaining unallocated from the manufacturing small issue pool, the housing pool, and the public facilities pool is transferred to the unified pool and must be reallocated as provided in this section.

Subd. 2. [APPLICATION.] An issuer Issuers other than the Minnesota rural finance authority may apply for an allocation under this section by submitting to the department an application on forms provided by the department accompanied by (1) a preliminary resolution, (2) a statement of bond counsel that the proposed issue of obligations requires an allocation under this chapter, (3) the type of qualified bonds to be issued, (4) an application deposit in the amount of two percent of the requested allocation, and (5) a public

purpose scoring worksheet for ~~small issue~~ manufacturing applications. The issuer must pay the application deposit by check. An entitlement issuer may not apply for an allocation for public facility bonds, residential rental project bonds, or mortgage bonds under this section unless it has either permanently issued bonds equal to the amount of its entitlement allocation for the current year plus any amount carried forward from previous years or returned for reallocation all of its unused entitlement allocation. For purposes of this subdivision, its entitlement allocation includes an amount obtained under section 474A.04, subdivision 6.

The Minnesota housing finance agency may not apply for an allocation for mortgage bonds under this section until after the last Monday in September. Notwithstanding the restrictions imposed on unified pool allocations after October 1 under subdivision 3, paragraph (c)(2), the Minnesota housing finance agency may be awarded allocations for mortgage bonds from the unified pool after October 1. The Minnesota housing finance agency may apply for and receive an allocation under this section without submitting an application deposit.

Subd. 3. [ALLOCATION PROCEDURE.] (a) The commissioner shall allocate available bonding authority under this section on the Monday of every other week beginning with the first Monday in September through and on the last Monday in November. Applications for allocations must be received by the department by the Monday preceding the Monday on which allocations are to be made. If a Monday falls on a holiday, the allocation will be made or the applications must be received by the next business day after the holiday.

(b) On or before October 1, allocations shall be awarded from the unified pool in the following order of priority:

- (1) applications for small issue bonds;
- (2) applications for residential rental project bonds;
- (3) applications for public facility projects funded by public facility bonds;
- (4) applications for redevelopment bonds;
- (5) applications for mortgage bonds; and
- (6) applications for governmental bonds.

Allocations for residential rental projects may only be made during the first allocation in September. The amount of allocation provided to an issuer for a specific manufacturing project will be

based on the number of points received for the proposed project under the scoring system under section 474A.045. Proposed manufacturing projects that receive 50 points or more are eligible for all of the proposed allocation. Proposed manufacturing projects that receive less than 50 points under section 474A.045 are only eligible to receive a proportionally reduced share of the proposed authority. If there are two or more applications for manufacturing projects from the unified pool and there is insufficient bonding authority to provide allocations for all manufacturing projects in any one allocation period, the available bonding authority shall be awarded based on the number of points awarded a project under section 474A.045 with those projects receiving the greatest number of points receiving allocation first.

(c)(1) On the first Monday in October, \$20,000,000 of bonding authority or an amount equal to the total annual amount of bonding authority allocated to the ~~manufacturing~~ small issue pool under section 474A.03, subdivision 1, less the amount allocated to issuers from the ~~manufacturing small issue~~ pool for that year, whichever is less, is reserved within the unified pool for small issue bonds. On the first Monday in October, \$2,500,000 of bonding authority or an amount equal to the total annual amount of bonding authority allocated to the public facilities pool under section 474A.03, subdivision 1, less the amount allocated to issuers from the public facilities pool for that year, whichever is less, is reserved within the unified pool for public facility bonds. If sufficient bonding authority is not available to reserve the required amounts for both small issue bonds and public facility bonds, seven-eighths of the remaining available bonding authority is reserved for small issue bonds and one-eighth of the remaining available bonding authority is reserved for public facility bonds.

(2) The total amount of allocations for mortgage bonds from the housing pool and the unified pool may not exceed:

- (i) \$10,000,000 for any one city; or
- (ii) \$20,000,000 for any number of cities in any one county.

An allocation for mortgage bonds may be used for mortgage credit certificates.

After October 1, allocations shall be awarded from the unified pool only for the following types of qualified bonds: small issue bonds, public facility bonds, and residential rental project bonds.

(d) If there is insufficient bonding authority to fund all projects within any qualified bond category, allocations shall be awarded by lot unless otherwise agreed to by the respective issuers. If an application is rejected, the commissioner must notify the applicant and return the application deposit to the applicant within 30 days

unless the applicant requests in writing that the application be resubmitted. The granting of an allocation of bonding authority under this section must be evidenced by issuance of a certificate of allocation.

Subd. 4. [MORTGAGE BONDS.] All remaining bonding authority available for allocation under this section on December 1, is allocated to the Minnesota housing finance agency.

Subd. 5. [RETURN OF ALLOCATION; DEPOSIT REFUND.] (a) If an issuer that receives an allocation under this section determines that it will not issue obligations equal to all or a portion of the allocation received under this section within 90 days of the allocation or within the time period permitted by federal tax law, whichever is less, the issuer must notify the department. If the issuer notifies the department or the 90-day period since allocation has expired prior to the last Monday in November, the amount of allocation is canceled and returned for reallocation through the unified pool.

(b) An issuer that returns for reallocation all or a portion of an allocation received under this section within 90 days of the allocation shall receive within 30 days a refund equal to:

(1) one-half of the application deposit for the amount of bonding authority returned within 30 days of receiving the allocation;

(2) one-fourth of the application deposit for the amount of bonding authority returned between 31 and 60 days of receiving the allocation; and

(3) one-eighth of the application deposit for the amount of bonding authority returned between 61 and 90 days of receiving the allocation.

No refund of the application deposit shall be available for allocations returned on or after the last Monday in November. This subdivision does not apply to the Minnesota housing finance agency, or the Minnesota rural finance authority.

Subd. 6. [FINAL ALLOCATION; CARRYFORWARD.] Any bonding authority remaining unissued by the Minnesota housing finance agency after the last Monday in December is allocated to the department of finance for reallocation for qualified bonds eligible to be carried forward under federal tax law.

Sec. 27. Minnesota Statutes 1990, section 474A.14, is amended to read:

474A.14 [NOTICE OF AVAILABLE AUTHORITY.]

The department shall publish in the State Register a notice of the amount of bonding authority in the housing, ~~manufacturing~~ small issue, and public facilities pools as soon after January 1 as possible. The department shall publish in the State Register a notice of the amount of bonding authority available for allocation in the unified pool as soon after September 1 as possible.

Sec. 28. [APPROPRIATION.]

(a) \$..... is appropriated from the general fund to the rural finance authority for the purposes of sections 6 to 17 for the biennium ending June 30, 1993.

(b) It is the intent of the legislature that the agricultural development bond beginning farmer and agricultural business enterprise loan program established in sections 6 to 17 will be self-supporting after fiscal year 1993.

ARTICLE 2

DAIRY UPGRADE PROGRAM

Section 1. [41B.043] [DAIRY UPGRADE LOAN PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] The authority shall, by October 1, 1991, establish, develop criteria for, and implement a program to buy loans made to farmers for upgrading their dairy facilities to produce Grade A rather than Grade B milk.

Subd. 2. [LOAN REQUIREMENT.] The program established in subdivision 1 must provide that the authority shall purchase loans that are made to farmers by local lenders, who are responsible for obtaining and submitting to the authority all required information on the borrower and documentation of the ability of the borrower to maintain an adequate cash flow during the term of the loan and the existence of sufficient equity in the farm to secure the loan.

Loans purchased under this program may not be for more than \$15,000 and must be secured by a mortgage on the borrower's farm. Loan terms may not be longer than ten years and payments on the loans must be made monthly.

Subd. 3. [INTEREST RATES.] Interest on loans purchased under the program established pursuant to subdivision 1 must not be subsidized by the authority.

Subd. 4. [BONDS.] The authority may issue bonds under procedures in this chapter to finance its purchase of loans pursuant to this section."

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 772, A bill for an act relating to agriculture; changing the composition of county extension committees; amending Minnesota Statutes 1990, section 38.36, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 38.36, subdivision 1, is amended to read:

Subdivision 1. [COMMITTEE COMPOSITION.] A county must have an extension committee. The committee must have nine members. Two members must be county commissioners appointed by the county board. The county auditor or the auditor’s designee must be a member. If the county has no office of auditor, the county board shall appoint a member from the county administration. Six members must be appointed at large by the county board as provided in this section. Two of the six members appointed by the county board must be persons, or spouses of persons, actively engaged in, or retired from, farming as defined in section 500.24, subdivision 2, clause (a), and two of the members must be involved in agriculture-related business. The county board at its annual meeting shall appoint for a term of three years the number of members required to fill the memberships on that committee expiring at that time.”

Amend the title accordingly

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 784, A bill for an act relating to agriculture; changing

the shade tree disease and wood use programs; amending Minnesota Statutes 1990, sections 18.023, subdivisions 10a and 11; and 18.024, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 25, delete "even-numbered" and insert "odd-numbered"

Page 2, delete lines 13 to 32, and insert:

"Subdivision 1. ~~RECOMMENDATIONS WOOD UTILIZATION.]~~
The ~~department~~ departments of agriculture, in cooperation and natural resources, after consultation with the commissioner of trade and economic development, the director of public service, and the Minnesota shade tree advisory committee and the commissioners of public service, trade and economic development, shall ~~draft recommendations for~~ investigate, evaluate, and make recommendations to the legislature concerning the potential uses of wood from community trees removed due to disease or other disorders. ~~These recommendations shall include maximum resource recovery through recycling, use as an alternative energy source, or use in construction or the manufacture of new products.~~ Wood utilization or disposal systems as defined in section 18.023. ~~These recommendations shall encourage must be included to ensure maximum utilization of diseased shade trees. In addition to ensuring maximum utilization, the recommendations must be designed with designs and procedures to ensure public safety and to assure compliance with approved disease control programs."~~

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 807, A bill for an act relating to commerce; requiring real estate brokers and salespersons to receive instruction in fair housing laws; amending Minnesota Statutes 1990, section 82.22, subdivision 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 82.22, subdivision 6, is amended to read:

Subd. 6. [INSTRUCTION; NEW LICENSES.] (a) After January 1, 1987, every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. After January 1, 1987, every applicant for a salesperson's license shall be required to successfully complete an additional course of study in the real estate field consisting of 60 hours of instruction approved by the commissioner, of which three hours shall consist of training in state and federal fair housing laws, regulations, and rules, before filing an application for the license. Every salesperson licensed after January 1, 1987, shall, within one year of licensure, be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner.

(b) After December 31, 1983, and before January 1, 1987, every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. After December 31, 1983, and before January 1, 1987, every applicant for a salesperson's license shall be required to successfully complete an additional course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before filing an application for the license. Every salesperson licensed after December 31, 1983, and before January 1, 1987, shall, within one year of the date a license was first issued, be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner.

(c) The commissioner may approve courses of study in the real estate field offered in educational institutions of higher learning in this state or courses of study in the real estate field developed by and offered under the auspices of the national association of realtors, its affiliates, or private real estate schools. The commissioner shall not approve any course offered by, sponsored by, or affiliated with any person or company licensed to engage in the real estate business. The commissioner may by rule prescribe the curriculum and qualification of those employed as instructors.

(d) After January 1, 1988, an applicant for a broker's license must successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner, of which three hours shall consist of training in state and federal fair housing laws, regulations, and rules. The course must have been completed within six months prior to the date of application for the broker's license.

(e) After August 1, 1989, an applicant for a real estate closing agent's license must successfully complete a course of study relating to closing services consisting of eight hours of instruction approved by the commissioner.

Sec. 2. Minnesota Statutes 1990, section 82.22, subdivision 13, is amended to read:

Subd. 13. [CONTINUING EDUCATION.] (a) After July 1, 1987, all real estate salespersons and all real estate brokers shall be required to successfully complete 15 hours of real estate education, either as a student or a lecturer, in courses of study approved by the commissioner, each year after their initial annual renewal date or after the expiration of their currently assigned three year continuing education due date. All salespersons and brokers shall report continuing education on an annual basis no later than June 30, 1990. Hours in excess of 15 earned in any one year may be carried forward to the following year.

(b) The commissioner shall adopt rules defining the standards for course and instructor approval, and may adopt rules for the proper administration of this subdivision.

(c) Any program approved by Minnesota continuing legal education shall be approved by the commissioner of commerce for continuing education for real estate brokers and salespeople if the program or any part thereof relates to real estate.

(d) As part of the continuing education requirements of this section, the commissioner shall require that all real estate brokers and salespersons receive at least two hours of training every even-numbered year in courses in state and federal fair housing laws, regulations, and rules.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1992. Section 2 is effective the day following final enactment.

Amend the title as follows:

Page 1, line 5, delete "subdivision" and insert "subdivisions 6 and"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 822, A bill for an act relating to human services; permitting energy conservation activities to be funded through the Minnesota future resources fund; describing community action program grants; appropriating money; amending Minnesota Statutes 1990, sections 116P.13, subdivision 3; and 268.52, subdivision 2, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 825, A bill for an act relating to traffic regulations; amending the implied consent law advisory; amending Minnesota Statutes 1990, section 169.123, subdivision 2.

Reported the same back with the following amendments:

Page 3, after line 23, insert:

“Sec. 2. Minnesota Statutes 1990, section 169.123, subdivision 5c, is amended to read:

Subd. 5c. [PETITION FOR JUDICIAL REVIEW.] Within 30 days following receipt of a notice and order of revocation or disqualification pursuant to this section, a person may petition the court for review, unless the person is entitled to review under section 171.166. The petition shall be filed with the district court administrator in the county where the alleged offense occurred, together with proof of service of a copy on the commissioner of public safety, and accompanied by the standard filing fee for civil actions. No responsive pleading shall be required of the commissioner of public safety, and no court fees shall be charged for the appearance of the commissioner of public safety in the matter.

The petition shall be captioned in the full name of the person making the petition as petitioner and the commissioner of public safety as respondent. The petition must include the petitioner's date of birth, driver's license number, and date of the offense. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order of revocation, disqualification, or denial and state the facts underlying each claim asserted.

The filing of the petition shall not stay the revocation, disqualification, or denial. The reviewing court may order a stay of the balance of the revocation or disqualification if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper. Judicial reviews shall be conducted according to the rules of civil procedure.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective the day after final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "simplifying the contents of a petition for judicial review under the implied consent law;"

Page 1, line 4, delete "subdivision 2" and insert "subdivisions 2 and 5c"

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 826, A bill for an act relating to human services; consolidating and simplifying county mental health and community social services planning; authorizing the review and reduction of social service administrative requirements; establishing a process for limiting social services due to county fiscal limitations; amending Minnesota Statutes 1990, sections 245.465; 245.466, subdivision 5; 245.478, subdivisions 1, 2, and 6; 245.4874; 245.4875, subdivision 5; 245.4887, subdivisions 1, 2, and 6; 256.045, subdivision 3; 256E.04, subdivision 1; 256E.05, subdivisions 2, 3, 5, and by adding subdivisions; 256E.08, subdivision 1; 256E.09, subdivisions 1, 3, and 6; and 256E.12, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256E; repealing Minnesota Statutes 1990, sections 245.462, subdivision 15; 245.4871, subdivision 23; 256B.092, subdivisions 1c and 1d; and 256E.09, subdivisions 4 and 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 245.465, is amended to read:

245.465 [DUTIES OF COUNTY BOARD.]

The county board in each county shall use its share of mental health and community social ~~service~~ services act funds allocated by the commissioner according to a the biennial local mental health service proposal component of the county's community social services plan as approved by the commissioner. The county board must:

(1) develop and coordinate a system of affordable and locally available adult mental health services in accordance with sections 245.461 to 245.486;

(2) with the involvement of the local adult mental health advisory council or the adult mental health subcommittee of an existing advisory council, develop a biennial adult mental health component of the community social services plan required in section 256E.09 which considers the assessment of unmet needs in the county as reported by the local adult mental health advisory council under section 245.466, subdivision 5, clause (3);

(3) provide for case management services to adults with serious and persistent mental illness in accordance with sections 245.462, subdivisions 3 and 4; 245.4711; and 245.486;

~~(3)~~ (4) provide for screening of adults specified in section 245.476 upon admission to a residential treatment facility or acute care hospital inpatient, or informal admission to a regional treatment center;

(4) (5) prudently administer grants and purchase-of-service contracts that the county board determines are necessary to fulfill its responsibilities under sections 245.461 to 245.486; and

~~(5)~~ (6) assure that mental health professionals, mental health practitioners, and case managers employed by or under contract with the county to provide mental health services have experience and training in working with adults with mental illness.

Sec. 2. Minnesota Statutes 1990, section 245.466, subdivision 5, is amended to read:

Subd. 5. [LOCAL ADVISORY COUNCIL.] The county board, individually or in conjunction with other county boards, shall establish a local adult mental health advisory council or mental health subcommittee of an existing advisory council. The council's members must reflect a broad range of community interests. They must include at least one consumer, one family member of an adult

with mental illness, one mental health professional, and one community support services program representative. The local adult mental health advisory council or mental health subcommittee of an existing advisory council shall meet at least quarterly to review, evaluate, and make recommendations regarding the local mental health system. Annually, the local adult mental health advisory council or mental health subcommittee of an existing advisory council shall:

(1) arrange for input from the regional treatment center's mental illness program unit regarding coordination of care between the regional treatment center and community-based services;

(2) identify for the county board the individuals, providers, agencies, and associations as specified in section 245.462, subdivision 10; ~~and~~

(3) provide to the county board a report of unmet mental health needs of adults residing in the county to be included in the county's biennial mental health component of the community social services plan required in section 256E.09 and participate in developing the mental health component of the plan; and

(4) coordinate its review, evaluation, and recommendations regarding the local mental health system with the state advisory council on mental health.

The county board shall consider the advice of its local mental health advisory council or mental health subcommittee of an existing advisory council in carrying out its authorities and responsibilities.

Sec. 3. Minnesota Statutes 1990, section 245.478, subdivision 1, is amended to read:

Subdivision 1. [TIME PERIOD SUBMITTAL OF ADULT MENTAL HEALTH COMPONENT.] The first local mental health proposal period is from July 1, 1988, to December 31, 1989. The county board shall submit its first proposal to the commissioner by January 1, 1988. Subsequent proposals must be on the same two-year cycle as community social service plans. If a proposal complies with sections 245.461 to 245.486, it satisfies the requirement of the community social service plan for the mental illness target population as required by section 256E.09. The proposal must be made available upon request to all residents of the county at the same time it is submitted to the commissioner. Beginning in 1993, and every two years thereafter, the county board shall submit to the commissioner the adult mental health component of the community social services plan required under section 256E.09.

Sec. 4. Minnesota Statutes 1990, section 245.478, subdivision 2, is amended to read:

Subd. 2. [PROPOSAL CONTENT OF ADULT MENTAL HEALTH COMPONENT.] Content of the local adult mental health proposal must include: component of the community social services plan is governed by section 256E.09.

(1) the local adult mental health advisory council's or adult mental health subcommittee of an existing advisory council's report on unmet needs of adults and any other needs assessment used by the county board in preparing the local adult mental health proposal;

(2) a description of the local adult mental health advisory council's or the adult mental health subcommittee of an existing advisory council's involvement in preparing the local adult mental health proposal and methods used by the county board to ensure adequate and timely participation of citizens, mental health professionals, and providers in development of the local mental health proposal;

(3) information for the preceding year, including the actual number of clients who received each of the mental health services listed in sections 245.468 to 245.476, and actual expenditures for each mental health service and service waiting lists; and

(4) the following information describing how the county board intends to meet the requirements of sections 245.461 to 245.486 during the proposal period:

(i) specific objectives and outcome goals for each adult mental health service listed in sections 245.461 to 245.486;

(ii) a description of each service provider, including county agencies, contractors, and subcontractors, that is expected to either be the sole provider of one of the adult mental health services described in sections 245.461 to 245.486 or to provide over \$10,000 of adult mental health services per year, including a listing of the professional qualifications of the staff involved in service delivery for the county;

(iii) a description of how the adult mental health services in the county will be unified and coordinated;

(iv) the estimated number of clients who will receive each adult mental health service; and

(v) estimated expenditures for each adult mental health service and revenues for the entire proposal.

Sec. 5. Minnesota Statutes 1990, section 245.478, subdivision 6, is amended to read:

Subd. 6. PROPOSAL ADULT MENTAL HEALTH COMPONENT OF THE COMMUNITY SOCIAL SERVICES PLAN; APPROVAL. The commissioner shall review each ~~local~~ county's adult mental health ~~proposal~~ component of the community social services plan within ~~90~~ 60 days and work with the county board to make any necessary modifications to comply with sections 245.461 to 245.486. After the commissioner has approved the ~~proposal~~ adult mental health component of the community social services plan, the county board is eligible to receive an allocation of mental health and community social ~~service~~ services act funds.

Sec. 6. Minnesota Statutes 1990, section 245.4874, is amended to read:

245.4874 [DUTIES OF COUNTY BOARD.]

The county board in each county shall use its share of mental health and community social ~~service~~ services act funds allocated by the commissioner according to a biennial ~~local~~ children's mental health ~~service~~ ~~proposal~~ component of the community social services plan required under section 245.4887, and approved by the commissioner. The county board must:

(1) develop a system of affordable and locally available children's mental health services according to sections 245.487 to 245.4887;

(2) with the involvement of the local children's mental health advisory council or children's mental health subcommittee of an existing advisory council, develop a biennial children's mental health component of the community social services plan required under section 256E.09 which considers the assessment of unmet needs in the county as reported by the local children's mental health advisory council under section 245.4875, subdivision 5, paragraph (b), clause (3);

(3) assure that parents and providers in the county receive information about how to gain access to services provided according to sections 245.487 to 245.4887;

~~(3)~~ (4) coordinate the delivery of children's mental health services with services provided by social services, education, corrections, health, and vocational agencies to improve the availability of mental health services to children and the cost effectiveness of their delivery;

(4) (5) assure that mental health services delivered according to sections 245.487 to 245.4887 are delivered expeditiously and are

appropriate to the child's diagnostic assessment and individual treatment plan;

~~(5)~~ (6) provide the community with information about predictors and symptoms of emotional disturbances and how to access children's mental health services according to sections 245.4877 and 245.4878;

~~(6)~~ (7) provide for case management services to each child with severe emotional disturbance according to sections 245.486; 245.4871, subdivisions 3 and 4; and 245.4881, subdivisions 1, 3, and 5;

~~(7)~~ (8) provide for screening of each child under section 245.4885 upon admission to a residential treatment facility, acute care hospital inpatient treatment, or informal admission to a regional treatment center;

~~(8)~~ (9) prudently administer grants and purchase-of-service contracts that the county board determines are necessary to fulfill its responsibilities under sections 245.487 to 245.4887;

~~(9)~~ (10) assure that mental health professionals, mental health practitioners, and case managers employed by or under contract to the county to provide mental health services are qualified under section 245.4871; and

~~(10)~~ (11) assure that children's mental health services are coordinated with adult mental health services specified in sections 245.461 to 245.486 so that a continuum of mental health services is available to serve persons with mental illness, regardless of the person's age.

Sec. 7. Minnesota Statutes 1990, section 245.4875, subdivision 5, is amended to read:

Subd. 5. [LOCAL CHILDREN'S ADVISORY COUNCIL.] (a) By October 1, 1989, the county board, individually or in conjunction with other county boards, shall establish a local children's mental health advisory council or children's mental health subcommittee of the existing local mental health advisory council or shall include persons on its existing mental health advisory council who are representatives of children's mental health interests. The following individuals must serve on the local children's mental health advisory council, the children's mental health subcommittee of an existing local mental health advisory council, or be included on an existing mental health advisory council: (1) at least one person who was in a mental health program as a child or adolescent; (2) at least one parent of a child or adolescent with severe emotional disturbance; (3) one children's mental health professional; (4) representa-

tives of minority populations of significant size residing in the county; (5) a representative of the children's mental health local coordinating council; and (6) one family community support services program representative.

(b) The local children's mental health advisory council or children's mental health subcommittee of an existing advisory council shall seek input from parents, former consumers, providers, and others about the needs of children with emotional disturbance in the local area and services needed by families of these children, and shall meet monthly, unless otherwise determined by the council or subcommittee, but not less than quarterly, to review, evaluate, and make recommendations regarding the local children's mental health system. Annually, the local children's mental health advisory council or children's mental health subcommittee of the existing local mental health advisory council shall:

(1) arrange for input from the local system of care providers regarding coordination of care between the services; ~~and~~

(2) identify for the county board the individuals, providers, agencies, and associations as specified in section 245.4877, clause (2); and

(3) provide to the county board a report of unmet mental health needs of children residing in the county to be included in the county's biennial children's mental health component of the community social services plan required under section 256E.09 and participate in developing the mental health component of the plan.

(c) The county board shall consider the advice of its local children's mental health advisory council or children's mental health subcommittee of the existing local mental health advisory council in carrying out its authorities and responsibilities.

Sec. 8. Minnesota Statutes 1990, section 245.4887, subdivision 1, is amended to read:

Subdivision 1. [TIME PERIOD SUBMITTAL OF CHILDREN'S MENTAL HEALTH COMPONENT.] The county board shall submit its first complete children's section of its local mental health proposal to the commissioner by November 15, 1989. Subsequent proposals must be on the same two-year cycle as community social service plans. If a proposal complies with sections 245.487 to 245.4887, it satisfies the requirement of the community social service plan for the emotionally disturbed target population as required by section 256E.09. The proposal must be made available upon request to all residents of the county at the same time it is submitted to the commissioner. Beginning in 1993, and every two years thereafter, the county board shall submit to the commissioner a children's mental health component of the community social services plan required under section 256E.09.

Sec. 9. Minnesota Statutes 1990, section 245.4887, subdivision 2, is amended to read:

Subd. 2. [PROPOSAL CONTENT OF CHILDREN'S MENTAL HEALTH COMPONENT.] Content of the children's section of the local mental health proposal must include: component of the community social services plan is governed by section 256E.09.

(1) a report of the local children's mental health advisory council or children's mental health subcommittee of the existing local mental health advisory council on unmet needs of children and any other needs assessment used by the county board in preparing the local mental health proposal, including the report of the local coordinating council or local interagency task force specified in section 245.4875, subdivision 6;

(2) a description of the involvement of the local children's mental health advisory council or the children's mental health subcommittee of the existing local mental health advisory council in preparing the local mental health proposal and methods used by the county board to ensure adequate and timely participation of citizens, mental health professionals, and providers in development of the local mental health proposal;

(3) information for the preceding year, including the actual number of children who received each of the mental health services listed in sections 245.487 to 245.4887, and actual expenditures for each mental health service and service waiting lists; and

(4) the following information describing how the county board intends to meet the requirements of sections 245.487 to 245.4887 during the proposal period:

(i) specific objectives and outcome goals for each mental health service listed in sections 245.487 to 245.4887;

(ii) a description of each service provider, including county agencies, contractors, and subcontractors, that is expected to either be the sole provider of one of the mental health services described in sections 245.487 to 245.4887 or to provide over \$10,000 of mental health services per year, including a listing of the professional qualifications of the staff involved in service delivery for the county;

(iii) a description of how the mental health services in the county will be unified and coordinated, including the mechanism established by the county board providing for interagency coordination as specified in section 245.4875, subdivision 6;

(iv) the estimated number of children who will receive each mental health service; and

(v) ~~estimated expenditures for each mental health service and revenues for the entire proposal.~~

Sec. 10. Minnesota Statutes 1990, section 245.4887, subdivision 6, is amended to read:

Subd. 6. [~~PROPOSAL CHILDREN'S MENTAL HEALTH COMPONENT OF THE COMMUNITY SOCIAL SERVICES PLAN; APPROVAL.~~] The commissioner shall review each county's children's section of the local mental health proposal component of the community social services plan within 90 60 days and work with the county board to make any necessary modifications to comply with sections 245.487 to 245.4887. After the commissioner has approved the proposal children's mental health component of the community social services plan, the county board is eligible to receive an allocation of mental health and community social service services act funds.

Sec. 11. Minnesota Statutes 1990, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] Any person applying for, receiving or having received public assistance or a program of social services granted by the state agency or a county agency under sections 252.32, 256.031 to 256.036, and 256.72 to 256.879, chapters 256B, 256D, 256E, 261, or the federal Food Stamp Act whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid, or any patient or relative aggrieved by an order of the commissioner under section 252.27, or a party aggrieved by a ruling of a prepaid health plan, may contest that action or decision before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause why the request was not submitted within the 30-day time limit.

Except for a prepaid health plan, a vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services under section 256E.08, subdivision 4, is not a party and may not request a hearing under this section.

An applicant or recipient is not entitled to receive social services beyond the services included in the amended community social services plan developed under section 256E.081, subdivision 3, if the county agency has met the requirements in section 256E.081.

Sec. 12. Minnesota Statutes 1990, section 256E.04, subdivision 1, is amended to read:

Subdivision 1. The commissioner shall prepare a biennial social services plan and present the plan to the governor and the legislature. The commissioner shall update the plan biennially. The plan shall include:

(a) A statement of methods used to ensure intergovernmental coordination of state and local planning and delivery of community social services;

(b) A coordination statement setting forth the relationship of the state social services plan to any other federal, state or locally financed human services programs, including but not limited to, programs for the aged, children, the developmentally disabled, the chemically dependent, and programs related to corrections, education, vocational rehabilitation, mental health, housing, health, and employment; ~~and~~

(c) A summary and analysis of all county biennial community social services plans;

(d) Identification of social services program requirements which counties have identified as unnecessarily administratively burdensome;

(e) Identification of social services program requirements for which inadequate state and local funding is available; and

(f) Identification of unmet needs reported by the county agencies.

The commissioner shall consult with the heads of human service related state departments and agencies in preparing the coordination statement required by this subdivision.

Sec. 13. Minnesota Statutes 1990, section 256E.05, is amended by adding a subdivision to read:

Subd. 1a. [REVIEW OF ADMINISTRATIVE REQUIREMENTS.] The commissioner may review social services administrative rule requirements and adopt amendments under chapter 14 to reduce administrative costs and complexity by eliminating unnecessary or excessive paperwork, simplifying or consolidating program requirements, or emphasizing outcomes rather than procedures. In determining the reasonableness of the requirements, the commissioner shall consider the needs the service was developed to address and the adequacy of the state and local funding available to provide the service.

Sec. 14. Minnesota Statutes 1990, section 256E.05, subdivision 2, is amended to read:

Subd. 2. [PLAN APPROVAL.] Within ~~45~~ 60 days after submission of the community social services plan by the counties pursuant to section 256E.09, subdivision 4 1, the commissioner shall certify whether the plan fulfills the purposes and requirements of section 256E.09, state and federal law and the rules of the state agency. On certifying that the plan does not do so, the commissioner shall state the reasons therefore, and the county shall have 30 days to submit a plan amended to comply with the requirements of the commissioner. If the county fails to resubmit a plan amended as required by the commissioner, the commissioner shall notify the county of the intention to reduce the next quarterly payment by an amount equal to one-third of one percent of the county's annual entitlement for each 30 day period during which the county fails to amend the plan as required by the commissioner. The county board has the right to appeal the commissioner's decision pursuant to section 256E.06, subdivision 10.

Sec. 15. Minnesota Statutes 1990, section 256E.05, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL DUTIES.] The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) To the extent possible, coordinate other categorical social ~~service~~ services grant applications and plans required of counties so that the applications and plans are included in and are consistent with the timetable and other requirements for the community social services plan in subdivision 2 and section 256E.09;

(c) Provide to the chair of each county board, in addition to notice required pursuant to sections 14.05 to 14.36, timely advance notice and a written summary of the fiscal impact of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;

(d) Provide training, technical assistance, and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(e) Design and implement a method of monitoring and evaluating social services, including site visits that utilize quality control audits to assure county compliance with applicable standards, guidelines, and the county and state social services plans;

(f) Design and implement a system that uses corrective action procedures as established in subdivision 5 and a schedule of fines to ensure county compliance with statutes, rules, federal laws, and

federal regulations governing community social services. In determining the amount of the fine, the commissioner may consider the number of community social services clients or applicants affected by the county's failure to comply with the law or rule, the severity of the noncompliance, ~~and the duration of the noncompliance as determined by the commissioner,~~ the resources allocated for the provision of the service in the community social services plan approved under section 256E.09, and the amount the county is levying for social services and income maintenance programs under section 275.50, subdivision 5. Fines levied against a county under this subdivision must not exceed ten percent of the county's community social services allocation for the year in which the fines are levied;

(g) Design and implement an incentive program for the benefit of counties that perform at a level that consistently meets or exceeds the minimum standards in law and rule. Fines collected under paragraph (e) may be placed in an incentive fund and used for the benefit of counties that meet and exceed the minimum standards;

(h) Specify requirements for reports, including fiscal reports, according to section 256.01, subdivision 2, paragraph (17), to account for aids distributed under section 256E.06, funds from Title XX of the Social Security Act distributed under Minnesota Statutes, section 256E.07, claims under Title IV-E of the Social Security Act, mental health funding, and other social ~~service~~ services expenditures and activities; and

(i) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

Sec. 16. Minnesota Statutes 1990, section 256E.05, is amended by adding a subdivision to read:

Subd. 3a. [DEMONSTRATION PROJECT.] (a) The commissioner may establish demonstration projects to test alternatives to existing state requirements.

(b) At least one demonstration project may be developed to demonstrate alternative methods of social services planning. For the purposes of this demonstration project, the commissioner:

(1) shall allow participating counties to combine all social services plans into one comprehensive plan unless a separate plan is necessary to comply with federal regulations or maintain federal financial participation;

(2) may waive social service program maintenance of effort requirements not required to comply with federal regulations or

maintain federal financial participation, at the request of a county or counties participating in the planning process;

(3) may exempt counties participating in the planning demonstration from fiscal sanctions for noncompliance with social services requirements in state statute, provided the county proposal includes a schedule of fines for noncompliance approved by the commissioner;

(4) may establish a county match requirement for social services. If the county has spent or obligated all of its state and federal social services funds and the required matching funds, the county must be considered to be making reasonable efforts to comply with all state social services requirements as required in section 256E.081, subdivision 2, and is not required to provide social services beyond the services included in the county's amended community social services plan; and

(5) shall require participating counties to describe the system to be used to evaluate performance under the combined county plan.

(c) At least one demonstration project may be developed to test alternative methods of delivering services to persons with developmental disabilities or persons with mental illness.

(d) Up to six demonstration projects may be established to test alternatives to existing requirements that maintain or enhance services but reduce administrative burdens, eliminate unnecessary or excessive paperwork, simplify or consolidate requirements, or otherwise reduce administrative costs and complexity of social services programs.

(e) The commissioner shall consult with county staff, service providers, and service recipients or their advocates in the selection of the proposals for the demonstration projects.

(f) In selecting the demonstration projects, the commissioner may give preference to proposals submitted by two or more counties.

(g) During the duration of the demonstration projects, the commissioner may waive administrative rule requirements in the demonstration counties if the proposal demonstrates that the needs the requirements were developed to address can be met using an alternative approach. The commissioner shall not waive rule requirements which affect an individual's eligibility for services or right to due process.

(h) If the county fails to meet the conditions in the demonstration project proposal as approved by the commissioner, the commissioner may rescind the waiver of the rule requirements.

- (i) The demonstration projects must be completed by July 1, 1995.
- (j) The legislative auditor shall evaluate the results of the demonstration projects.
- (k) If the results of the demonstration projects indicate that the needs the administrative rule requirements were developed to address can be met by means that are less costly and less prescriptive, and that give counties greater flexibility when providing social services, the commissioner may amend or repeal the appropriate social services rule requirement under chapter 14. If the requirement is specified in statute, the commissioner shall recommend legislative changes in the biennial state plan under section 256E.04, subdivision 1.

Sec. 17. Minnesota Statutes 1990, section 256E.05, subdivision 5, is amended to read:

Subd. 5. [CORRECTIVE ACTION PROCEDURE.] The commissioner must comply with the following procedures when imposing fines under subdivision 3, paragraph (e), or reducing county funds under subdivision 4.

(a) The commissioner shall notify the county, by certified mail, of the statute, rule, federal law, or federal regulation with which the county has not complied.

(b) The commissioner shall give the county 30 days to demonstrate to the commissioner that the county is in compliance with the statute, rule, federal law, or federal regulation cited in the notice or to develop a corrective action plan to address the problem. Upon request from the county, the commissioner shall provide technical assistance to the county in developing a corrective action plan. The county shall have 30 days from the date the technical assistance is provided to develop the corrective action plan.

(c) The commissioner shall take no further action if the county demonstrates compliance.

(d) The commissioner shall review and approve or disapprove the corrective action plan within 30 days after the commissioner receives the corrective action plan.

(e) If the commissioner approves the corrective action plan submitted by the county, the county has 90 days after the date of approval to implement the corrective action plan.

(f) If the county fails to demonstrate compliance or fails to implement the corrective action plan approved by the commissioner, the commissioner may fine the county according to subdivision 3,

paragraph (e), or may reduce the county's share of state or federal funds according to subdivision 4.

(g) The commissioner may not impose a fine or reduce funds under this subdivision if the county demonstrates that:

(1) the county is unable to comply with a social services administrative rule due to fiscal limitations and the county has met the requirements in section 256E.081; or

(2) the commissioner failed to provide appropriate forms, guidelines, and technical assistance to enable the county to comply with the requirements.

(h) The county may appeal the fine or the reduction in funds under section 256E.06, subdivision 10.

Sec. 18. Minnesota Statutes 1990, section 256E.08, subdivision 1, is amended to read:

Subdivision 1. [RESPONSIBILITIES.] The county board of each county shall be responsible for administration, planning and funding of community social services. Each county board shall singly or in combination with other county boards as provided in section 256E.09 prepare a social services plan and shall update the plan biennially. Upon final approval of the plan by the county board or boards, the plan shall be submitted to the commissioner. The county board shall distribute money available pursuant to sections 256E.06 and 256E.07 for community social services.

The authority and responsibilities of county boards for social services for groups of persons identified in section 256E.03, subdivision 2, shall include contracting for or directly providing:

(1) information about the symptoms and characteristics of specific problems of the identified groups to increase understanding and acceptance by the general public, to help alleviate fears of seeking help, and to enable access to appropriate assistance;

(2) an assessment of the needs of each person applying for assistance which estimates the nature and extent of the problem to be addressed and identifies the means available to meet the person's needs. These diagnostic and evaluation activities shall evaluate the functioning of each person with regard to an illness or disability, screen for placement, and determine the need for services;

(3) protection aimed at alleviating urgent needs of each person by determining urgent need, shielding persons in hazardous conditions when they are unable to care for themselves, and providing urgently needed assistance;

(4) supportive and rehabilitative activities that assist each person to function at the highest level of independence possible for the person, preferably without removing the person from home. These activities include coordinating with local public rehabilitation agencies, local education agencies, and other agencies, both increasing to increase the client's level of functioning and maintaining to maintain current levels of functioning;

(5) a means of facilitating access of physically handicapped or impaired persons to activities appropriate to their needs; and

(6) administrative activities to coordinate and facilitate the effective use of formal and informal helping systems to best address client needs and goals. This includes assisting the client in making informed decisions about opportunities and services, assuring timely access to needed assistance, providing opportunities and encouragement for self-help activities, and coordinating all services to meet the client's needs and goals. County case management shall be responsible for determining appropriate care and activities.

A county board may delegate to a county welfare board established under chapter 393 authority to provide or approve contracts for the purchase of the kinds of community social services that were provided or contracted for by the county welfare boards before the enactment of Laws 1979, chapter 324. The county board must determine how citizens will participate in the planning process, give final approval to the community social services plan, and distribute community social services money.

Sec. 19. [256E.081] [FISCAL LIMITATIONS.]

Subdivision 1. [SERVICE LIMITATION.] If the county has met the requirements in subdivisions 2, 3, and 4, the county shall not be required to provide social services beyond the services required in federal law or state statute or included in the county's amended community social services plan.

Subd. 2. [DEMONSTRATION OF REASONABLE EFFORT.] The county shall make reasonable efforts to comply with all state social services requirements. For the purposes of this section, a county is making reasonable efforts if:

(1) the total amount of money budgeted by the county for social services is equal to or greater than the total amount spent by the county for social services in the prior year, adjusted by any change in state or federal funding used by the county to fund social services in the current or prior year;

(2) the county has spent, obligated, or projects expenditures in

excess of the amount budgeted by the county for at least one social service program or service;

(3) the total social services expenditures for the county are projected to meet or exceed the total amount of money available for social services from all sources of social services funding; and

(4) the county has made efforts to comply with social services requirements within the limits of available funding, including efforts to identify and apply for commonly available state and federal funding for social services programs or services.

Subd. 3. [IDENTIFICATION OF SERVICES TO BE PROVIDED.] If a county has made reasonable efforts, as defined in subdivision 2, to comply with all social services administrative rule requirements and is unable to meet all requirements, the county must provide services according to an amended community social services plan developed by the county and approved by the commissioner under section 256E.09, subdivision 6. The plan must identify for the remainder of the calendar year the social services administrative rule requirements the county shall comply with within its fiscal limitations and the social services administrative rule requirements the county will not comply with due to fiscal limitations. The plan must specify how the county intends to provide services required by federal law or state statute, including but not limited to:

(1) providing services needed to protect children and vulnerable adults from maltreatment, abuse, and neglect;

(2) providing emergency and crisis services needed to protect clients from physical, emotional, or psychological harm;

(3) assessing and documenting the needs of persons applying for services;

(4) providing case management services to developmentally disabled clients, adults with serious and persistent mental illness, and children with severe emotional disturbances;

(5) providing day training and habilitation services for persons with developmental disabilities;

(6) providing subacute detoxification services;

(7) providing public guardianship services; and

(8) fulfilling licensing responsibilities delegated to the county by the commissioner under section 245A.16.

Subd. 4. [DENIAL, REDUCTION, OR TERMINATION OF SERVICES.] (a) Before a county denies, reduces, or terminates services to an individual due to fiscal limitations, the county must meet the requirements in subdivisions 2 and 3, and document in the person's individual service plan:

(1) the person's service needs;

(2) the alternatives considered for meeting the person's service needs; and

(3) the actions that will be taken to prevent abuse or neglect as defined in sections 626.556, subdivision 2, paragraphs (a), (c), (d), and (k); and 626.557, subdivision 2, paragraphs (d) and (e).

(b) The county must notify the individual and the individual's guardian in writing of the reason for the denial, reduction, or termination of services and of the individual's right to an appeal under section 256.045.

(c) The county must inform the individual and the individual's guardian in writing that the county will, upon request, meet to amend the person's individual service plan before services are reduced or terminated.

Sec. 20. Minnesota Statutes 1990, section 256E.09, subdivision 1, is amended to read:

Subdivision 1. [PLAN PROPOSAL.] Beginning in 1989, and every two years after that, the county board shall submit to the commissioner a proposed community social services plan for the next two calendar years. The county board shall publish and make available upon request to all county residents a the proposed biennial community social services plan for the next two calendar years.

Sec. 21. Minnesota Statutes 1990, section 256E.09, subdivision 3, is amended to read:

Subd. 3. [PLAN CONTENT.] The biennial community social services plan published by the county shall include:

(a) A statement of the goals of community social service programs in the county;

(b) Methods used pursuant to subdivision 2 to encourage participation of citizens and providers in the development of the plan and the allocation of money;

(c) Methods used to identify persons in need of service and the social problems to be addressed by the community social service

programs, including efforts the county proposes to make in providing for early intervention, prevention and education aimed at minimizing or eliminating the need for services for groups of persons identified in section 256E.03, subdivision 2;

(d) A statement describing how the county will fulfill its responsibilities identified in section 256E.08, subdivision 1, to the groups of persons described in section 256E.03, subdivision 2, and a description of each community social service proposed and identification of the agency or person proposed to provide the service;

(e) A statement describing how the county proposes to make the following services available for persons identified by the county as in need of services: daytime developmental achievement services for children; day training and habilitation services for adults; extended employment program services for persons with disabilities; supported employment services as defined in section 252.41, subdivision 8; community-based employment programs as defined in section 268A.01, subdivision 11; subacute detoxification services; and residential services and nonresidential social support services as appropriate for the groups identified in section 256E.03, subdivision 2;

(f) A statement specifying how the county will collaboratively plan the development of supported employment services and community-based employment services with local representatives of public rehabilitation agencies and local education agencies, including, if necessary, how existing day or employment services could be modified to provide supported employment services and community-based employment services;

(g) A statement describing how the county is fulfilling its responsibility to establish a comprehensive and coordinated system of early intervention services as required under section 120.17, subdivisions 11a, 12, and 14;

(h) The amount of money proposed to be allocated to each service;

(i) An inventory of public and private resources including associations of volunteers which are available to the county for social services;

(j) Evidence that serious consideration was given to the purchase of services from private and public agencies; and

(k) Methods whereby community social service programs will be monitored and evaluated by the county.

(1) a description of the planning process, including methods used to assess needs and obtain citizen input;

(2) county outcome goals and specific objectives for each program area;

(3) a description of resources allocated within the county to support each program and service;

(4) a description of the services to be provided;

(5) an analysis of the adequacy of resources available to support the community social services plan including estimates of unmet need;

(6) a description of how the service system will be coordinated within each program area; and

(7) a statement signed by the county board or its designee that the county is in compliance with specified Minnesota Statutes.

Sec. 22. Minnesota Statutes 1990, section 256E.09, subdivision 6, is amended to read:

Subd. 6. [PLAN AMENDMENT.] After providing opportunity for public comment, the county may amend its plan. After approval of the amendment by the county board, the county shall submit to the commissioner its amendment to the commissioner and a statement signed by the county board or its designee that the county is in compliance with specified Minnesota Statutes. The commissioner shall certify whether the amendment fulfills the purpose and requirements of law and the rules of the state agency consider the effect of the proposed amendment on residential placements when certifying the amendment according to section 256E.05, subdivision 2.

Sec. 23. [INSTRUCTION TO REVISOR.]

In the 1991 supplement to Minnesota Statutes, the revisor of statutes shall substitute references to "local mental health service proposals," "local adult mental health proposal," or "local children's mental health proposal," or similar terms or phrases which appear in Minnesota Statutes, chapter 245, with "adult mental health component of the community social services plan" or "children's mental health component of the community social services plan," or similar terms, as appropriate. The revisor shall consult with staff from the department of human services in determining the appropriate substitutions.

Sec. 24. [REPEALER.]

Minnesota Statutes 1990, sections 245.462, subdivision 15;

245.4871, subdivision 23; 256B.092, subdivisions 1c and 1d; and 256E.09, subdivisions 4 and 5, are repealed.

Sec. 25. [EFFECTIVE DATE.]

Sections 4, 9, and 21 are effective January 1, 1993."

Delete the title and insert:

"A bill for an act relating to human services; consolidating and simplifying county mental health and community social services planning; authorizing the review and reduction of social service administrative requirements; establishing a process for limiting social services due to county fiscal limitations; amending Minnesota Statutes 1990, sections 245.465; 245.466, subdivision 5; 245.478, subdivisions 1, 2, and 6; 245.4874; 245.4875, subdivision 5; 245.4887, subdivisions 1, 2, and 6; 256.045, subdivision 3; 256E.04, subdivision 1; 256E.05, subdivisions 2, 3, 5, and by adding subdivisions; 256E.08, subdivision 1; 256E.09, subdivisions 1, 3, and 6; proposing coding for new law in Minnesota Statutes, chapter 256E; repealing Minnesota Statutes 1990, sections 245.462, subdivision 15; 245.4871, subdivision 23; 256B.092, subdivisions 1c and 1d; and 256E.09, subdivisions 4 and 5."

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 929, A bill for an act relating to agriculture; extending the ban on the use of biosynthetic bovine somatotropin by one year; amending Minnesota Statutes 1990, sections 151.01, subdivision 28; 151.15, subdivision 3; and 151.25; and Laws 1990, chapter 526, section 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 151.01, subdivision 28, is amended to read:

Subd. 28. [VETERINARY LEGEND DRUG.] "Veterinary legend drug" means biosynthetic bovine somatotropin (BST) until June 12, ~~1991~~ 1992, or a drug that is required by federal law to bear the

following statement: "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

Sec. 2. Minnesota Statutes 1990, section 151.15, subdivision 3, is amended to read:

Subd. 3. [UNLICENSED PERSONS; VETERINARY LEGEND DRUGS.] It shall be unlawful for any person other than a licensed veterinarian or pharmacist to compound or dispense veterinary legend drugs except as provided in this chapter. Until June 12, ~~1991~~ 1992, a veterinarian or veterinarian's assistant may use biosynthetic bovine somatotropin (BST) for medical or research purposes only. Biosynthetic bovine somatotropin (BST) may not be dispensed to, used by, or administered by a person who is not a licensed veterinarian or a veterinarian's assistant under the veterinarian's supervision.

Sec. 3. Minnesota Statutes 1990, section 151.25, is amended to read:

151.25 [REGISTRATION OF MANUFACTURERS; FEE; PROHIBITIONS.]

The board shall require and provide for the annual registration of every person engaged in manufacturing drugs, medicines, chemicals, or poisons for medicinal purposes, now or hereafter doing business with accounts in this state. Upon a payment of a fee as set by the board, the board shall issue a registration certificate in such form as it may prescribe to such manufacturer. Such registration certificate shall be displayed in a conspicuous place in such manufacturer's or wholesaler's place of business for which it is issued and expire on the date set by the board. It shall be unlawful for any person to manufacture drugs, medicines, chemicals, or poisons for medicinal purposes unless such a certificate has been issued to the person by the board. It shall be unlawful for any person engaged in the manufacture of drugs, medicines, chemicals, or poisons for medicinal purposes, or the person's agent, to sell legend drugs or biosynthetic bovine somatotropin (BST) until June 12, ~~1991~~ 1992, to other than a pharmacy, except as provided in this chapter.

Sec. 4. Laws 1990, chapter 526, section 1, is amended to read:

Section 1. [PURPOSE.]

The legislature finds that biosynthetic bovine somatotropin has not been fully researched to provide conclusive evidence about animal health effects. In the public interest, the legislature intends biosynthetic bovine somatotropin to be closely regulated and administered only in research or necessary medical circumstances ~~for one~~

year after the effective date of sections 2 and 4 of this act until June 12, 1992.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective 30 days after the commissioner of agriculture publishes notice in the State Register that (a) the states of Minnesota and Wisconsin, or (b) states having 40 percent or more of milk production as determined by the United States Department of Agriculture statistics for the most recent available calendar year, including Minnesota, have adopted provisions that restrict general use of biosynthetic bovine somatotropin (BST) and remain in effect only so long as restrictions are effective in the state of Wisconsin or in states having 40 percent or more of milk production, including Minnesota. On the date that restrictions on the general use of biosynthetic bovine somatotropin are no longer in effect in the state of Wisconsin and in states having 40 percent or more of milk production, including Minnesota, sections 1 to 4 have no effect and biosynthetic bovine somatotropin may be sold for general use."

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 984, A bill for an act relating to agriculture; authorizing reimbursement to school districts for purchase of Minnesota commodities for school lunches; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Page 1, line 14, delete "bearing" and insert "licensed to bear"

Page 1, line 16, delete "July 1" and insert "October 1"

Page 1, line 19, delete "and the total"

Page 1, delete line 20

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 989, A bill for an act relating to economic development; changing the name of the Greater Minnesota Corporation; adding duties; providing for a new structure for the board of directors; amending Minnesota Statutes 1990, sections 116O.03, subdivision 2; 116O.04, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 116O; repealing Minnesota Statutes 1990, sections 116J.970; 116J.971; and 116O.03, subdivision 2a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [NAME CHANGE.]

The Greater Minnesota Corporation is renamed the Minnesota Technology Development Corporation.

Sec. 2. Minnesota Statutes 1990, section 116O.03, subdivision 2, is amended to read:

Subd. 2. [BOARD OF DIRECTORS.] The corporation is governed by a board of ~~11~~ 20 directors. The term of a director is ~~six~~ four years and as provided in section 15.0575, subdivision 2. Vacancies on the board are filled by appointment of the board, subject to the advice and consent of the senate. Board members may receive reasonable compensation and be reimbursed for reasonable expenses, which must be reviewed each year by the commissioner of finance. Membership of the board shall consist of the following:

(1) a person from the private sector who shall act as chair appointed by the governor;

(2) the dean of the graduate school of the University of Minnesota or designee;

(3) the dean of the institute of technology of the University of Minnesota or designee;

(4) the commissioner of the department of trade and economic development or designee;

(5) six members appointed by the governor;

(6) one member who is not a member of the legislature appointed by each of the following: the speaker of the house, the house

minority leader, the senate majority leader, and the senate minority leader; and

(7) three members of the senate appointed by the majority leader of the senate of whom no more than two can be of the majority, and three members of the house of representatives appointed by the speaker of the house of whom no more than two can be of the majority, shall serve on the board as nonvoting advisory members.

Fifty percent of the members described in clauses (5), (6), and (7) must live outside the metropolitan area as defined in section 473.121, subdivision 2, and must have experience in manufacturing, the technology industry, or research and development. The governor shall appoint a director to serve as chair of the board of directors.

Sec. 3. Minnesota Statutes 1990, section 1160.04, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The board shall appoint and set the compensation for a president, who serves as chief executive officer of the corporation, and who may appoint subordinate officers. The president's salary may not exceed 95 percent of the governor's salary. The board may designate the president as its general agent. Subject to the control of the board, the president shall employ employees, consultants, and agents the president considers necessary. The president shall serve as the chief science advisor to the governor and the legislature. The staff of the corporation must include individuals knowledgeable in commercial and industrial financing, research and development, economic development, and general fiscal affairs. The board shall define the duties and designate the titles of the employees and agents.

Sec. 4. Minnesota Statutes 1990, section 1160.04, subdivision 2, is amended to read:

Subd. 2. [STATUS OF EMPLOYEES.] Employees, officers, and directors of the corporation and programs governed by this chapter are not state employees, but are covered by section 3.736 and, at the option of the board, may participate in the state retirement plan and the state deferred compensation plan for employees in the unclassified service and an insurance plan administered by the commissioner of employee relations.

Sec. 5. [1160.051] [TECHNOLOGY INITIATIVES.]

The corporation shall consult with the commissioner of trade and economic development and recommend coordination and funding for all technology initiatives currently administered by the department of trade and economic development. Appropriations for any of these programs must be made to the corporation.'

Sec. 6. [REPORT TO GOVERNOR AND THE LEGISLATURE.]

The Minnesota Technology Development Corporation shall report to the governor and the appropriate committees of the legislature its recommendations for a state science and technology policy by January 1, 1992.

Sec. 7. [DISSOLUTION OF GREATER MINNESOTA BOARD OF DIRECTORS; REAPPOINTMENT OF DIRECTORS.]

The board of directors of the Greater Minnesota Corporation is dissolved. It is succeeded by the board of directors established in section 2. The successor board must have at least four members who currently serve as directors of the Greater Minnesota Corporation.

Sec. 8. [REVISOR INSTRUCTION.]

In the next edition of Minnesota Statutes and Minnesota Rules, the revisor of statutes shall change the words "Greater Minnesota Corporation" or similar words to "Minnesota Technology Development Corporation" or similar words.

Sec. 9. [REPEALER.]

Minnesota Statutes 1990, sections 116J.970; 116J.971; and 116O.03, subdivision 2a, are repealed."

Delete the title and insert:

"A bill for an act relating to economic development; changing the name of the Greater Minnesota Corporation; adding duties; providing for a new structure for the board of directors; amending Minnesota Statutes 1990, sections 116O.03, subdivision 2; and 116O.04, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 116O; repealing Minnesota Statutes 1990, sections 116J.970; 116J.971; and 116O.03, subdivision 2a."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 994, A bill for an act relating to state lands; authorizing sale of tax-forfeited lands and an easement in St. Louis county.

Reported the same back with the following amendments:

Page 9, line 3, delete "Government Lot 1; and"

Page 9, after line 16 insert:

"Sec. 12. [PRIVATE SALE OF TAX-FORFEITED LAND; BOIS FORTE TRIBE.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county may convey by private sale the tax-forfeited parcel described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The land described in paragraph (c) may be sold by private sale to the Bois Forte Tribe. The conveyance must be in a form approved by the attorney general.

(c) The parcel that may be conveyed is located in St. Louis county and is described as Government Lot 1 in Section 27, Township 62 North, Range 16 West.

(d) The Bois Forte Tribe has plans to use this parcel for economic development and the county finds this use appropriate."

Page 9, line 17, delete "12" and insert "13"

Page 10, after line 4, insert:

"Sec. 14. [SUBJECT TO ZONING REGULATIONS.]

Lands that may be conveyed pursuant to sections 1 to 13 must continue to be subject, as a condition of the conveyance, to St. Louis county zoning and land use management ordinances and regulations."

Page 10, line 5, delete "13" and insert "15"

Page 10, line 6, delete "12" and insert "14"

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1066, A bill for an act relating to health; modifying the definition of and requirements related to review organizations; amending Minnesota Statutes 1990, sections 145.61, subdivisions 4a, 5, and by adding a subdivision; 145.63, subdivision 1; and 145.64.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1070, A bill for an act relating to agricultural finance; changing certain provisions of the rural finance authority's beginning farmer program; amending Minnesota Statutes 1990, sections 41B.03, subdivision 3; 41B.036; and 41B.039, subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1990, section 41.55, is amended to read:

41.55 [ELIGIBILITY.]

A family farm security loan approval may be granted if the following criteria are satisfied:

(a) that the applicant is a resident of the state of Minnesota;

(b) that the applicant has sufficient education, training, or experience in the type of farming for which the loan is desired and ~~continued~~ participation in a farm management program, approved by the commissioner, ~~for at least the first ten years of the family farm security loan;~~

(c) that the applicant and the applicant's dependents and spouse have total net worth valued at less than \$75,000 and have demonstrated a need for the loan;

(d) that the applicant intends to purchase farm land to be used by the applicant for agricultural purposes;

(e) that the applicant is credit worthy according to standards prescribed by the commissioner.

Sec. 2. Minnesota Statutes 1990, section 41.57, subdivision 3, is amended to read:

Subd. 3. [~~ANNUAL REVIEW OF NET WORTH.~~] (a) The participant and the participant's dependents and spouse shall annually submit to the commissioner a statement of their net worth. If their net worth in any year exceeds the sum of \$135,000, the participant shall be ineligible for a payment adjustment in that year.

(b) The participant shall annually submit to the commissioner evidence of participation in an approved farm management program for at least the first ten years of the family farm security loan. The commissioner may waive this requirement if the participant requests a waiver and provides justification.

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 5, after "sections" insert "41.55; 41.57, subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1071, A bill for an act relating to conservation; defining old growth forest stand; adding old growth forest stands to those that may be placed in the conservation reserve program; amending Minnesota Statutes 1990, sections 103F.511, by adding a subdivision; and 103F.515, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 84.96, subdivision 1, is amended to read:

Subdivision 1. [~~ESTABLISHMENT.~~] The commissioner shall establish a native prairie and old growth forest bank, determine where native prairie and old growth forest land is located in the state, and

prescribe eligibility requirements for inclusion of land in the native prairie and old growth forest bank.

Sec. 2. Minnesota Statutes 1990, section 84.96, subdivision 2, is amended to read:

Subd. 2. [DEFINITION.] For the purposes of this section:

(1) "native prairie" means land that has never been plowed, with less than ten percent tree cover and with predominantly native prairie vegetation; and

(2) "old growth forest" means an area of large, old trees of long-lived species that meet criteria in the department of natural resources old growth guidelines.

Sec. 3. Minnesota Statutes 1990, section 84.96, subdivision 3, is amended to read:

Subd. 3. [EASEMENT ACQUISITION.] (a) The commissioner may acquire native prairie and old growth forests for conservation purposes by entering into easements with landowners. The easements must be conservation easements as defined in section 84C.01, clause (1), except the easements may be made possessory as well as nonpossessory if agreed upon by the landowner and the commissioner.

(b) The easements may be permanent or of limited duration. Highest priority must be given to permanent easements consistent with the purposes of this section. Easements of limited duration must be for at least 20 years, with provision for renewal for at least another 20-year period. For easements of limited duration, the commissioner may reexamine and adjust the payment rates at the beginning of any renewal period after considering current land and crop values.

Sec. 4. Minnesota Statutes 1990, section 84.96, subdivision 4, is amended to read:

Subd. 4. [EASEMENT AGREEMENT.] (a) In the easement between the commissioner and an owner, the owner must agree:

(1) to place in the program for the period of the easement eligible native prairie areas and old growth forests designated by the owner, including prairie and old growth forests covered by a federal or state easement that allows agricultural use and desirable land adjacent to the prairie or old growth forest as determined by the commissioner;

(2) not to alter the native prairie by plowing, heavy grazing, seeding to nonnative grasses or legumes, spraying with large

amounts of herbicides, or otherwise destroying the native prairie character of the easement area, except mowing the native prairie tract for wild hay may qualify for easement as determined by the commissioner;

(3) not to alter the old growth forest by harvest, grazing, or otherwise destroying the old growth forest character of the easement area;

(4) to implement the native prairie or old growth forest conservation and development plan as provided in the easement agreement, unless a requirement in the easement agreement is waived or modified by the commissioner;

(4) (5) to forfeit all rights to further payments under the terms of the easement and to refund to the state all payments received under the easement if the easement is violated at any time when the owner has control of the land subject to the easement, if the commissioner determines that the violation warrants termination of the easement, or if the commissioner determines that the violation does not warrant termination of the easement, the commissioner may determine refunds or payment adjustments to be paid by the commissioner;

(5) (6) not to adopt a practice specified by the commissioner in the easement as a practice that would tend to defeat the purposes of the easement; and

(6) (7) to additional provisions included in the easement that the commissioner determines are desirable.

(b) In return for the easement of the owner, the commissioner shall make payments as provided in subdivision 5 or 6 and may provide advice on conservation and development practices on the native prairie or old growth forest in the easement and adjacent areas.

Sec. 5. Minnesota Statutes 1990, section 84.96, subdivision 5, is amended to read:

Subd. 5. [PAYMENTS; NATIVE PRAIRIE.] (a) The commissioner must make payments to the landowner under this subdivision for ~~the~~ a native prairie easement.

(b) For a permanent easement, the commissioner must pay 50 percent of the average equalized estimated market value of cropland in the township as established by the commissioner of revenue for the time period when the application is made.

(c) For an easement of limited duration, the landowner shall receive a lump sum payment equal to the present value of the

annual payments for the term of the easement based on 50 percent of the mean adjusted cash rental for cropland in the county as established by the commissioner of revenue for the time period when the application is made.

(d) To maintain and protect native prairies, the commissioner may enter into easements that allow selected agricultural practices. Payment must be based on paragraph (b) or (c) but may be reduced due to the agricultural practices allowed after negotiation with the landowner.

Sec. 6. Minnesota Statutes 1990, section 84.96, is amended by adding a subdivision to read:

Subd. 5a. [PAYMENTS; OLD GROWTH FORESTS.] (a) The commissioner must make payments to the landowner under this subdivision for an old growth forest easement.

(b) For a permanent easement, the commissioner must pay 70 percent of the appraised timber or land values as determined by the commissioner.

(c) For an easement of limited duration, the commissioner must pay 65 percent of the permanent easement rate for the time period when the application was made.

Sec. 7. Minnesota Statutes 1990, section 84.96, subdivision 8, is amended to read:

Subd. 8. [MODIFICATION AND TERMINATION BY AGREEMENT.] The commissioner may terminate an easement by mutual agreement with the owner if the commissioner determines that the termination would be in the public interest. The commissioner may agree to modifications of agreements if the commissioner determines the modification is desirable to implement the native prairie or old growth forest program."

Delete the title and insert:

"A bill for an act relating to conservation; defining old growth forest; adding old growth forests to the native prairie bank program; amending Minnesota Statutes 1990, section 84.96, subdivisions 1, 2, 3, 4, 5, 8, and by adding a subdivision."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1127, A bill for an act relating to utilities; prohibiting multiparty line telephone service to more than two subscribers per line; proposing coding for new law in Minnesota Statutes, chapter 237.

Reported the same back with the following amendments:

Page 1, line 8, delete "January 1, 1992" and insert "October 31, 1993"

Page 1, line 10, before the period insert ", unless otherwise approved by the commission"

Page 1, delete lines 13 to 20, and insert:

"As soon as practicable, each telephone company that provides four-party telephone service in this state shall file a plan with the public utilities commission for the purpose of elimination of that service by October 31, 1993. By January 1, 1992 and by January 1, 1993, the commission shall report to the legislature on progress made on elimination of four-party service in the state. If the commission approves provision of four-party service beyond October 31, 1993, each report must include an explanation of that approval and a specific schedule for elimination of the service within the shortest feasible time after that date. The cost of converting from four-party service must be recovered through the rates for all of the company's customers proportionally according to the rate structure of the company."

With the recommendation that when so amended the bill pass.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 1153, A bill for an act relating to taxation; excise and sales taxes; establishing an alternative method for determining the annual permit fee for vehicles propelled in part by compressed natural gas or propane; amending Minnesota Statutes 1990, section 296.026, subdivisions 1, 2, and by adding subdivisions.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1154, A bill for an act relating to agriculture; making changes in the plant and animal pest control act; amending Minnesota Statutes 1990, sections 18.46, subdivisions 6, 9, and by adding a subdivision; 18.49, subdivision 2; 18.51; 18.52, subdivisions 1 and 5; 18.54, subdivision 2; 18.55; 18.56; 18.57; and 18.60.

Reported the same back with the following amendments:

Page 3, delete section 7, and insert:

"Sec. 7. Minnesota Statutes 1990, section 18.52, subdivision 5, is amended to read:

Subd. 5. [FEES; PENALTY.] A nursery stock dealer shall pay an annual fee based on the dealer's gross sales during the preceding certificate year. A nursery stock dealer operating for the first year will pay the minimum fee.

Dealers:

(1) Gross sales up to <u>\$1,000</u> <u>\$5,000</u>	at a location <u>\$40</u> <u>\$70 per location</u>
(2) Gross sales over <u>\$1,000</u> and up to <u>\$5,000</u>	at a location <u>\$50</u> per location
(3) Gross sales over <u>\$5,000</u> up to <u>\$10,000</u>	at a location <u>\$85</u> <u>\$100 per location</u>
(4) (3) Gross sales over <u>\$10,000</u> up to <u>\$25,000</u>	at a location <u>\$125</u> <u>\$200 per location</u>
(5) (4) Gross sales over <u>\$25,000</u> up to <u>\$75,000</u>	at a location <u>\$175</u> <u>\$300 per location</u>
(6) (5) Gross sales over <u>\$75,000</u> up to <u>\$100,000</u>	at a location <u>\$260</u> <u>\$400 per location</u>
(7) (6) Gross sales over <u>\$100,000</u> up to <u>\$250,000</u>	at a location <u>\$400</u> <u>\$500 per location</u>
(7) <u>Gross sales over \$250,000</u>	at a location <u>\$600</u> per location

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 1185, A bill for an act relating to energy; providing incentives for renewable energy sources of utility power; amending Minnesota Statutes 1990, sections 216B.03; 216B.164, subdivision 3; and 272.02, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 216B.164, subdivision 4, is amended to read:

Subd. 4. [PURCHASES; WHEELING.] (a) Except as otherwise provided in paragraph (c), this subdivision shall apply to all qualifying facilities having 40 kilowatt capacity or more as well as qualifying facilities as defined in subdivision 3 which elect to be governed by its provisions.

(b) The utility to which the qualifying facility is interconnected shall purchase all energy and capacity made available by the qualifying facility. The qualifying facility shall be paid the utility's full avoided capacity and energy costs as negotiated by the parties or set by the commission including the value of environmental costs avoided by the qualifying facility and those social costs considered appropriate by the commission. To the extent possible, the commission shall quantify and value all environmental and social costs associated with each method of electricity generation.

(c) For all qualifying facilities having 30 kilowatt capacity or more, the utility shall, at the qualifying facility's or the utility's request, provide wheeling or exchange agreements wherever practicable to sell the qualifying facility's output to any other Minnesota utility having generation expansion anticipated or planned for the ensuing ten years. The commission shall establish the methods and procedures to insure that except for reasonable wheeling charges and line losses, the qualifying facility receives the full avoided energy and capacity costs of the utility ultimately receiving the output.

(d) The commission shall set rates for electricity generated by renewable energy using the concept of long-term levelized forecasts for the marginal cost of energy.

Sec. 2. Minnesota Statutes 1990, section 272.02, subdivision 1, is amended to read:

Subdivision 1. All property described in this section to the extent herein limited shall be exempt from taxation:

(1) all public burying grounds;

(2) all public schoolhouses;

(3) all public hospitals;

(4) all academies, colleges, and universities, and all seminaries of learning;

(5) all churches, church property, and houses of worship;

(6) institutions of purely public charity except parcels of property containing structures and the structures described in section 273.13, subdivision 25, paragraph (c), clauses (1), (2), and (3), or paragraph (d);

(7) all public property exclusively used for any public purpose;

(8) except for the taxable personal property enumerated below, all personal property and the property described in section 272.03, subdivision 1, paragraphs (c) and (d), shall be exempt.

The following personal property shall be taxable:

(a) personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, crude oil, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures;

(b) railroad docks and wharves which are part of the operating property of a railroad company as defined in section 270.80;

(c) personal property defined in section 272.03, subdivision 2, clause (3);

(d) leasehold or other personal property interests which are taxed pursuant to section 272.01, subdivision 2; 273.124, subdivision 7; or 273.19, subdivision 1; or any other law providing the property is taxable as if the lessee or user were the fee owner;

(e) manufactured homes and sectional structures; and

(f) flight property as defined in section 270.071.

(9) Personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used, and real property which is used primarily for abatement and control of air, water, or land pollution as part of an agricultural operation or as part of an electric generation system. For purposes of this clause, personal property includes ponderous machinery and equipment used in a business or production activity that at common law is considered real property.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. The equipment or device shall meet standards, rules, or criteria prescribed by the Minnesota pollution control agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota pollution control agency shall upon request of the commissioner furnish information or advice to the commissioner. On determining that property qualifies for exemption, the commissioner shall issue an order exempting the property from taxation. The equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota pollution control agency remains in effect.

(10) Wetlands. For purposes of this subdivision, "wetlands" means (1) land described in section 103G.005, subdivision 18, or (2) land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes, provided it is preserved in its natural condition and drainage of it would be legal, feasible, and economically practical for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains, except wild rice. "Wetlands" shall include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands. "Wetlands" shall not include woody swamps containing shrubs or trees, wet meadows, meandered water, streams, rivers, and floodplains or river bottoms. Exemption of wetlands from taxation pursuant to this section shall not grant the public any additional or greater right of access to the wetlands or diminish any right of ownership to the wetlands.

(11) Native prairie. The commissioner of the department of natural resources shall determine lands in the state which are native prairie and shall notify the county assessor of each county in which the lands are located. Pasture land used for livestock grazing purposes shall not be considered native prairie for the purposes of this clause. Upon receipt of an application for the exemption provided in this clause for lands for which the assessor has no determination from the commissioner of natural resources, the assessor shall refer the application to the commissioner of natural

resources who shall determine within 30 days whether the land is native prairie and notify the county assessor of the decision. Exemption of native prairie pursuant to this clause shall not grant the public any additional or greater right of access to the native prairie or diminish any right of ownership to it.

(12) Property used in a continuous program to provide emergency shelter for victims of domestic abuse, provided the organization that owns and sponsors the shelter is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1986, notwithstanding the fact that the sponsoring organization receives funding under section 8 of the United States Housing Act of 1937, as amended.

(13) If approved by the governing body of the municipality in which the property is located, property not exceeding one acre which is owned and operated by any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation, and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders; provided the property is used primarily as a clubhouse, meeting facility, or recreational facility by the group or association and the property is not used for residential purposes on either a temporary or permanent basis.

(14) To the extent provided by section 295.44, real and personal property used or to be used primarily for the production of hydroelectric or hydromechanical power on a site owned by the state or a local governmental unit which is developed and operated pursuant to the provisions of section 103G.535.

(15) If approved by the governing body of the municipality in which the property is located, and if construction is commenced after June 30, 1983:

(a) a "direct satellite broadcasting facility" operated by a corporation licensed by the federal communications commission to provide direct satellite broadcasting services using direct broadcast satellites operating in the 12-ghz. band; and

(b) a "fixed satellite regional or national program service facility" operated by a corporation licensed by the federal communications commission to provide fixed satellite-transmitted regularly scheduled broadcasting services using satellites operating in the 6-ghz. band.

An exemption provided by clause (15) shall apply for a period not to exceed five years. When the facility no longer qualifies for exemption, it shall be placed on the assessment rolls as provided in subdivision 4. Before approving a tax exemption pursuant to this

paragraph, the governing body of the municipality shall provide an opportunity to the members of the county board of commissioners of the county in which the facility is proposed to be located and the members of the school board of the school district in which the facility is proposed to be located to meet with the governing body. The governing body shall present to the members of those boards its estimate of the fiscal impact of the proposed property tax exemption. The tax exemption shall not be approved by the governing body until the county board of commissioners has presented its written comment on the proposal to the governing body or 30 days has passed from the date of the transmittal by the governing body to the board of the information on the fiscal impact, whichever occurs first.

(16) Real and personal property owned and operated by a private, nonprofit corporation exempt from federal income taxation pursuant to United States Code, title 26, section 501(c)(3), primarily used in the generation and distribution of hot water for heating buildings and structures.

(17) Notwithstanding section 273.19, state lands that are leased from the department of natural resources under section 92.46.

(18) Electric power distribution lines and their attachments and appurtenances, that are used primarily for supplying electricity to farmers at retail.

(19) Transitional housing facilities. "Transitional housing facility" means a facility that meets the following requirements. (i) It provides temporary housing to parents and children who are receiving AFDC or parents of children who are temporarily in foster care. (ii) It has the purpose of reuniting families and enabling parents to obtain self-sufficiency, advance their education, get job training, or become employed in jobs that provide a living wage. (iii) It provides support services such as child care, work readiness training, and career development counseling; and a self-sufficiency program with periodic monitoring of each resident's progress in completing the program's goals. (iv) It provides services to a resident of the facility for at least six months but no longer than three years, except residents enrolled in an educational or vocational institution or job training program. These residents may receive services during the time they are enrolled but in no event longer than four years. (v) It is sponsored by an organization that has received a grant under either section 256.7365 for the biennium ending June 30, 1989, or section 462A.07, subdivision 15, for the biennium ending June 30, 1991, for the purposes of providing the services in items (i) to (iv). (vi) It is sponsored by an organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1987. This exemption applies notwithstanding the fact that the sponsoring organization receives financing by a direct federal loan or federally insured loan or a loan made by the Minnesota housing finance agency under the

provisions of either Title II of the National Housing Act or the Minnesota housing finance agency law of 1971 or rules promulgated by the agency pursuant to it, and notwithstanding the fact that the sponsoring organization receives funding under Section 8 of the United States Housing Act of 1937, as amended.

(20) Wind energy conversion systems, as defined in section 216C.06, subdivision 12, installed after January 1, 1991, and used as an electric power source.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective for taxes payable in 1992 and afterward.

Amend the title as follows:

Page 1, line 4, delete "216B.03;"

Page 1, line 5, delete "3" and insert "4"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Regulated Industries.

The report was adopted.

Beginch from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1222, A bill for an act relating to public safety; modifying exceptions to the requirement of inspection of boilers and pressure vessels; amending Minnesota Statutes 1990, section 183.56.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1299, A bill for an act relating to agriculture; abolishing refund of checkoff fee paid by paddy wild rice producers; amending Minnesota Statutes 1990, section 17.63.

Reported the same back with the following amendments:

Page 2, after line 1, insert:

“Sec. 2. Minnesota Statutes 1990, section 21.1196, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] (a) “Restricted seed potato growing area” means Kittson county except Teien township.

(b) “Historic certified seed potato area” means the portion of Marshall county included in the towns of Augsburg and Nelson Park that are north of Marshall county highway No. 5.”

Amend the title as follows:

Page 1, line 3, after the semicolon insert “changing the definition of restricted seed potato growing area;”

Page 1, line 4, delete “section” and insert “sections” and before the period insert “; and 21.1196, subdivision 1”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1340, A bill for an act relating to agriculture; changing the egg law; imposing a penalty; amending Minnesota Statutes 1990, sections 29.21, by adding subdivisions; 29.22; 29.23; 29.235; 29.26; and 29.27; proposing coding for new law in Minnesota Statutes, chapter 29.

Reported the same back with the following amendments:

Page 5, line 17, after the period insert “Equipment in use before the effective date of this chapter that does not meet the design and fabrication requirements of this chapter may remain in use until July 31, 1992, if it is in good repair, capable of being maintained in a sanitary condition, and capable of maintaining a temperature of 50 degrees Fahrenheit (10 degrees celsius) or less.”

Page 5, line 19, delete “45” and insert “50”

Page 5, line 20, delete “7” and insert “10”

Page 5, line 25, delete "40" and insert "45"

Page 5, line 26, delete "4" and insert "7" and after the period insert "After August 1, 1992, eggs offered for retail sale must be held at a temperature not to exceed 40 degrees Fahrenheit (4 degrees celsius)."

Page 5, line 28, delete "an egg production house to or"

Page 5, line 29, delete "between"

Page 5, line 31, delete "45" and insert "50" and delete "7" and insert "10"

Page 6, delete line 12

Page 6, line 13, delete "manufactured food" and insert "Pasteurized eggs must be used in uncooked or undercooked food" and delete "the" and before "must" insert "containing unpasteurized eggs"

Page 6, delete lines 32 to 36

Page 7, delete lines 1 to 15

Renumber the sections in sequence

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1371, A bill for an act relating to agriculture; extending the right of first refusal on foreclosed farm land to ten years; amending Minnesota Statutes 1990, section 500.24, subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1422, A bill for an act relating to workers' compensation; regulating benefits and insurance; establishing a permanent com-

mission on workers' compensation; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 79.252, by adding a subdivision; 176.011, subdivisions 3, 11a, and 18; 176.101, subdivisions 1, 2, and 3f; 176.102, subdivisions 1, 2, 3, 3a, 4, 6, 9, and 11; 176.111, subdivision 18; 176.135, subdivisions 1, 6, and 7; 176.136, subdivisions 1, 2, and by adding subdivisions; 176.645, subdivisions 1 and 2; 176.83, subdivisions 5, 6, and by adding a subdivision; 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 175 and 176; repealing Minnesota Statutes 1990, sections 175.007; and 176.136, subdivision 5.

Reported the same back with the following amendments:

Page 31, line 34, after the comma insert "the" and delete "members"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1527, A bill for an act relating to self-insurance; regulating custodial accounts; amending Minnesota Statutes 1990, sections 79A.02, subdivision 2, and by adding a subdivision; 79A.03, subdivisions 3, 7, and 9; 79A.04, subdivision 2; and 79A.06, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 79A; repealing Minnesota Rules, part 2780.0400, subparts 2, 3, 6, and 7.

Reported the same back with the following amendments:

Pages 1 and 2, delete sections 1 and 2

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Labor-Management Relations.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 205, A bill for an act relating to insurance; modifying the allowable delinquency and related charges in premium finance agreements; amending Minnesota Statutes 1990, section 59A.10.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

S. F. No. 550, A bill for an act relating to health; employee drug testing; clarifying requirements for labs that test employees for drugs; amending Minnesota Statutes 1990, sections 181.950, subdivisions 2, 5, 8, and 10; 181.951, subdivision 1; 181.953, subdivisions 1, 3, 5, and 9; and 626.5562, subdivision 5; repealing Minnesota Statutes 1990, sections 181.950, subdivision 3; and 181.953, subdivision 2; Minnesota Rules, parts 4740.0100 to 4740.1090.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 408, 528, 577, 594, 772, 807, 825, 826, 929, 989, 994, 1066, 1070, 1127, 1222, 1299 and 1371 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 252, 254, 713, 729, 734, 205 and 550 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel introduced:

H. F. No. 1579, A bill for an act relating to utilities; requiring utility to file with its tariff a plan for extended residential electric service to allow ten-year period for a residential customer to pay the excess costs attributed to the extension; amending Minnesota Statutes 216B.42, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Anderson, R. H.; McEachern; Rodosovich; Kalis and Vanasek introduced:

H. F. No. 1580, A bill for an act relating to higher education; authorizing a study of alternative uses for the Waseca campus of the University of Minnesota; authorizing alternative governance for the Waseca campus; authorizing transfer of certain Waseca campus property; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Anderson, I., introduced:

H. F. No. 1581, A bill for an act relating to economic development; requiring the commissioner of trade and economic development to designate Koochiching county as an enterprise zone.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Milbert, Ogren, Hanson and Scheid introduced:

H. F. No. 1582, A bill for an act relating to taxation; replacing the property tax refund to homeowners with Minnesota proposition 2-1/2 percent; limiting certain property taxes for homeowners to 2-1/2 percent of household income; requiring counties to separately state the amount of voter approved referendum levies on the property tax statement; amending Minnesota Statutes 1990, sections 275.07, subdivision 1; 276.04, subdivision 2; 290A.01; 290A.03,

subdivisions 6 and 13; and 290A.04, subdivisions 1 and 2; repealing Minnesota Statutes 1990, section 290A.04, subdivision 2b.

The bill was read for the first time and referred to the Committee on Taxes.

Runbeck, Frederick, Koppendrayer, Newinski and Waltman introduced:

H. F. No. 1583, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 4, limiting the term of consecutive service of senators and representatives to 12 consecutive years.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Lourey, O'Connor, Reding, Knickerbocker and Jefferson introduced:

H. F. No. 1584, A bill for an act relating to retirement; the Minnesota state retirement system; the public employees retirement association; the Minneapolis teachers retirement fund association; the Minneapolis employees retirement fund; making various changes reflecting benefits, administration, and investment practices; amending Minnesota Statutes 1990, sections 11A.24, subdivision 1; 352.01, subdivisions 2b, 11, 13, and by adding a subdivision; 352.113, subdivision 1; 352.12, subdivision 1; 352.22, subdivision 3; 352C.033; 353.01, subdivisions 2b, 6, 10, 16, and 20; 353.27, subdivisions 4, 7, 12, 12a, and by adding subdivisions; 353.28, subdivision 6; 353.29, subdivision 4; 353.31, subdivision 1; 353.34, subdivision 1; 353.46, subdivision 4; 353.64, by adding a subdivision; 353A.01, subdivision 1; 353A.02, subdivision 16, and by adding a subdivision; 353A.03; 353A.06; 353A.08, subdivision 1; 353C.06, subdivision 3; 353C.07, subdivision 1; 353C.08, subdivision 2; 353C.09; 353D.01, subdivision 2; 353D.02; 353D.04; 353D.05, subdivision 2; 353D.07, subdivisions 2 and 3; 353D.12, subdivision 1; 356.371, subdivision 3; 356.71; 356.86, subdivisions 2 and 4; 356.87; 422A.03, subdivision 1; 422A.05, subdivision 2c; 422A.09, subdivision 3; 422A.13, subdivision 2; 422A.16, subdivisions 1 and 3; 490.124, subdivision 11; Laws 1990, chapter 570, article 8, section 14, subdivision 1; and repealing Minnesota Statutes 1990, sections 353.33, subdivision 5a; and 353C.07, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ozment, Milbert, Morrison, Seaberg and Pugh introduced:

H. F. No. 1585, A bill for an act relating to Dakota county; authorizing a project to collaborate on programs between the county and school districts; appropriating money.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Tunheim and Lasley introduced:

H. F. No. 1586, A bill for an act relating to education; establishing telecommunications grants for school districts; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124C.

The bill was read for the first time and referred to the Committee on Education.

Frederick, Hugoson, Dille, Waltman and Koppendraye introduced:

H. F. No. 1587, A bill for an act relating to taxation; providing for distribution of fire state aid to cities; amending Minnesota Statutes 1990, sections 69.011, subdivision 1; and 69.021, subdivisions 4, 6, 7, 8, and 9.

The bill was read for the first time and referred to the Committee on Taxes.

McPherson, Koppendraye, Swenson and Haukoos introduced:

H. F. No. 1588, A bill for an act relating to taxation; property; prohibiting an increase in estimated market value for homesteads owned by persons at least 65 years of age; amending Minnesota Statutes 1990, section 273.11, subdivisions 1, 5, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Brown introduced:

H. F. No. 1589, A bill for an act relating to agriculture; appropriating money for the state's portion of the interstate compact on grain marketing.

The bill was read for the first time and referred to the Committee on Agriculture.

Uphus introduced:

H. F. No. 1590, A bill for an act relating to railroads; permitting the commissioner of transportation to authorize increased financing for regional rail authorities to acquire abandoned rail lines with high value rail; amending Minnesota Statutes 1990, section 222.50, subdivision 7.

The bill was read for the first time and referred to the Committee on Transportation.

Greenfield introduced:

H. F. No. 1591, A bill for an act relating to health; establishing health and safety standards for residential care home; requiring licenses; imposing penalties; amending Minnesota Statutes 1990, sections 144A.51, subdivision 5; 144A.53, subdivision 1; and 157.031, subdivisions 2, 3, 4, and 9; proposing coding for new law as Minnesota Statutes, chapter 144B; repealing Minnesota Statutes 1990, section 157.031, subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield introduced:

H. F. No. 1592, A bill for an act relating to health; requiring home care providers to advise persons receiving home care services of certain rights; amending Minnesota Statutes 1990, section 144A.44, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bertram introduced:

H. F. No. 1593, A bill for an act relating to natural resources; authorizing limited leasing of a tract of land within Lake Maria state park.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Welle introduced:

H. F. No. 1594, A bill for an act relating to health; exempting Medicare certified home care providers from the home care licensure requirement; amending Minnesota Statutes 1990, section 144A.46, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Sparby, Schreiber, Goodno, Bertram and Gutknecht introduced:

H. F. No. 1595, A bill for an act relating to solid waste; regulating packaging and toxic materials in packaging; defining packaging; preempting local regulations relating to packaging; establishing a packaging advisory council; requiring reduction of the use of toxic materials in packaging; requiring various reports and research; authorizing rulemaking; providing penalties; amending Minnesota Statutes 1990, sections 115A.02; 115A.03, by adding a subdivision; 115A.12, subdivision 1, and by adding a subdivision; 115A.557, by adding a subdivision; and 400.08, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Girard and Hugoson introduced:

H. F. No. 1596, A bill for an act relating to agriculture; abolishing the right of first refusal of an immediately preceding former owner who was a participant in the family farm security program; amending Minnesota Statutes 1990, section 500.24, subdivision 6.

The bill was read for the first time and referred to the Committee on Agriculture.

Jaros and Wenzel introduced:

H. F. No. 1597, A bill for an act relating to education; providing for student financial aid and the financing of post-secondary education; amending Minnesota Statutes 1990, sections 135A.03, subdivisions 1 and 4; and 136A.121, subdivisions 6 and 10.

The bill was read for the first time and referred to the Committee on Education.

Bishop, Solberg, Clark, Kahn and Krueger introduced:

H. F. No. 1598, A bill for an act relating to human rights; limiting certain legal fees charged by the attorney general; amending Minnesota Statutes 1990, section 363.121.

The bill was read for the first time and referred to the Committee on Appropriations.

Farrell introduced:

H. F. No. 1599, A bill for an act relating to the state lottery; providing for distribution of part of the proceeds to cities and towns for property tax relief; appropriating money; amending Minnesota Statutes 1990, section 349A.10, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 477A.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 131, A bill for an act relating to Meeker county; authorizing the county board to provide for an addition to the county hospital.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dille moved that the House concur in the Senate amendments to H. F. No. 131 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 131, A bill for an act relating to Meeker county; authorizing the county board to provide for an addition to the county hospital.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Ogren	Seaberg
Anderson, I.	Garcia	Knickerbocker	Olsen, S.	Segal
Anderson, R.	Girard	Koppendrayer	Olson, E.	Skoglund
Battaglia	Goodno	Krinkie	Olson, K.	Smith
Bauerly	Greenfield	Krueger	Omann	Solberg
Beard	Gruenes	Lasley	Onnen	Sparby
Begich	Gutknecht	Leppik	Orenstein	Stanius
Bertram	Hanson	Lieder	Orfield	Steensma
Bettermann	Hartle	Limmer	Osthoff	Sviggum
Bishop	Hasskamp	Long	Ostrom	Swenson
Bodahl	Haukoos	Lourey	Ozment	Thompson
Boo	Hausman	Lynch	Pauly	Tompkins
Brown	Heir	Macklin	Pellow	Trimble
Carlson	Hufnagle	Mariani	Pelowski	Tunheim
Carruthers	Hugoson	Marsh	Peterson	Uphus
Clark	Jacobs	McEachern	Pugh	Valento
Cooper	Janezich	McGuire	Reding	Vellenga
Dauner	Jaros	McPherson	Rest	Wagenius
Davids	Jefferson	Milbert	Rice	Waltman
Dawkins	Jennings	Morrison	Rodosovich	Weaver
Dempsey	Johnson, A.	Munger	Rukavina	Wejman
Dille	Johnson, R.	Murphy	Runbeck	Welker
Dorn	Johnson, V.	Nelson, K.	Sarna	Welle
Erhardt	Kahn	Nelson, S.	Schafer	Wenzel
Farrell	Kalis	Newinski	Scheid	Spk. Vanasek
Frederick	Kelso	O'Connor	Schreiber	

The bill was repassed, as amended by the Senate, and its title agreed to.

CONSENT CALENDAR

H. F. No. 934, A bill for an act relating to motor vehicles; prohibiting registration of vehicle for which salvage certificate of title is issued; amending Minnesota Statutes 1990, section 168A.152, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Anderson, R.	Bauerly	Begich	Bettermann
Anderson, I.	Battaglia	Beard	Bertram	Bishop

Blatz	Hartle	Lieder	Orenstein	Solberg
Bodahl	Hasskamp	Limmer	Orfield	Sparby
Boo	Haukoos	Long	Osthoff	Stanius
Brown	Hausman	Lourey	Ostrom	Steensma
Carlson	Heir	Lynch	Ozment	Sviggum
Carruthers	Hufnagle	Macklin	Pauly	Swenson
Clark	Hugoson	Mariani	Pellow	Thompson
Cooper	Jacobs	Marsh	Pelowski	Tompkins
Dauner	Janezich	McEachern	Peterson	Trimble
Davids	Jaros	McGuire	Pugh	Tunheim
Dawkins	Jefferson	McPherson	Reding	Uphus
Dempsey	Jennings	Milbert	Rest	Valento
Dille	Johnson, A.	Morrison	Rice	Vellenga
Dorn	Johnson, R.	Munger	Rodosovich	Wagenius
Erhardt	Johnson, V.	Murphy	Rukavina	Waltman
Farrell	Kahn	Nelson, K.	Runbeck	Weaver
Frederick	Kalis	Nelson, S.	Sarna	Wejcman
Frerichs	Kelso	Newinski	Schafer	Welker
Garcia	Kinkel	O'Connor	Scheid	Welle
Girard	Knickerbocker	Ogren	Schreiber	Wenzel
Goodno	Koppendrayer	Olsen, S.	Seaberg	Winter
Greenfield	Krinkie	Olson, E.	Segal	Spk. Vanasek
Gruenes	Krueger	Olson, K.	Simoneau	
Gutknecht	Lasley	Omam	Skoglund	
Hanson	Leppik	Onnen	Smith	

The bill was passed and its title agreed to.

H. F. No. 354, A bill for an act relating to natural resources; providing a deadline for the legislative task force on minerals to submit its report; extending the availability of its appropriation.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Hufnagle	Limmer	Olson, K.
Anderson, I.	Dempsey	Hugoson	Long	Omam
Anderson, R.	Dille	Jacobs	Lourey	Onnen
Battaglia	Dorn	Janezich	Lynch	Orenstein
Bauerly	Erhardt	Jaros	Mariani	Orfield
Beard	Farrell	Jefferson	Marsh	Osthoff
Begich	Frederick	Jennings	McEachern	Ostrom
Bertram	Frerichs	Johnson, A.	McGuire	Ozment
Bettermann	Garcia	Johnson, R.	McPherson	Pauly
Bishop	Girard	Johnson, V.	Milbert	Pellow
Blatz	Goodno	Kahn	Morrison	Pelowski
Bodahl	Greenfield	Kalis	Munger	Peterson
Boo	Gruenes	Kelso	Murphy	Pugh
Brown	Gutknecht	Kinkel	Nelson, K.	Reding
Carlson	Hanson	Knickerbocker	Nelson, S.	Rest
Carruthers	Hartle	Koppendrayer	Newinski	Rice
Clark	Hasskamp	Krueger	O'Connor	Rodosovich
Cooper	Haukoos	Lasley	Ogren	Rukavina
Dauner	Hausman	Leppik	Olsen, S.	Runbeck
Davids	Heir	Lieder	Olson, E.	Sarna

Schafer	Skoglund	Sviggum	Uphus	Wejeman
Scheid	Smith	Swenson	Valento	Welle
Schreiber	Solberg	Thompson	Vellenga	Wenzel
Seaberg	Sparby	Tompkins	Wagenius	Winter
Segal	Stanius	Trimble	Waltman	Spk. Vanasek
Simoneau	Steenma	Tunheim	Weaver	

The bill was passed and its title agreed to.

H. F. No. 390 was reported to the House.

Trimble moved that H. F. No. 390 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 578, A bill for an act relating to Dakota county; permitting cities and towns to transfer assessment review duties to the county; proposing coding for new law in Minnesota Statutes, chapter 383D.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olson, E.	Skoglund
Anderson, I.	Garcia	Koppendraye	Olson, K.	Smith
Anderson, R.	Girard	Krinkie	Omann	Solberg
Battaglia	Goodno	Krueger	Onnen	Sparby
Bauerly	Greenfield	Lasley	Orenstein	Stanius
Beard	Gruenes	Leppik	Orfield	Steenma
Begich	Gutknecht	Lieder	Osthoff	Sviggum
Bertram	Hanson	Limmer	Ostrom	Swenson
Bettermann	Hartle	Long	Ozment	Thompson
Bishop	Hasskamp	Lourey	Pauly	Tompkins
Blatz	Haukoos	Lynch	Pellow	Trimble
Bodahl	Hausman	Macklin	Pelowski	Tunheim
Boo	Heir	Mariani	Peterson	Uphus
Brown	Hufnagle	Marsh	Pugh	Valento
Carlson	Hugoson	McEachern	Reding	Vellenga
Carruthers	Jacobs	McGuire	Rest	Wagenius
Clark	Janezich	McPherson	Rice	Waltman
Cooper	Jaros	Milbert	Rodosovich	Weaver
Dauner	Jefferson	Morrison	Rukavina	Wejeman
Davids	Jennings	Munger	Runbeck	Welker
Dawkins	Johnson, A.	Murphy	Sarna	Welle
Dempsey	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, V.	Nelson, S.	Scheid	Winter
Dorn	Kahn	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kalis	O'Connor	Seaberg	
Farrell	Kelso	Ogren	Segal	
Frederick	Kinkel	Olsen, S.	Simoneau	

The bill was passed and its title agreed to.

The Speaker called Krueger to the Chair.

H. F. No. 609, A bill for an act relating to veterans; authorizing the veterans homes board to rent certain facilities; authorizing expenditures of money; amending Minnesota Statutes 1990, section 198.003.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olson, E.	Skoglund
Anderson, I.	Garcia	Koppendraye	Olson, K.	Smith
Anderson, R.	Girard	Krinkie	Omann	Solberg
Battaglia	Goodno	Krueger	Onnen	Sparby
Bauerly	Greenfield	Lasley	Orenstein	Stanius
Beard	Gruenes	Leppik	Orfield	Steensma
Begich	Gutknecht	Lieder	Osthoff	Sviggum
Bertram	Hanson	Limmer	Ostrom	Swenson
Bettermann	Hartle	Long	Ozment	Thompson
Bishop	Hasskamp	Lourey	Pauly	Tompkins
Blatz	Haukoos	Lynch	Pellow	Trimble
Bodahl	Hausman	Macklin	Pelowski	Tunheim
Boo	Heir	Mariani	Peterson	Uphus
Brown	Hufnagle	Marsh	Pugh	Valento
Carlson	Hugoson	McEachern	Reding	Vellenga
Carruthers	Jacobs	McGuire	Rest	Wagenius
Clark	Janezich	McPherson	Rice	Waltman
Cooper	Jaros	Milbert	Rodosovich	Weaver
Dauner	Jefferson	Morrison	Rukavina	Wejcman
Dauids	Jennings	Munger	Runbeck	Welker
Dawkins	Johnson, A.	Murphy	Sarna	Welle
Dempsey	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, V.	Nelson, S.	Scheid	Winter
Dorn	Kahn	Newinski	Schreiber	Spk. Vanasek
Erhardt	Kalis	O'Connor	Seaberg	
Farrell	Kelso	Ogren	Segal	
Frederick	Kinkel	Olsen, S.	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 620, A bill for an act relating to state lands; authorizing the sale of certain land in Cook county.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Ogren	Segal
Anderson, I.	Garcia	Knickerbocker	Olsen, S.	Simoneau
Anderson, R.	Girard	Koppendraye	Olson, E.	Skoglund
Battaglia	Goodno	Krinkie	Olson, K.	Smith
Bauerly	Greenfield	Krueger	Omann	Solberg
Beard	Gruenes	Lasley	Onnen	Sparby
Begich	Gutknecht	Leppik	Orenstein	Stanius
Bertram	Hanson	Lieder	Orfield	Steensma
Bettermann	Hartle	Limmer	Osthoff	Sviggum
Bishop	Hasskamp	Long	Ostrom	Swenson
Blatz	Haukoos	Lourey	Ozment	Thompson
Bodahl	Hausman	Lynch	Pauly	Tompkins
Boo	Heir	Macklin	Pellow	Trimble
Brown	Hufnagle	Mariani	Pelowski	Tunheim
Carlson	Hugoson	Marsh	Pugh	Uphus
Carruthers	Jacobs	McEachern	Reding	Valento
Clark	Janezich	McGuire	Rest	Vellenga
Cooper	Jaros	McPherson	Rice	Wagenius
Dauner	Jefferson	Milbert	Rodosovich	Waltman
Dawkins	Jennings	Morrison	Rukavina	Weaver
Dempsey	Johnson, A.	Munger	Runbeck	Wejcmann
Dille	Johnson, R.	Murphy	Sarna	Welker
Dorn	Johnson, V.	Nelson, K.	Schafer	Welle
Erhardt	Kahn	Nelson, S.	Scheid	Wenzel
Farrell	Kalis	Newinski	Schreiber	Winter
Frederick	Kelso	O'Connor	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 722, A bill for an act relating to the military; clarifying language about certain money appropriated for land acquisition; amending Minnesota Statutes 1990, section 190.25, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Brown	Frederick	Heir	Kelso
Anderson, I.	Carlson	Frerichs	Hufnagle	Kinkel
Anderson, R.	Carruthers	Garcia	Hugoson	Knickerbocker
Battaglia	Clark	Girard	Jacobs	Koppendraye
Bauerly	Cooper	Goodno	Janezich	Krinkie
Beard	Dauner	Greenfield	Jaros	Krueger
Begich	Dauids	Gruenes	Jefferson	Lasley
Bertram	Dawkins	Gutknecht	Jennings	Leppik
Bettermann	Dempsey	Hanson	Johnson, A.	Lieder
Bishop	Dille	Hartle	Johnson, R.	Limmer
Blatz	Dorn	Hasskamp	Johnson, V.	Long
Bodahl	Erhardt	Haukoos	Kahn	Lourey
Boo	Farrell	Hausman	Kalis	Lynch

Macklin	Ogren	Pelowski	Seaberg	Tunheim
Mariani	Olsen, S.	Peterson	Segal	Uphus
Marsh	Olson, E.	Pugh	Simoneau	Valento
McEachern	Olson, K.	Reding	Skoglund	Vellenga
McGuire	Omann	Rest	Smith	Wagenius
McPherson	Onnen	Rice	Solberg	Waltman
Milbert	Orenstein	Rodosovich	Sparby	Weaver
Morrison	Orfield	Rukavina	Stanius	Wejcmán
Munger	Osthoff	Runbeck	Sviggum	Welker
Murphy	Ostrom	Sarna	Swenson	Welle
Nelson, K.	Ozment	Schafer	Thompson	Wenzel
Newinski	Pauly	Scheid	Tompkins	Winter
O'Connor	Pellow	Schreiber	Trimble	

The bill was passed and its title agreed to.

H. F. No. 843, A bill for an act relating to waste; Western Lake Superior sanitary district; amending the definition of solid waste; changing the date for adoption of a budget; amending Minnesota Statutes 1990, sections 458D.02, subdivision 18; and 458D.08.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olson, E.	Skoglund
Anderson, I.	Garcia	Koppendraye	Olson, K.	Smith
Anderson, R.	Girard	Krinkie	Omann	Solberg
Battaglia	Goodno	Krueger	Onnen	Sparby
Bauerly	Greenfield	Lasley	Orenstein	Stanius
Beard	Gruenes	Leppik	Orfield	Steensma
Begich	Gutknecht	Lieder	Osthoff	Sviggum
Bertram	Hanson	Limmer	Ostrom	Swenson
Bettermann	Hartle	Long	Ozment	Thompson
Bishop	Hasskamp	Lourey	Pauly	Tompkins
Blatz	Haukoos	Lynch	Pellow	Trimble
Bodahl	Hausman	Macklin	Pelowski	Tunheim
Boo	Heir	Mariani	Peterson	Uphus
Brown	Hufnagle	Marsh	Pugh	Valento
Carlson	Hugoson	McEachern	Reding	Vellenga
Carruthers	Jacobs	McGuire	Rest	Wagenius
Clark	Janezich	McPherson	Rice	Waltman
Cooper	Jaros	Milbert	Rodosovich	Weaver
Dauner	Jefferson	Morrison	Rukavina	Wejcmán
Davids	Jennings	Munger	Runbeck	Welker
Dawkins	Johnson, A.	Murphy	Sarna	Welle
Dempsey	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, V.	Nelson, S.	Scheid	Winter
Dorn	Kahn	Newinski	Schreiber	
Erhardt	Kalis	O'Connor	Seaberg	
Farrell	Kelso	Ogren	Segal	
Frederick	Kinkel	Olsen, S.	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 1006, A bill for an act relating to state lands; transferring state land to the city of Moose Lake.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olson, E.	Skoglund
Anderson, I.	Garcia	Koppendraye	Olson, K.	Smith
Anderson, R.	Girard	Krinkie	Omann	Solberg
Battaglia	Goodno	Krueger	Onnen	Sparby
Bauerly	Greenfield	Lasley	Orenstein	Stanius
Beard	Gruenes	Leppik	Orfield	Steensma
Begich	Gutknecht	Lieder	Osthoff	Sviggum
Bertram	Hanson	Limmer	Ostrom	Swenson
Bettermann	Hartle	Long	Ozment	Thompson
Bishop	Hasskamp	Lourey	Pauly	Tompkins
Blatz	Haukoos	Lynch	Pellow	Trimble
Bodahl	Hausman	Macklin	Pelowski	Tunheim
Boo	Heir	Mariani	Peterson	Uphus
Brown	Hufnagle	Marsh	Pugh	Valento
Carlson	Hugoson	McEachern	Reding	Vellenga
Carruthers	Jacobs	McGuire	Rest	Wagenius
Clark	Janezich	McPherson	Rice	Waltman
Cooper	Jaros	Milbert	Rodosovich	Weaver
Dauner	Jefferson	Morrison	Rukavina	Wejzman
Davids	Jennings	Munger	Runbeck	Welker
Dawkins	Johnson, A.	Murphy	Sarna	Welle
Dempsey	Johnson, R.	Nelson, K.	Schafer	Wenzel
Dille	Johnson, V.	Nelson, S.	Scheid	Winter
Dorn	Kahn	Newinski	Schreiber	
Erhardt	Kalis	O'Connor	Seaberg	
Farrell	Kelso	Ogren	Segal	
Frederick	Kinkel	Olsen, S.	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 1020, A bill for an act relating to state parks; authorizing handicapped permits for display on handicapped vehicle identifying certificates; amending Minnesota Statutes 1990, section 85.053, subdivisions 2 and 7.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Anderson, R.	Bauerly	Begich	Bettermann
Anderson, I.	Battaglia	Beard	Bertram	Bishop

Blatz	Hanson	Lasley	Omann	Simoneau
Bodahl	Hartle	Leppik	Onnen	Skoglund
Boo	Hasskamp	Lieder	Orenstein	Smith
Brown	Haukoos	Limmer	Orfield	Solberg
Carlson	Hausman	Long	Osthoff	Sparby
Carruthers	Heir	Lynch	Ostrom	Stanius
Clark	Hufnagle	Macklin	Ozment	Steensma
Cooper	Hugoson	Mariani	Pauly	Sviggum
Dauner	Jacobs	Marsh	Pellow	Swenson
Davids	Janezich	McEachern	Pelowski	Thompson
Dawkins	Jaros	McGuire	Peterson	Tompkins
Dempsey	Jefferson	McPherson	Pugh	Trimble
Dille	Jennings	Milbert	Reding	Tunheim
Dorn	Johnson, A.	Morrison	Rest	Uphus
Erhardt	Johnson, R.	Munger	Rice	Valento
Farrell	Johnson, V.	Murphy	Rodosovich	Vellenga
Frederick	Kahn	Nelson, K.	Rukavina	Wagenius
Frerichs	Kalis	Nelson, S.	Runbeck	Waltman
Garcia	Kelso	Newinski	Sarna	Weaver
Girard	Kinkel	O'Connor	Schafer	Wejcman
Goodno	Knickerbocker	Ogren	Scheid	Welker
Greenfield	Koppendrayer	Olsen, S.	Schreiber	Welle
Gruenes	Krinkle	Olson, E.	Seaberg	Wenzel
Gutknecht	Krueger	Olson, K.	Segal	Winter

The bill was passed and its title agreed to.

H. F. No. 1112 was reported to the House.

Dawkins moved that H. F. No. 1112 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 1182, A bill for an act relating to waters; acceptance of funds or property and acquisition of real property by the state board of water and soil resources; amending Minnesota Statutes 1990, section 103C.401, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bodahl	Dille	Gutknecht	Jaros
Anderson, I.	Boo	Dorn	Hanson	Jefferson
Anderson, R.	Brown	Erhardt	Hartle	Jennings
Battaglia	Carlson	Farrell	Hasskamp	Johnson, A.
Bauerly	Carruthers	Frederick	Haukoos	Johnson, R.
Beard	Clark	Frerichs	Hausman	Johnson, V.
Begich	Cooper	Garcia	Heir	Kahn
Bertram	Dauner	Girard	Hufnagle	Kalis
Bettermann	Davids	Goodno	Hugoson	Kelso
Bishop	Dawkins	Greenfield	Jacobs	Kinkel
Blatz	Dempsey	Gruenes	Janezich	Knickerbocker

Koppendrayer	McPherson	Orfield	Sarna	Thompson
Krinkie	Milbert	Osthoff	Schafer	Tompkins
Krueger	Morrison	Ostrom	Scheid	Trimble
Lasley	Munger	Ozment	Schreiber	Tunheim
Leppik	Murphy	Pauly	Seaberg	Uphus
Lieder	Nelson, K.	Pellow	Segal	Valento
Limmer	Nelson, S.	Pelowski	Simoneau	Vellenga
Long	Newinski	Peterson	Skoglund	Wagenius
Lourey	O'Connor	Pugh	Smith	Waltman
Lynch	Olson, S.	Reding	Solberg	Weaver
Macklin	Olson, E.	Rest	Sparby	Wejcmán
Mariani	Olson, K.	Rice	Stanius	Welker
Marsh	Omann	Rodosovich	Steensma	Welle
McEachern	Onnen	Rukavina	Sviggum	Wenzel
McGuire	Orenstein	Runbeck	Swenson	Winter

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

CALENDAR

H. F. No. 471 was reported to the House.

Ogren moved that H. F. No. 471 be continued on the Calendar. The motion prevailed.

GENERAL ORDERS

Long moved that the bills on General Orders for today be continued. The motion prevailed.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1209, A resolution memorializing the President and Congress to condemn the use of Soviet military force in the Baltic

Republics and support the Baltic Republics for their self-determination.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

House Concurrent Resolution No. 3, A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND READOPTION

Long moved that the House concur in the Senate amendments to House Concurrent Resolution No. 3. The motion prevailed.

Long moved that House Concurrent Resolution No. 3 be readopted, as amended by the Senate. The motion prevailed and House Concurrent Resolution No. 3 was readopted, as amended by the Senate.

MOTIONS AND RESOLUTIONS

Segal moved that the name of Welle be stricken and the name of Leppik be added as an author on H. F. No. 333. The motion prevailed.

Sparby moved that the name of Hugoson be added as an author on H. F. No. 702. The motion prevailed.

Tunheim moved that the name of Hasskamp be added as an author on H. F. No. 1185. The motion prevailed.

Peterson moved that the name of Nelson, S., be stricken and the name of Anderson, R. H., be added as an author on H. F. No. 1352. The motion prevailed.

Dille moved that the name of Bauerly be added as an author on H. F. No. 1389. The motion prevailed.

Thompson moved that the names of Kinkel; Nelson, S., and Dauner be added as authors on H. F. No. 1447. The motion prevailed.

Anderson, R., moved that the name of Anderson, I., be added as an author on H. F. No. 1451. The motion prevailed.

Hausman moved that the name of Johnson, R., be added as an author on H. F. No. 1518. The motion prevailed.

Cooper moved that the name of Peterson be added as an author on H. F. No. 1519. The motion prevailed.

Steensma moved that the name of Sparby be added as an author on H. F. No. 1524. The motion prevailed.

Welle moved that the name of Peterson be added as an author on H. F. No. 1530. The motion prevailed.

Greenfield moved that the name of Clark be added as an author on H. F. No. 1538. The motion prevailed.

Swenson moved that the name of Vellenga be added as an author on H. F. No. 1553. The motion prevailed.

Runbeck moved that the name of Dawkins be added as an author on H. F. No. 1558. The motion prevailed.

Nelson, K., moved that the names of Pugh and Milbert be added as authors on H. F. No. 1574. The motion prevailed.

Sparby moved that the names of Lieder, Tunheim and Olson, E., be added as authors on H. F. No. 1578. The motion prevailed.

Simoneau moved that the name of Lourey be added as second author on H. F. No. 1527. The motion prevailed.

Reding moved that H. F. No. 165 be recalled from the Committee on Judiciary and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Murphy moved that H. F. No. 822 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Reding moved that H. F. No. 989, now on Technical General Orders, be re-referred to the Committee on Governmental Operations. The motion prevailed.

Bauerly moved that S. F. No. 391 be recalled from the Committee on Agriculture and together with H. F. No. 408, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Bishop moved that H. F. No. 1569 be recalled from the Committee on Appropriations and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Sparby moved that H. F. No. 1038, now on General Orders, be re-referred to the Committee on Judiciary. The motion prevailed.

Lasley moved that S. F. No. 437 be recalled from the Committee on Agriculture and be re-referred to the Committee on Appropriations. The motion prevailed.

Bishop moved that H. F. No. 1205 be returned to its author. The motion prevailed.

Uphus moved that H. F. No. 1206 be returned to its author. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, April 15, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, April 15, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

THIRTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 15, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Robert Rolfes, Church of the Immaculate Conception, Rockville, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Girard	Koppendrayner	Olson, K.	Smith
Battaglia	Goodno	Krinkie	Omann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Sviggum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Davids	Jefferson	Morrison	Rukavina	Wejzman
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Schreiber	
Farrell	Kalis	O'Connor	Seaberg	

A quorum was present.

Welker was excused.

The Chief Clerk proceeded to read the Journal of the preceding

day. Bertram moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 391 and H. F. No. 408, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Bauerly moved that S. F. No. 391 be substituted for H. F. No. 408 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1, A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103B.311, subdivision 6; 103E.701, by adding a subdivision; 103G.005, subdivisions 15 and 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 84; 103F; and 103G; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 4, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requir-

ing joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 62E.02, subdivision 2, is amended to read:

Subd. 2. “Employer” means any person, partnership, association, trust, estate or corporation, including the state of Minnesota or any agency, instrumentality or governmental subdivision thereof, which employs ten or more individuals who are residents of this state. For purposes of sections 62E.10 to 62E.14, employer has the meaning given the term in this subdivision, except that the term covers employers which employ one or more individuals who are residents of this state.

Sec. 2. Minnesota Statutes 1990, section 62E.02, subdivision 8, is amended to read:

Subd. 8. “Employee” means any Minnesota resident who has entered into the employment of or works under contract or service or apprenticeship with any employer. “Employee” does not include a person who has been employed for less than 30 days by that person’s present employer, nor one who is employed less than 30 hours per week by that person’s present employer, nor an independent contractor. For purposes of sections 62E.10 to 62E.14, employee has the meaning given the term in this subdivision, except that the term does not include a person who is employed less than 17.5 hours per week by that person’s present employer.

Sec. 3. Minnesota Statutes 1990, section 62E.02, subdivision 13, is amended to read:

Subd. 13. “Eligible person” means an individual who is currently and has been a resident of Minnesota for the six months immediately preceding the date of receipt by the association or its writing carrier of a completed certificate of eligibility and who meets the enrollment requirements of section 62E.11 or 62E.14. For purposes of section 62E.11 or 62E.14, the term includes an employee, an employee’s spouse, or the employee’s dependents.

Sec. 4. Minnesota Statutes 1990, section 62E.11, subdivision 2, is amended to read:

Subd. 2. Any employer which has in its employ one or more eligible persons enrolled in the comprehensive health insurance plan may make all or any portion of the state plan premium payment to the state plan directly to the writing carrier.

Notwithstanding any law to the contrary, an employer may, at the time of initial application, enroll an eligible person in the comprehensive health insurance plan if:

(1) the person has exceeded the lifetime maximum of the person's benefit coverage;

(2) the person has a presumptive condition as defined by the association; or

(3) the employer has received a letter of rejection for a group insurance policy, group subscriber contract, or health care plan due to the health status of that person.

The employer may make all or any portion of the state plan premium payment to the state plan directly to the writing carrier. For purposes of clause (2), alcohol dependency and chemical dependency are not presumptive conditions.

An employer has the enrollment right set forth in this subdivision under clause (2) or (3) only if:

(1) the employer has not provided group health coverage to its employees for the two-year period immediately preceding the initial application; or

(2) the employer did not discontinue group health coverage for its employees solely to become eligible to exercise the employer's right to enroll one or more employees under this subdivision.

Sec. 5. Minnesota Statutes 1990, section 62E.14, is amended by adding a subdivision to read:

Subd. 2a. [ELIGIBILITY FOR PERSONS WHO HAVE EXCEEDED THE MAXIMUM LIFETIME BENEFIT.] A person is eligible for immediate enrollment in the comprehensive health insurance plan without meeting the requirements of subdivision 1, paragraphs (c) and (d), and with a waiver of the preexisting condition as described in subdivision 3 if that person has exceeded the lifetime maximum benefit of existing coverage if the benefit meets or exceeds the requirements of section 62E.06. The association may, under section 62E.10, subdivision 9, develop policies and procedures to assure continued case management of persons enrolled under this subdivision.

Sec. 6. Minnesota Statutes 1990, section 62E.14, is amended by adding a subdivision to read:

Subd. 2b. [ELIGIBILITY BASED ON A PRESUMPTIVE CONDITION.] An employer under section 62E.11, subdivision 2, may enroll an eligible person in the state plan at the time of renewal of the health care coverage for the employer's group if, during the term of the previous coverage, the person has developed a presumptive condition as defined by the association. Alcohol dependency and chemical dependency are not presumptive conditions for the purposes of this subdivision.

Sec. 7. [62J.49] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 7 to 24.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of health.

Subd. 3. [GROUP SPONSOR.] "Group sponsor" means an employer or other entity described in section 62A.10, subdivision 1, as an eligible purchaser of health coverage.

Subd. 4. [HEALTH COVERAGE.] "Health coverage" means a policy or contract providing health and accident protection under chapter 62A, 62C, 62D, or 64B. Health coverage does not include a policy or contract designed primarily to provide coverage on a per diem, fixed annuity, or non-expense-incurred basis, or that provides only accident coverage.

Subd. 5. [HEALTH PLAN COMPANY.] "Health plan company" means any entity operating under chapter 62A, 62C, 62D, or 64B that offers, sells, issues, or renews health coverage in this state. Health plan company does not include an entity that sells only policies designed primarily to provide coverage on a per diem, fixed annuity, or non-expense-incurred basis, or policies that provide only accident coverage.

Subd. 6. [INDIVIDUAL.] "Individual" means an individual or family that applies to a health plan company for coverage on an individual or family basis.

Subd. 7. [LARGE GROUP.] "Large group" means a group of 100 or more employees or members of a group sponsor that applies for or obtains health coverage from a health plan company. Owners of sole proprietorships, partnerships, and other unincorporated entities are employees for purposes of this definition. Dependents of employees or members do not count for purposes of this definition.

Subd. 8. [MEDIUM-SIZED GROUP.] “Medium-sized group” means a group of not fewer than 30 nor more than 99 employees or members of a group sponsor that applies for or obtains health coverage from a health plan company. Owners of sole proprietorships, partnerships, and other unincorporated entities are employees for purposes of this definition. Dependents of employees or members do not count for purposes of this definition.

Subd. 9. [OPTIONAL COVERAGE.] “Optional coverage” means health coverage that supplements the state benefit set.

Subd. 10. [SMALL GROUP.] “Small group” means a group of not fewer than two nor more than 29 employees or members of a group sponsor that applies for or obtains health coverage from a health plan company. Owners of sole proprietorships, partnerships, and other unincorporated entities are employees for purposes of this definition. Dependents of employees or members do not count for purposes of this definition.

Subd. 11. [STATE BENEFIT SET.] “State benefit set” means the benefits provided by the state plan. When the state plan provides the intermediate benefit set, the state benefit set means that set. When the state plan provides the universal basic benefit set, the state benefit set means that benefit set.

Subd. 12. [STATE PLAN.] “State plan” means the Minnesotans’ health care plan.

Sec. 8. [62J.50] [GROUPS; DEFINITIONS.]

The definitions of group size and group sponsor in section 7 are subject to United States Code, title 26, sections 414(b), 414(c), and 414(m), and federal regulations related to those sections, where a group sponsor or sponsors alter, reform, or redefine a group or groups to avoid or to take advantage of community rating. The commissioners of commerce and health have authority to adopt rules supplemental to those federal statutes and regulations to prevent qualification as a large, medium-sized, or small group through the use of separate organizations, multiple organizations, employee leasing, or other arrangements.

Sec. 9. [62J.51] [PROVISION OF COVERAGE.]

No health plan company may deny an application for health coverage submitted to it by an individual, small group, or medium-sized group, if the health plan company offers, sells, issues, or renews health coverage to entities of the same category as the entity that submitted the application.

Sec. 10. [62J.52] [CANCELLATION.]

No health plan company may cancel or fail to renew health coverage that it provides to an individual, small group, or medium-sized group, except for nonpayment of a legally permitted premium or copayment, fraud or misrepresentation, noncompliance with plan provisions, or failure to maintain legally permitted participation requirements.

Sec. 11. [62J.53] [PREEXISTING CONDITIONS.]

No health plan company may deny an application or limit the coverage provided to an individual, small group, or medium-sized group on the basis of the past or present health status of any person. Limitations on coverage include, but are not limited to, waiting periods, excluded or restricted conditions or types of coverage, and similar restrictions. For optional coverage, a health plan company may require a waiting period of up to 12 months for coverage of preexisting conditions. This waiting period may not be used for optional coverage purchased at the time of the applicant's initial enrollment in the state benefit set or when the person's optional coverage is substantially similar to coverage that person had with another health plan company if the coverage was continuously in force.

Sec. 12. [62J.54] [LEVEL COMMISSIONS.]

No health plan company may pay commissions or other compensation to an agent or broker, with respect to the sale of health coverage, unless payment of the commissions is spread evenly over a period of at least five years from the date of purchase of the coverage.

Sec. 13. [62J.55] [COMMUNITY RATING REQUIRED.]

Subdivision 1. [COMMUNITY RATING.] No health plan company may offer, sell, issue, or renew health coverage to any individual or small group, unless the premium charged for the coverage is community rated. If the health plan company participates in the state plan, the community rate charged in the private market for a plan with the same set of benefits must equal the rate charged in the state plan. Health plan companies must use the following rate cells only: (1) one person; (2) a two-person family; and (3) a family of three or more persons, and health plan companies may charge a different rate for each cell.

Subd. 2. [LIMITATIONS.] The community rating may not take into account the age, sex, health status, disability, occupation, geographical location, or any other factors except the following:

(1) actuarially valid differences in benefit levels, assuming average utilization rates. However, the assumed impact of those benefit

levels on utilization may not be considered a valid rate modification factor;

(2) differences in family size, except that family members in excess of three must be disregarded;

(3) actual differences in acquisition and administration costs between individuals as a whole and small groups as a whole; and

(4) premium reductions of no more than four percent for individuals or small groups that engage in activities or practices intended to promote the health of the covered persons.

Subd. 3. [LEGISLATIVE PURPOSE AND INTENT; TRIGGER FOR COMMUNITY RATING FOR INDIVIDUALS.] With respect to individuals, the legislature recognizes that community rating will increase the premiums charged to some individuals. For that reason, community rating shall not be required for individuals unless and until state subsidies sufficient to ameliorate financial hardship are available. As state funding becomes available, the extent of premium variations shall be increasingly restricted and shall evolve over time to community rating.

Sec. 14. [62J.56] [COMPENSATION OF AGENTS.]

Subdivision 1. [COMPENSATION; PRIVATE MARKET.] No health plan company shall, with respect to health coverage provided in the private market:

(1) make the amount of its compensation of an agent, broker, or employee depend in any way, directly or indirectly, upon the loss ratio or any other underwriting performance of health coverage written through the agent, broker, or employee; or

(2) cancel, terminate, or fail to renew an agency, brokerage, or employment contract or arrangement, or reduce or restrict underwriting authority on the basis of the loss ratio, or any other underwriting performance of health coverage written through an agent, broker, or employee.

Subd. 2. [COMPENSATION; STATE PLAN.] No health plan company shall, with respect to health coverage provided through the state plan, pay agent commissions. The commissioner may contract with insurance agents and brokers for outreach and enrollment services to the new state plan for set fees.

Sec. 15. [62J.57] [COMMUNITY RATING; OPEN ENROLLMENT; MEDICARE SUPPLEMENTAL.]

Health plan companies that sell Medicare supplemental coverage

must establish a separate community rate, as described in section 13, for that coverage. The community rate must be the same in the private market as in the state plan, for health plan companies that sell that coverage through the state plan. Health plan companies offering Medicare supplement coverage through either the private market or the state plan, or both, must offer such coverage on an open enrollment basis without requiring health screening or other measures of insurability, to any individual applying for coverage within six months of initial eligibility for Medicare, and to the community for a period of at least one month each year.

Sec. 16. [62J.58] [BIASED SELECTION ADJUSTMENT.]

Subdivision 1. [REPORT.] Each health plan company must annually provide the commissioner of health with a report of the number of males and females that it insured in the individual and small group market for the past calendar year, together with data showing the age distribution of the insureds, separately for males and females. A person insured by that company for only a portion of the year counts on a pro rata basis, based upon the closest whole number of months during which that person was covered. For each age-sex combination, the total cost incurred must be shown. Data must be shown separately for Medicare supplemental coverage and for coverage provided through the state plan and through the private market.

Subd. 2. [ASSESSMENTS AND PAYMENTS.] Each company must pay an assessment or receive a reimbursement, based upon the extent to which that company's age-sex distribution of insureds differs from the statewide average for the entire individual and small group market. The commissioner of health shall adopt rules specifying a procedure including the creation of a formula for determining the amount of the reimbursement or assessment with respect to individual companies. The rules for determining the amounts of reimbursements to and assessments on individual health plan companies must take into account differences in coverage levels, reinsurance pool premiums, and managed care activities that affect costs. Health plan companies whose inefficient managed care activities result in higher costs must not be compensated for those higher costs by this biased selection adjustment. The commissioner shall implement the formula by rule before any health plans are liable for payments under this biased selection adjustment provision.

Subd. 3. [IMPACT ON SMALL EMPLOYERS.] The commissioner shall design the formula in such a way that it does not become a cost burden to small employers who purchase coverage in the private market.

Subd. 4. [TRUST FUND.] Payment of assessments must be made to the commissioner of health care access and maintained in a

separate trust fund, out of which the reimbursements required by this section will be paid. Reimbursements will be made only out of this trust fund and only to the extent of assessments received. Any shortfall in assessment payments received result in pro rata adjustments in reimbursements made to health plan companies, to be compensated for in subsequent years from subsequent assessments.

Sec. 17. [62J.59] [MEDIUM-SIZED GROUPS.]

Each health plan company that offers, sells, issues, or renews health coverage for medium-sized groups in this state must determine a single base community rate for medium-sized groups. The base community rate may be adjusted to reflect differences in benefit levels or other product differences. Each health plan company participating in the medium-sized group market may offer premium rates to particular medium-sized groups that are no more than 30 percent above and no more than 30 percent below that base community rate. These premium differences may be based upon any underwriting criteria permitted by law. No health plan company may increase the premium it charges to a medium-sized group for which it provides coverage if the increase would exceed the increase in that health plan company's base community rate plus 15 percent per year. Each health plan company must provide the commissioner of commerce with a detailed description of its rating methodology, including actuarial justifications for its base community rate and for premiums that deviate from it, except that health plan companies operating under chapter 62D must provide the descriptions and justifications to the commissioner of health.

Sec. 18. [62J.60] [MINIMUM LOSS RATIOS.]

All health coverage sold by health plan companies in this state must have loss ratios no lower than those specified by rule by the commissioner of health for health plan companies operating under chapter 62D and by the commissioner of commerce for all other health plan companies. The minimum loss ratios may differ between the individual, small group, medium-sized group, and large group market.

Sec. 19. [62J.61] [ENFORCEMENT AUTHORITY.]

The commissioner of commerce and commissioner of health have the responsibility and authority to enforce sections 7 to 15, 17, 18, and 24, with respect to the health plan companies that they respectively regulate, and have all of the powers otherwise granted to them by statute for use in carrying out their respective responsibilities under this chapter.

Sec. 20. [62J.62] [REINSURANCE POOL.]

(a) All health plan companies selling health coverage to individuals, small groups, or medium-sized groups in this state, including coverage provided through the state plan, must participate in the Minnesota health reinsurance pool, unless such companies agree to meet the state requirements of community rating and guaranteed issue of coverage at their own financial risk and formally elect not to participate in the reinsurance pool. This election shall be in force for two years after a company elects not to participate. A company electing not to participate in the reinsurance pool must notify the commissioner six months prior to its effective date of nonparticipation. The commissioner of health shall administer this reinsurance pool, which must provide reinsurance to participating health plan companies for:

(1) 85 percent of costs incurred for any case, to the extent that the costs of care exceed \$30,000;

(2) 85 percent of the cost of cases assigned to the reinsurance pool pursuant to section 21; and

(3) 100 percent of that portion of the costs incurred for any case that exceeds \$100,000.

(b) For the purposes of sections 20 to 23, a "case" qualifies for reinsurance coverage if a specific patient receives \$30,000 or more in covered services for a specific cause or spell of illness in a period of 12 or fewer consecutive months. The reinsurance benefit period continues until the end of 12 consecutive months in which the patient receives less than \$10,000 in covered services for that cause or spell of illness.

Sec. 21. [62J.63] [AUTOMATIC ASSIGNMENT.]

For all health plan companies selling health plan coverage to individuals, small groups, or medium-sized groups in this state, including those companies who voluntarily elect not to participate in the overall reinsurance pool described in section 20, all cases that involve a high probability of incurring costs that exceed \$30,000 for a specific cause or spell of illness during a 12-month period shall be called "presumptive conditions." The commissioner of health shall adopt rules specifying a list of presumptive conditions. Persons having presumptive conditions at the time of initial enrollment must be assigned to the reinsurance pool by the commissioner of health upon receipt of a request from the health plan company insuring that person, together with any documentation reasonably required by the commissioner.

Sec. 22. [62J.64] [CASE MANAGEMENT.]

The commissioner of health shall contract for case management

services designed to provide cost-effective treatment of cases assigned to the reinsurance pool.

Sec. 23. [62J.65] [REINSURANCE POOL PREMIUMS.]

Each health plan company participating in the Minnesota health reinsurance pool must pay premiums for the reinsurance coverage in the amounts and at the times specified by the commissioner of health. The reinsurance premiums must be determined on a community-rated basis, except that adjustments must be made to reflect differences in managed care systems. Health plan companies providing only dental care or other limited coverage must be charged reinsurance premiums that reflect the expected cost to the reinsurance pool attributable to that category of limited coverage. Health plan companies which participate only in the automatic assignment reinsurance pool shall have their premiums adjusted accordingly.

Sec. 24. [62J.66] [MINIMUM BENEFIT LEVELS.]

Subdivision 1. [INTERMEDIATE BENEFIT SET; REQUIREMENT.] After the state plan makes its intermediate benefit set available, no health coverage may be sold in the private market to any group having more than five members unless the coverage meets the requirements of a number two qualified plan, as defined in section 62E.06, subdivision 2. During that period, each health plan company that participates in the state plan may sell the intermediate benefit set in the private market to individuals and groups of five or fewer members. Health plan companies that sell the intermediate benefit set must offer optional additional coverage that strengthens the benefits offered under the intermediate benefit set. For benefits that exceed those offered under the intermediate benefit set, health plan companies may apply preexisting condition limitations which extend for no more than two years from the date that a buyer upgrades coverage beyond the intermediate benefit set. Each health plan company must also make available to its current customers on an annual basis the option of upgrading their coverage to a benefit plan which is at least the actuarial equivalent of the intermediate benefit set. The rate offered for such upgrade coverage shall be based on the community rate offered by the health plan company adjusted only to reflect the actuarial value of the benefits.

Subd. 2. [UNIVERSAL BASIC BENEFIT SET; REQUIREMENT.] After the state plan makes its universal basic benefit set available, no health coverage may be sold in the private market to any Minnesota resident unless the coverage provides benefits equal to or greater than the universal basic benefit set.

Subd. 3. [DENTAL AND OTHER LIMITED COVERAGE.] Health plan companies providing dental coverage only may sell the dental care component of the intermediate benefit set and of the universal

basic benefit set without being required to offer the nondental components of the benefit sets.

Sec. 25. Minnesota Statutes 1990, section 363.02, subdivision 1, is amended to read:

Subdivision 1. |EMPLOYMENT.| The provisions of section 363.03, subdivision 1, shall not apply to:

(1) The employment of any individual

(a) by the individual's parent, grandparent, spouse, child, or grandchild, or

(b) in the domestic service of any person;

(2) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment;

(3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice;

(4) The operation of a bona fide seniority system which mandates differences in such things as wages, hiring priorities, layoff priorities, vacation credit, and job assignments based on seniority, so long as the operation of the system is not a subterfuge to evade the provisions of this chapter;

(5) With respect to age discrimination, a practice by which a labor organization or employer offers or supplies varying insurance benefits or other fringe benefits to members or employees of differing ages, so long as the cost to the labor organization or employer for the benefits is reasonably equivalent for all members or employees;

(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, and applied uniformly and without exception to all individuals, which establishes a maximum age for entry into employment as a peace officer or firefighter.

(7) Nothing in this chapter concerning age discrimination shall be construed to validate or permit age requirements which have a disproportionate impact on persons of any class otherwise protected by section 363.03, subdivision 1 or 5.

(8) It is not an unfair employment practice for an employer, employment agency, or labor organization:

(i) to require or request a person to undergo physical examination,

which may include a medical history, for the purpose of determining the person's capability to perform available employment, provided

(a) that an offer of employment has been made on condition that the person meets the physical or mental requirements of the job, except that a law enforcement agency filling a peace officer position or part-time peace officer position may require or request an applicant to undergo psychological evaluation before a job offer is made provided that the psychological evaluation is for those job-related abilities set forth by the board of peace officer standards and training for psychological evaluations and is otherwise lawful;

(b) that the examination tests only for essential job-related abilities; and

(c) that the examination except for examinations authorized under chapter 176 is required of all persons conditionally offered employment for the same position regardless of disability; or

(ii) with the consent of the employee, after employment has commenced, to obtain additional medical information for the purposes of assessing continuing ability to perform the job or employee health insurance eligibility; for purposes mandated by local, state, or federal law; for purposes of assessing the need to reasonably accommodate an employee or obtaining information to determine eligibility for the second injury fund under chapter 176; or pursuant to sections 181.950 to 181.957; or other legitimate business reason not otherwise prohibited by law;

(iii) to administer preemployment tests, provided that the tests (a) measure only essential job-related abilities, (b) are required of all applicants for the same position regardless of disability except for tests authorized under chapter 176, and (c) accurately measure the applicant's aptitude, achievement level, or whatever factors they purport to measure rather than reflecting the applicant's impaired sensory, manual, or speaking skills except when those skills are the factors that the tests purport to measure; or

(iv) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work; or

(v) to provide special safety considerations for pregnant women involved in tasks which are potentially hazardous to the health of the unborn child, as determined by medical criteria; or

(vi) to enroll an eligible person in the comprehensive health insurance plan if:

(a) in the opinion of the commissioner of commerce, the coverage is similar to health coverage offered to other employees;

(b) due to the person's health status, the employer would otherwise be unable to obtain affordable coverage for other employees; and

(c) the employer: (i) pays the difference between the deductible paid by other employees for the group coverage and the deductible paid by the eligible person for the comprehensive health insurance plan; (ii) pays the difference between the coinsurance paid by other employees under the group health plan and the eligible person under the comprehensive insurance plan; and (iii) the eligible person does not pay more in premium contribution and out-of-pocket maximums for coverage under the state plan than the largest contribution toward premium and out-of-pocket maximums paid by any other employee receiving health care coverage through the same employers.

Sec. 26. [EFFECTIVE DATE.]

Sections 7 to 24 are effective July 1, 1992, except that all rulemaking authority granted in sections 7 to 24 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health care; regulating access to the Minnesota comprehensive health insurance plan; restricting underwriting and premium rating practices; amending Minnesota Statutes 1990, sections 62E.02, subdivisions 2, 8, and 13; 62E.11, subdivision 2; 62E.14, by adding subdivisions; and 363.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62J."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 6, A bill for an act relating to health care; establishing mechanisms to assure access to health care throughout the state; providing initiatives to improve access to health care in rural areas; establishing a rural health advisory committee; providing changes

to the emergency medical services fund; including volunteer rescue squad workers as employees under workers' compensation; requiring studies; appropriating money; amending Minnesota Statutes 1990, sections 16A.124, subdivisions 1 and 4; 43A.17, subdivision 9; 43A.23, by adding a subdivision; 144.147, subdivision 4; 144.581, subdivision 1; 144.8093; 176.011, subdivision 9; 256.969, subdivision 6a; and 447.31, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Page 1, line 28, strike "The commissioner may award" and delete the new language

Page 1, lines 28 and 29, strike "two grants for each fiscal year."

Page 5, line 5, after "health" insert "in conjunction with the University of Minnesota medical schools and other organizations in the state which are addressing rural health care problems"

Page 6, delete lines 33 to 35

Renumber remaining clauses in sequence

Page 7, after line 32, insert:

"Sec. 7. Minnesota Statutes 1990, section 144.698, subdivision 1, is amended to read:

Subdivision 1. [YEARLY REPORTS.] Each hospital and each outpatient surgical center, which has not filed the financial information required by this section with a voluntary, nonprofit reporting organization pursuant to section 144.702, shall file annually with the commissioner of health after the close of the fiscal year:

(1) a balance sheet detailing the assets, liabilities, and net worth of the hospital;

(2) a detailed statement of income and expenses;

(3) a copy of its most recent cost report, if any, filed pursuant to requirements of Title XVIII of the United States Social Security Act;

(4) a copy of all changes to articles of incorporation or bylaws;

(5) information on services provided to benefit the community, including services provided at no cost or for a reduced fee to patients unable to pay, teaching and research activities, or other community or charitable activities;

(6) information required on the revenue and expense report form set in effect on July 1, 1989, or as amended by the commissioner in rule; and

(7) other information required by the commissioner in rule.

Sec. 8. [SPECIAL STUDIES.]

The commissioner of health, through the office of rural health, shall conduct the following investigations:

(1) investigate, develop recommendations, and prepare a report to the legislature by January 15, 1993, regarding the use of advanced telecommunications technologies to improve rural health education and health care delivery;

(2) investigate the adequacy of access to perinatal services in rural Minnesota and report findings and recommendations to the legislature by February 1, 1993; and

(3) study the impact of current reimbursement provisions for midlevel practitioners on the use of midlevel practitioners in rural practice settings, examining reimbursement provisions in state programs, federal programs, and private sector health plans, and report findings and recommendations to the legislature by February 1, 1992."

Page 8, line 6, delete "7" and insert "9"

Page 8, line 9, delete "1" and insert "15"

Renumber sections in sequence

Correct internal cross-reference

Amend the title as follows:

Page 1, line 13, after the semicolon insert "144.698, subdivision 1,"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 20, A bill for an act relating to insurance; requiring insurers to permit their insureds to inspect medical records obtained in connection with a claim; requiring health care providers to permit access to medical records by persons examined for certain medical review purposes; amending Minnesota Statutes 1990, sections 72A.491, subdivision 19; 144.335, subdivision 1; and 145.64.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [72A.285] [CLAIM FOR INSURANCE BENEFITS; RELEASE OF SUMMARY INFORMATION.]

Notwithstanding section 145.64, when a review organization, as defined in section 145.61, has conducted a review of health services given or proposed to be given to an insured or claimant in connection with or in anticipation of a claim for insurance benefits, a complete summary of the review findings must be furnished by the insurer to the provider who requested the review or to the insured or claimant, upon that person's request.

The summary must list the qualifications of the reviewer, including any license, certification, or specialty designation. The summary must also describe the relationship between the insured's or claimant's diagnosis and the review criteria used as a basis for the claim decision, including the specific rationale for the reviewer's decision.

Nothing in this section requires the disclosure of the identity of the person conducting the review.”

Delete the title and insert:

“A bill for an act relating to insurance; requiring insurers to furnish a summary of claims review findings; proposing coding for new law in Minnesota Statutes, chapter 72A.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 49, A bill for an act relating to stepparents; designating Stepparents Day; proposing coding for new law in Minnesota Statutes, chapter 10.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 67, A bill for an act relating to peace officers; guaranteeing peace officers certain rights when under investigation and in disciplinary proceedings; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [626.89] [PEACE OFFICER DISCIPLINE PROCEDURES ACT.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) “Administrative hearing” means a nonjudicial hearing or arbitration authorized to recommend, approve, or order discipline.

(b) “Formal statement” means the questioning of an officer for the purpose of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against that officer.

(c) “Officer” means a licensed peace officer, as defined in section 626.84, subdivision 1, paragraph (c), who is employed by a unit of government. Officer does not include part-time peace officers.

Subd. 2. [APPLICABILITY.] The procedures and provisions of this section do not apply to investigations of criminal charges against an officer.

Subd. 3. [PROCEDURES GOVERNING FORMAL STATE-

MENTS.] The formal statement of an officer must be taken in accordance with subdivisions 3 to 9.

Subd. 4. [PLACE OF FORMAL STATEMENT.] The formal statement must be taken at a facility of the employing or investigating agency or at a place agreed to by the investigating individual and the investigated officer.

Subd. 5. [COMPLAINT.] An officer's formal statement may not be taken unless there is filed with the agency or unit a written complaint signed by the complainant stating the complainant's knowledge, and the officer has been given a summary of the allegations. Complaints also may be filed by members of the law enforcement agency. Before an administrative hearing is begun, the officer must be given a copy of the signed complaint, witness statements, and the investigating agency's investigative reports.

Subd. 6. [SESSIONS.] Sessions at which a formal statement is taken must be of reasonable duration and must give the officer reasonable periods for rest and personal necessities. When practicable, sessions shall be held during the officer's regularly scheduled work shift. If the session is not held during the officer's regularly scheduled work shift, the officer shall be paid by the employing agency at the officer's current compensation rate for time spent attending the session.

Subd. 7. [RECORD.] A complete record of sessions at which a formal statement is taken must be made by electronic recording or otherwise, and a complete copy or transcript must be made available to the officer whose statement is taken without charge and without undue delay. The session may be tape recorded by the investigating officer and by the officer under investigation.

Subd. 8. [PRESENCE OF ATTORNEY OR UNION REPRESENTATIVE.] The officer whose formal statement is taken has the right to have an attorney or union representative of the officer's choosing present during the session. The officer may request the presence of an attorney or union representative at any time before or during the session. When a request under this subdivision is made, no formal statement may be taken until a reasonable opportunity is provided for the officer to obtain the presence of the attorney or union representative.

Subd. 9. [ADMISSIONS.] Before an officer's formal statement is taken, the officer shall be advised in writing or on the record that admissions made in the course of the formal statement may be used as evidence of misconduct or as a basis for discipline.

Subd. 10. [DISCLOSURE OF FINANCIAL RECORDS.] No employer may require an officer to produce or disclose the officer's

personal financial records except pursuant to a valid search warrant or subpoena.

Subd. 11. [RELEASE OF PHOTOGRAPHS.] No law enforcement agency or governmental unit may publicly release photographs of an officer without the written permission of the officer; except that the agency or unit may display a photograph of an officer to a prospective witness as part of an agency or unit investigation.

Subd. 12. [DISCIPLINARY LETTER.] No disciplinary letter or reprimand may be included in an officer's personnel record unless the officer has been given a copy of the letter or reprimand.

Subd. 13. [RETALIATORY ACTION PROHIBITED.] No officer may be discharged, disciplined, or threatened with either of these actions as retaliation for or solely by reason of the officer's exercise of the rights provided by this section.

Subd. 14. [RIGHTS NOT REDUCED.] The rights of officers provided by this section are in addition to and do not diminish the rights and privileges of officers that are provided under an applicable collective bargaining agreement or any other applicable law.

Subd. 15. [ACTION FOR DAMAGES.] Notwithstanding section 3.736 or 466.03, a political subdivision or state agency which violates a provision of this section is liable to an officer who suffers actual damage as a result of the violation, and the officer may bring an action against the political subdivision or state agency to cover compensatory damages sustained, plus costs and reasonable attorney fees. The political subdivision or state is deemed to have waived any immunity to a cause of action brought under this subdivision.

Sec. 2. |EFFECTIVE DATE. |

Section 1 is effective August 1, 1991, and applies to formal statements taken on or after that date."

Amend the title as follows:

Page 1, line 3, delete everything after "when" and insert "a formal statement is taken for disciplinary purposes"

Page 1, line 4, delete everything before the semicolon

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 121, A bill for an act relating to education; encouraging a Minnesota volunteer corps to the USSR and East Central Europe; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 16B.88, is amended by adding a subdivision to read:

Subd. 6. [MINNESOTA INTERNATIONAL VOLUNTEER CORPS.] The office shall disseminate information about and encourage participation in the Minnesota international volunteer corps. The office shall convene representatives from public and private sector organizations to develop the framework for the corps. The Minnesota international volunteer corps is an informal group made up of those who donate their time and expertise to teach American business entrepreneurship, English language instruction, or business and economics instruction, or to help people start businesses. The activity must be performed by a resident of the state in the Soviet Union or in East Central Europe.

If the donated effort is of at least two-months duration and is documented in writing by someone from the host country with a firsthand knowledge of the effort, the office shall designate the person donating the effort a member of the “Minnesota international volunteer corps” and may issue a certificate to the person attesting to the designation.”

Delete the title and insert:

“A bill for an act relating to education; encouraging a Minnesota international volunteer corps; amending Minnesota Statutes 1990, section 16B.88, by adding a subdivision.”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 124, A bill for an act relating to education; providing for the arbitration of disputes concerning the proposed termination, discharge, or demotion of teachers following the probationary period; amending Minnesota Statutes 1990, sections 125.12, by adding a subdivision; 125.17, by adding a subdivision; and 179A.20, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 125.12, subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF CONTRACT AFTER PROBATIONARY PERIOD.] A teacher who has completed a probationary period in any school district, and who has not been discharged or advised of a refusal to renew the teacher's contract pursuant to subdivision 3, shall have a continuing contract with such district. Thereafter, the teacher's contract shall remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board prior to April 1 upon one of the grounds specified in subdivision 6 or prior to June 1 upon one of the grounds specified in subdivision 6a or 6b, or until the teacher is discharged pursuant to subdivision 8, or by the written resignation of the teacher submitted prior to April 1; provided, however, that if an agreement as to the terms and conditions of employment for the succeeding school year has not been adopted pursuant to the provisions of sections 179A.01 to 179A.25 prior to March 1, the teacher's right of resignation shall be extended to the 30th calendar day following the adoption of said contract in compliance with section 179A.20, subdivision 5. Such written resignation by the teacher shall be effective as of June 30 if submitted prior to that date and the teachers' right of resignation for the school year then beginning shall cease on July 15. Before a teacher's contract is terminated by the board, the board shall notify the teacher in writing and state its ground for the proposed termination in reasonable detail together with a statement that the teacher may make a written request for a hearing before the board within 14 days after receipt of such notification. If the grounds are those specified in subdivision 6 or 8, the notice must also state a teacher may request arbitration under subdivision 9a. Within 14 days after receipt of this notification the teacher may make a written request for a hearing before the board or an arbitrator and it shall be granted upon reasonable notice to the teacher of the date set for hearing, before final action is taken. If no hearing is requested within such period, it shall be deemed acquiescence by the teacher to

the board's action. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid. Such contract may be terminated at any time by mutual consent of the board and the teacher and this section shall not affect the powers of a board to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

Sec. 2. Minnesota Statutes 1990, section 125.12, is amended by adding a subdivision to read:

Subd. 9a. [HEARING AND DETERMINATION BY ARBITRATOR.] A teacher whose termination is proposed under subdivision 4 on grounds specified in subdivision 6, or whose discharge is proposed under subdivision 8 may elect a hearing before an arbitrator instead of the school board. The hearing is governed by this subdivision.

(a) The teacher must make a written request for a hearing before an arbitrator within 14 days after receiving notification of proposed termination on grounds specified in subdivision 6 or within ten days of receiving notification of proposed discharge under subdivision 8. If a request for a hearing does not specify that the hearing be before an arbitrator, it shall be considered to be a request for a hearing before the school board.

(b) The arbitrator must be selected according to the procedure in section 179A.21, subdivision 2, except that the grievance procedure adopted by the commissioner of the bureau of mediation services, under section 179A.04, subdivision 3, clause (h), applies to a teacher not included in an appropriate unit defined in section 179A.03.

(c) The arbitrator shall determine whether just cause exists to support the proposed termination or discharge or, if not, to determine whether a lesser penalty, if any, should be imposed. In making the determination, the arbitration proceeding is governed by sections 572.11 to 572.17 and by the collective bargaining agreement applicable to the teacher.

(d) The hearing may be public or private, at the discretion of the teacher.

(e) The arbitrator's award is final and binding on the parties, subject to sections 572.18 to 572.26.

Sec. 3. Minnesota Statutes 1990, section 125.17, subdivision 5, is amended to read:

Subd. 5. [HEARING OF CHARGES AGAINST TEACHER.] The charges against a teacher shall be in writing and signed by the person making the same and then filed with the secretary or clerk of the school board having charge of the school in which the teacher is

employed. Such school board before discharging or demoting a teacher shall then accord the teacher against whom such charges have been filed a full hearing and give to the teacher at least ten days' notice in writing of the time and place of such hearing; such notice may be served personally or sent by certified mail addressed to such teacher at the teacher's last known post office address; provided, that if the charge be made by any person not in connection with the school system the charge may be disregarded by such school board. If the grounds are those specified in subdivision 4, clause (1), (2), (3), or (4), the notice must also state a teacher may request arbitration under subdivision 10a. Upon such hearing being held such school board or an arbitrator shall hear all evidence that may be adduced in support of the charges and for the teacher's defense thereto. Either party shall have the right to have a written record of the hearing at the expense of the board and to have witnesses subpoenaed and all witnesses so subpoenaed shall be examined under oath. Any member of the school board conducting such a hearing shall have authority to issue subpoenas and to administer oaths to witnesses.

Sec. 4. Minnesota Statutes 1990, section 125.17, is amended by adding a subdivision to read:

Subd. 10a. [HEARING AND DETERMINATION BY ARBITRATOR.] A teacher against whom charges have been filed alleging any cause for discharge or demotion specified in subdivision 4, clause (1), (2), (3), or (4) may elect a hearing before an arbitrator instead of the school board. The hearing is governed by this subdivision.

(a) The teacher must make a written request for a hearing before an arbitrator within ten days after receiving a written notice of the filing of charges required by subdivision 5. Failure to request a hearing before an arbitrator during this period is considered acquiescence to a hearing before the board.

(b) The arbitrator must be selected according to the procedure in section 179A.21, subdivision 2, except that the grievance procedure adopted by the commissioner of the bureau of mediation services, under section 179A.04, subdivision 3, clause (h), applies to a teacher not included in an appropriate unit defined in section 179A.03.

(c) The arbitrator shall determine whether the charges against the teacher are based upon just cause and, if so, whether the cause justifies the teacher's discharge, demotion, or a lesser penalty, if any. The arbitration proceeding is governed by sections 572.11 to 572.17 and by the collective bargaining agreement applicable to the teacher.

(d) The hearing may be public or private, at the decision of the teacher.

(e) The arbitrator's decision is final and binding on the parties, subject to sections 572.18 to 572.26.

Sec. 5. Minnesota Statutes 1990, section 179A.20, subdivision 4, is amended to read:

Subd. 4. [GRIEVANCE PROCEDURE.] (a) All contracts must include a grievance procedure providing for compulsory binding arbitration of grievances including all written disciplinary actions. If the parties cannot agree on the grievance procedure, they are subject to the grievance procedure promulgated by the commissioner under section 179A.04, subdivision 3, clause (h).

(b) Notwithstanding any home rule charter to the contrary, after the probationary period of employment, any disciplinary action, other than the termination of a teacher contract or the discharge of a teacher under section 125.12 or 125.17, is subject to the grievance procedure and compulsory binding arbitration.

(c) Employees covered by civil service systems created under chapter 43A, 44, 375, 387, 419, or 420, by a home rule charter under chapter 410, or by Laws 1941, chapter 423, may pursue a grievance through the procedure established under this section. When the grievance is also within the jurisdiction of appeals boards or appeals procedures created by chapter 43A, 44, 375, 387, 419, or 420, by a home rule charter under chapter 410, or by Laws 1941, chapter 423, the employee may proceed through the grievance procedure or the civil service appeals procedure, but once a written grievance or appeal has been properly filed or submitted by the employee or on the employee's behalf with the employee's consent the employee may not proceed in the alternative manner.

(d) A teacher who elects a hearing before an arbitrator under section 1, 2, 3, or 4, or who elects or acquiesces to a hearing before the school board may not later proceed in the alternative manner.

(e) This section does not require employers or employee organizations to negotiate on matters other than terms and conditions of employment.

Sec. 6. [APPLICABILITY AND TIMING.]

Sections 1 to 5 are applicable to any teacher who has received notice of:

(1) proposed termination under Minnesota Statutes, section 125.12, subdivision 6, within 14 days before the effective date of sections 1 to 5;

(2) proposed discharge under Minnesota Statutes, section 125.12,

subdivision 8, within ten days before the effective date of sections 1 to 5; or

(3) charges under section 125.17, subdivision 4, clause (1), (2), (3), or (4), within ten days before the effective date of sections 1 to 5.

Notwithstanding sections 1, paragraph (a), and 2, paragraph (a), a teacher described in this section may make a written request for a hearing before an arbitrator within five days after the effective date of sections 1 to 5, regardless of whether the teacher previously requested a hearing before the school board.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 6, after the first comma insert "subdivision 4, and" and after the second comma insert "subdivision 5, and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 143, A bill for an act relating to appropriations; removing certain directions, limits, and provisos on the use of money for certain projects; amending Laws 1990, chapter 610, article 1, section 9, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 165, A bill for an act relating to judicial procedures; changing provisions relating to public defense; amending Minnesota Statutes 1990, sections 383B.32, subdivision 2; 383B.63, subdivision 6; 611.215; 611.23; 611.24; 611.26; 611.263; repealing Minnesota Statutes 1990, sections 383B.63, subdivision 1; 611.215, subdivision 4; 611.261; and Laws 1989, chapter 335, article 3, section 38.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 15A.083, subdivision 4, is amended to read:

Subd. 4. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of any position for which a salary range has been provided shall fix the individual salary within the prescribed range, considering the qualifications and overall performance of the employee. The supreme court shall set the salary of the state court administrator and the salaries of district court administrators. The salary of the state court administrator or a district court administrator may not exceed the salary of a district court judge. If district court administrators die, the amounts of their unpaid salaries for the months in which their deaths occur must be paid to their estates. The salaries of the district administrators of the second, fourth, and sixth judicial districts may be supplemented by the appropriate county board in an amount not to exceed \$10,000 per year. The salary supplement may be made effective only until January 1, 1988. ~~The salary of the state public defender shall be 95 percent of the salary of the attorney general.~~

Salary or Range
Effective
July 1,
1987

Board on judicial standards
executive director

\$34,000-\$48,000

Sec. 2. Minnesota Statutes 1990, section 611.215, subdivision 1, is amended to read:

611.215 [STATE BOARD OF PUBLIC DEFENSE CREATED.]

Subdivision 1. [STRUCTURE; MEMBERSHIP.] (a) The state board of public defense is a part of, but is not subject to the administrative control of, the judicial branch of government. The state board of public defense shall consist of seven members including:

(1) a district court judge appointed by the supreme court;

(2) four attorneys admitted to the practice of law, well acquainted with the defense of persons accused of crime, but not employed as prosecutors, appointed by the supreme court; and

(3) two public members appointed by the governor.

(b) All members shall demonstrate an interest in maintaining a high quality, independent defense system for those who are unable to obtain adequate representation. The terms, compensation, and removal of members shall be as provided in section 15.0575. The chair shall be elected by the members from among the membership for a term of two years.

(c) In addition, the state board of public defense shall consist of ~~an 11 member~~ a nine-member ad hoc board when considering ~~the appointment of~~ nominations for chief district public defenders under section 611.26, subdivision 2. The terms of chief district public defenders currently serving shall terminate in accordance with the staggered term schedule set forth in section 611.26, subdivision 2.

Sec. 3. Minnesota Statutes 1990, section 611.215, subdivision 1a, is amended to read:

Subd. 1a. [CHIEF ADMINISTRATOR.] ~~The chair of the state board of public defense may~~ defender shall, subject to the approval of the board, appoint a chief administrator who must be chosen solely on the basis of training, experience, and other qualifications, and who will serve at the pleasure of the board and the state public defender. The chief administrator need not be licensed to practice law. ~~The chief administrator shall attend all meetings of the board, but may not vote, and shall:~~

(1) enforce all resolutions, rules, regulations, or orders of the board;

(2) ~~appoint and remove all subordinate officers and regular employees of the board upon the basis of merit and fitness, subject to the provisions of a personnel code adopted by the board;~~

(3) present to the board and the state public defender plans, studies, and reports prepared for the board's and the state public defender's purposes and recommend to the board and the state public defender for adoption measures necessary to enforce or carry out the powers and duties of the board and the state public defender, or to efficiently administer the affairs of the board and the state public defender;

(4) (3) keep the board fully advised as to its financial condition, and prepare and submit to the board its annual budget and other financial information as it may request;

~~(5)~~ (4) recommend to the board the adoption of rules and regulations necessary for the efficient operation of the board and its functions; and

~~(6)~~ (5) perform other duties prescribed by the board or the state public defender.

Sec. 4. Minnesota Statutes 1990, section 611.215, subdivision 2, is amended to read:

Subd. 2. [DUTIES AND RESPONSIBILITIES.] ~~(a)~~ The state board of public defense shall appoint the state public defender, who serves full time for a term of four years. ~~The board shall prepare an annual report to the governor, the legislature, and the supreme court on the operation of the state public defender's office, district defender systems, and public defense corporations. The board shall approve and recommend to the legislature a budget for the board, the office of state public defender, the judicial district public defenders, and the public defense corporations. The board shall review the budget prepared by the state public defender and, upon the board's approval of the budget, the board shall recommend the budget to the legislature. The board shall establish procedures for distribution of state funding under this chapter to the state and district public defenders, including Hennepin and Ramsey county public defenders, and to the public defense corporations.~~

~~(b) The board shall establish standards for the offices of the state and district public defenders and for the conduct of all appointed counsel systems. The standards must include, but are not limited to:~~

~~(1) standards needed to maintain and operate an office of public defender including requirements regarding the qualifications, training, and size of the legal and supporting staff for a public defender or appointed counsel system;~~

~~(2) standards for public defender caseloads;~~

~~(3) standards and procedures for the eligibility for appointment, assessment, and collection of the costs for legal representation provided by public defenders or appointed counsel;~~

~~(4) standards for contracts between a board of county commissioners and a county public defender system for the legal representation of indigent persons;~~

~~(5) standards prescribing minimum qualifications of counsel appointed under the board's authority or by the courts; and~~

~~(6) standards ensuring the economical and efficient delivery of~~

legal services, including alternatives to the present geographic boundaries of the public defender districts.

The board may require the reporting of statistical data, budget information, and other cost factors by the state and district public defenders and appointed counsel systems.

The state board of public defense shall design and conduct programs for the training of all state and district public defenders, appointed counsel, and attorneys for public defense corporations funded in section 611.26.

Sec. 5. Minnesota Statutes 1990, section 611.23, is amended to read:

611.23 [OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT; SALARY TERM.]

The office of state public defender is under the supervision of the state board of public defense. The state public defender shall be appointed by the state board of public defense for a term of four years, except as otherwise provided in this section, and until a successor is appointed and qualified. The state public defender shall be a full-time qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state, and be removed only for cause by the appointing authority. Vacancies in the office shall be filled by the appointing authority for the unexpired term. The salary of the state public defender shall be fixed by the state board of public defense but must not exceed the salary of the chief deputy attorney general. Terms of the state public defender shall commence on ~~January~~ July 1. The state public defender shall devote full time to the performance of duties and shall not engage in the general practice of law.

Sec. 6. Minnesota Statutes 1990, section 611.24, is amended to read:

611.24 [ORGANIZATION OF OFFICE; ASSISTANTS.]

The state public defender shall supervise the operation, activities, policies, and procedures of the state public defender system. The state public defender, subject to the limitations imposed by, and the supervision of, the state board of public defense, may ~~shall~~ employ or retain assistant state public defenders and other personnel as may be necessary to discharge the ~~function~~ functions of the office. An assistant state public defender shall be a qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state if employed, and serve at the pleasure of the appointing authority at a salary or retainer fee not to exceed reasonable compensation for comparable services performed for other govern-

mental agencies or departments. Retained or part-time employed assistant state public defenders may engage in the general practice of law.

Sec. 7. Minnesota Statutes 1990, section 611.25, is amended by adding a subdivision to read:

Subd. 3. [DUTIES.] (a) The state public defender shall prepare an annual report to the board, the governor, the legislature, and the supreme court on the operation of the state public defender's office, district public defender systems, and public defense corporations.

(b) The state public defender shall prepare and submit to the board for the board's approval a budget for the board, the office of state public defender, the judicial district public defenders, and the public defense corporations.

(c) The state public defender shall design and conduct programs for the training of all state and district public defenders, appointed counsel, and attorneys for public defense corporations funded under section 611.26.

(d) The state public defender shall establish standards for the offices of the state and district public defenders and for the conduct of all appointed counsel systems. The standards must include, but are not limited to:

(1) standards needed to maintain and operate an office of public defender including requirements regarding the qualifications, training, and size of the legal and supporting staff for a public defender or appointed counsel system;

(2) standards for public defender caseloads;

(3) standards and procedures for the eligibility for appointment, assessment, and collection of the costs for legal representation provided by public defenders or appointed counsel;

(4) standards for contracts between a board of county commissioners and a county public defender system for the legal representation of indigent persons; and

(5) standards ensuring the economical and efficient delivery of legal services, including alternatives to the present geographic boundaries of the public defender districts.

(e) The state public defender may require the reporting of statistical data, budget information, and other cost factors by the chief district public defenders and appointed counsel systems.

Sec. 8. Minnesota Statutes 1990, section 611.26, subdivision 2, is amended to read:

Subd. 2. The state board of public defense shall ~~appoint a nominate~~ nominate three candidates from whom the state public defender may appoint the chief district public defender. When appointing a nominating candidates for chief district public defender, the state board of public defense membership shall be increased to include two judges of the district and two county commissioners of the counties within the district additional members appointed by the chief judge of the judicial district, at least one of whom shall be a lawyer. The additional members shall serve only in the capacity of selecting the chief district public defender. The judges within the district shall elect their two ad hoc members. The two county commissioners within the district shall be selected by the county boards of the counties within the district. The ad hoc state board of public defense shall appoint a nominate candidates for chief district public defender only after requesting and giving reasonable time to receive any recommendations from the public, the local bar association, the judges of the district, and the county commissioners within the district. Each chief district public defender shall be a qualified attorney, licensed to practice law in this state. The state public defender may reject all three candidates, in which case the ad hoc board shall nominate three new candidates. The chief district public defender shall be appointed for a term of four years, beginning November August 1, pursuant to the following staggered term schedule: (1) in 1987, the third and eighth districts; (2) in 1988, the first and tenth districts; (3) in 1989, the fifth and ninth districts; (4) in 1990, the sixth and seventh districts; (5) in 1991, the second, third, fourth, sixth, and eighth districts; and (6) (2) in 1992 1993, the first, third, fifth, seventh, ninth, and tenth districts. Except as otherwise provided in this section, a chief district public defender whose term has expired may continue in office until a successor is appointed. The chief district public defenders shall serve for staggered four-year terms and may be removed for cause upon the order of the state board of public defense defender. Vacancies in the office shall be filled by the appointing authority for the unexpired term.

Sec. 9. Minnesota Statutes 1990, section 611.26, subdivision 3, is amended to read:

Subd. 3. The compensation of the chief district public defender shall be set by the ~~board of state public defense defender~~. The compensation of each assistant district public defender shall be set by the chief district public defender with the approval of the board of public defense. The compensation for district public defenders may not exceed the prevailing compensation for county attorneys within the district, and the compensation for assistant district public defenders may not exceed the prevailing compensation for assistant county attorneys within the district. To assist the board of public defense in determining prevailing compensation under this subdi-

vision, counties shall provide to the board information on the compensation of county attorneys, including salaries and benefits, rent, secretarial staff, and other pertinent budget data. For purposes of this subdivision, compensation means salaries, cash payments, and employee benefits including paid time off and group insurance benefits, and other direct and indirect items of compensation including the value of office space provided by the employer. This subdivision does not limit the rights of public defenders to collectively bargain with their employers.

Sec. 10. Minnesota Statutes 1990, section 611.26, subdivision 4, is amended to read:

Subd. 4. A chief district public defender shall appoint assistants who are qualified attorneys licensed to practice law in this state and other staff as the chief district public defender finds prudent and necessary subject to the standards adopted by the state board of public defense defender. Assistant district public defenders must be appointed to ensure broad geographic representation and caseload distribution within the district. Each assistant district public defender serves at the pleasure of the chief district public defender, subject to existing provisions of collective bargaining agreements or civil service rules.

Sec. 11. Minnesota Statutes 1990, section 611.26, subdivision 6, is amended to read:

Subd. 6. The chief district public defender shall represent, without charge, a defendant charged with a felony or a gross misdemeanor when so directed by the district court.

Sec. 12. Minnesota Statutes 1990, section 611.26, subdivision 7, is amended to read:

Subd. 7. Chief district public defenders and assistant district public defenders may engage in the general practice of law where not employed on a full time basis.

Sec. 13. [TRANSITION.]

The positions and incumbents currently under the state board of public defense are transferred to the office of the state public defender, except the chief administrator which is as provided in section 3. The term of the current state public defender shall run until June 30, 1995.

Sec. 14. [TERMINATION OF TERMS.]

Notwithstanding section 15.0575, the terms of the current board members shall terminate on June 30, 1991, except that the current

board members may continue to serve until the new board members are appointed.

Sec. 15. [REPEALER.]

Minnesota Statutes 1990, sections 383B.63, subdivision 1; 611.215, subdivision 4; 611.26, subdivision 1; 611.261; and Laws 1989, chapter 335, article 3, section 38, are repealed."

Delete the title and insert:

"A bill for an act relating to judicial procedures; changing provisions relating to public defense; amending Minnesota Statutes 1990, sections 15A.083, subdivision 4; 611.215, subdivisions 1, 1a, and 2; 611.23; 611.24; 611.25, by adding a subdivision; 611.26, subdivision 2, 3, 4, 6, and 7; repealing Minnesota Statutes 1990, sections 383B.63, subdivision 1; 611.215, subdivision 4; 611.26, subdivision 1; and 611.261; Laws 1989, chapter 335, article 3, section 38."

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 181, A bill for an act relating to the environment; adding reimbursement requirements from the petroleum tank release cleanup account; amending Minnesota Statutes 1990, section 115C.09, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 115C.04, subdivision 3, is amended to read:

Subd. 3. [AGENCY COST RECOVERY.] Reasonable and necessary expenses incurred by the agency in taking a corrective action, including costs of investigating a release, administrative and legal expenses, and reimbursement costs described in subdivision 1, paragraph (b), may be recovered in a civil action in district court brought by the attorney general against a responsible person. The agency's certification of expenses is prima facie evidence that the expenses are reasonable and necessary. If the responsible person has

insurance coverage that insures against the liability provided in this section, the agency is subrogated to the rights of the responsible person with respect to that insurance coverage, to the extent of the expenses incurred by the agency and described in this subdivision. The agency may maintain an action against the insurer to enforce this subrogation right. Expenses that are recovered under this section must be deposited in the account.

Sec. 2. Minnesota Statutes 1990, section 115C.09, subdivision 3, is amended to read:

Subd. 3. [REIMBURSEMENT.] (a) The board shall reimburse a responsible person who is eligible under subdivision 2 from the account for 90 percent of the portion of the total reimbursable costs or \$1,000,000, whichever is less. Not more than \$1,000,000 may be reimbursed for costs associated with a single release, regardless of the number of persons eligible for reimbursement, and not more than \$2,000,000 may be reimbursed for costs associated with a single tank facility.

(b) A reimbursement may not be made from the account under this subdivision until the board has determined that the costs for which reimbursement is requested were actually incurred and were reasonable.

(c) A reimbursement may not be made from the account under this subdivision in response to either an initial or supplemental application for costs incurred after June 4, 1987, that are payable under an applicable insurance policy.

(d) If the board reimburses a responsible person for costs for which the responsible person has insurance coverage, the board is subrogated to the rights of the responsible person with respect to that insurance coverage, to the extent of the reimbursement by the board. The board may maintain an action against the insurer to enforce the board's subrogation rights. Acceptance by a responsible person of reimbursement constitutes an assignment by the responsible person to the board of any rights of the responsible person with respect to any insurance coverage applicable to the costs that are reimbursed. Notwithstanding this paragraph, the board may instead request a return of the reimbursement under subdivision 5 and may employ against the responsible party the remedies provided there.

(e) Money in the account is appropriated to the board to make reimbursements under this section. A reimbursement to a state agency must be credited to the appropriation account or accounts from which the reimbursed costs were paid.

Sec. 3. Minnesota Statutes 1990, section 115C.10, subdivision 1, is amended to read:

Subdivision 1. [PAYMENT FROM THE ACCOUNT.] (a) If the cost of authorized actions under section 115C.03 exceeds the amount appropriated to the agency for the actions and amounts awarded to the agency from the federal government, the agency may apply to the board for money to pay for the actions from the account. The board shall pay the agency the cost of the proposed actions under section 115C.03 if the board finds that the conditions for the agency to be paid from the account have been met, and that an adequate amount exists in the account to pay for the corrective action. If the board pays the agency for the cost of authorized actions for which a responsible person has insurance coverage, the board is subrogated to the agency's rights with respect to the responsible person and the responsible person's insurer, to the extent of the board's payment of costs for which the responsible person has insurance coverage. The board may maintain an action against the responsible person or that person's insurer to enforce the board's subrogation rights. Acceptance of a payment from the board by the agency constitutes an assignment to the board of the subrogation rights specified in this subdivision.

(b) Money in the account is appropriated to the board for the purpose of this subdivision.

Sec. 4. [EFFECTIVE DATE.]

Sections 1, 2, and 3 are effective the day following final enactment and apply to applications pending on or filed after that date."

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 228, A bill for an act relating to public waters; requiring filter strips along wooded areas; proposing coding for new law in Minnesota Statutes, chapter 103G.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [103F.216] [FORESTRY BEST MANAGEMENT PRACTICES IN SHORELAND.]

Subdivision 1. [ESTABLISHMENT.] The commissioner must establish a program to educate owners of forest lands within the state on the implementation of best management practices for water quality in forest management.

Subd. 2. [PILOT PROJECT.] The commissioner shall develop a pilot project to educate owners of forest lands in Crow Wing county to implement subdivision 1 within shoreland, as defined in section 103F.205, subdivision 4, and report to the legislature by January 1, 1993, the results of the pilot project along with a plan to educate owners of forest lands within Minnesota.”

Delete the title and insert:

“A bill for an act relating to natural resources; establishing an educational program on best management practices; proposing coding for new law in Minnesota Statutes, chapter 103F.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 313, A bill for an act relating to health; clarifying requirements for licensing consulting psychologists and psychological associates; describing duties of the board of psychology; establishing requirements for the independent practice of psychology; amending Minnesota Statutes 1990, sections 62A.152, subdivisions 2 and 3; 148.88; 148.89; 148.90; 148.91; 148.93; 148.95; 148.96; 148.97; 148.975, subdivisions 1 and 5; 148.976, subdivision 1; 148.98; and 253B.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1990, sections 148.92; and 148.97, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 62A.152, subdivision 2, is amended to read:

Subd. 2. [MINIMUM BENEFITS.] (a) All group policies and all group subscriber contracts providing benefits for mental or nervous disorder treatments in a hospital shall also provide coverage on the same basis as coverage for other benefits for at least 80 percent of the cost of the usual and customary charges of the first ten hours of treatment incurred over a 12-month benefit period, for mental or nervous disorder consultation, diagnosis and treatment services delivered while the insured person is not a bed patient in a hospital, and at least 75 percent of the cost of the usual and customary charges for any additional hours of treatment during the same 12-month benefit period for serious or persistent mental or nervous disorders, if the services are furnished by (1) a licensed or accredited hospital, (2) a community mental health center or mental health clinic approved or licensed by the commissioner of human services or other authorized state agency, (3) a licensed psychologist psychological practitioner licensed under the provisions of sections 148.88 to 148.98, (4) a licensed consulting psychologist licensed under the provisions of sections 148.88 to 148.98, or (5) a psychiatrist licensed under chapter 147. Prior authorization from an accident and health insurance company, or a nonprofit health service corporation, shall be required for an extension of coverage beyond ten hours of treatment. This prior authorization must be based upon the severity of the disorder, the patient's risk of deterioration without ongoing treatment and maintenance, degree of functional impairment, and a concise treatment plan. Authorization for extended treatment may be limited to a maximum of 30 visit hours during any 12-month benefit period.

(b) For purposes of this section, covered treatment for a minor includes treatment for the family if family therapy is recommended by a provider listed in paragraph (a). For purposes of determining benefits under this section, "hours of treatment" means treatment rendered on an individual or single-family basis. If treatment is rendered on a group basis, the hours of covered group treatment must be provided at a ratio of no less than two group treatment sessions to one individual treatment hour.

Sec. 2. Minnesota Statutes 1990, section 62A.152, subdivision 3, is amended to read:

Subd. 3. [PROVIDER DISCRIMINATION PROHIBITED.] All group policies and group subscriber contracts that provide benefits for mental or nervous disorder treatments in a hospital must provide direct reimbursement for those services if performed by a licensed psychologist psychological practitioner or a licensed consulting psychologist to the extent that the services and treatment are within the scope of licensed psychologist psychological practitioner or licensed consulting psychologist licensure. ~~The order of the physician requesting the services of the licensed psychologist or licensed consulting psychologist may be required to be submitted with the claim for payment.~~

This subdivision is intended to provide payment of benefits for mental or nervous disorder treatments performed by a licensed ~~psychologist~~ psychological practitioner or a licensed ~~consulting~~ psychologist in a hospital and is not intended to change or add benefits for those services provided in policies or contracts to which this subdivision applies.

Sec. 3. Minnesota Statutes 1990, section 148.88, is amended to read:

148.88 [CITATION.]

Sections 148.88 to 148.98 ~~may~~ shall be cited as the Minnesota licensing law for psychologists.

Sec. 4. [148.881] [DECLARATION OF POLICY.]

The practice of psychology in Minnesota affects the public health, safety, and welfare. The regulations in sections 148.88 to 148.98 protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

Sec. 5. Minnesota Statutes 1990, section 148.89, is amended to read:

148.89 [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the ~~purpose~~ purposes of Laws 1973, chapter 685 sections 148.88 to 148.98, the term "~~private practice of psychology~~" means the application for a fee, monetary or otherwise, to the public of psychological principles in the description, prediction and modification of human behavior and emotional adjustment, including but not restricted to such practices as:

(1) Psychological assessment, including such functions as intelligence, personality, aptitude, and attitude appraisal;

(2) Psychological treatment of persons who have adjustment problems;

(3) Psychological counseling and guidance;

(4) Conducting behavioral research; and

(5) Teaching of psychology following terms have the meanings given them.

Subd. 2. [BOARD OF PSYCHOLOGY OR BOARD.] For the purpose of Laws 1973, chapter 685 the term "~~collaboration~~" means

consultation between a licensed psychologist and a licensed consultant psychologist on at least an annual basis but shall not necessarily require consultation on each case referred to a licensed psychologist. "Board of psychology" or "board" means the board established under section 148.90.

Subd. 3. [INDEPENDENT PRACTICE.] "Independent practice" means the practice of psychology without supervision.

Subd. 4. [LICENSEE.] "Licensee" means a person who is licensed by the board as a licensed psychologist or as a psychological practitioner.

Subd. 5. [PRACTICE OF PSYCHOLOGY.] "Practice of psychology" means the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, to prevent or eliminate symptomatic, maladaptive, or undesired behavior and to enhance interpersonal relationships, work and life adjustment, personal and organizational effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, the following services, regardless of whether the provider receives payment for the services:

(1) psychological research, psychological testing, and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;

(2) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, diagnosis and treatment of: (i) mental and emotional disorder or disability; (ii) alcoholism and substance abuse; (iii) disorders of habit or conduct; and (iv) the psychological aspects of physical illness, accident, injury, or disability; and

(3) psychoeducational evaluation, therapy, remediation, and consultation. Recipients of psychological services include individuals, families, groups, organizations, and the public.

Subd. 6. [PSYCHOLOGIST.] "Psychologist" means a person who represents himself or herself to be a psychologist by: (1) using any title or description of services incorporating the words "psychology," "psychological," or "psychologist"; (2) representing that the person has expert qualification in any area of psychology; or (3) offering or rendering to the public, to individuals, or to groups of individuals services defined as the practice of psychology.

Subd. 7. [SUPERVISED PSYCHOLOGICAL EMPLOYMENT.] "Supervised psychological employment" means paid or volunteer work experience and postdegree training of a person seeking to be

licensed as a licensed psychologist that involves the direct professional oversight of a licensed psychologist and satisfies the supervision requirements in section 11.

Subd. 8. [SUPERVISION.] "Supervision" means:

(1) face-to-face documented consultation between a supervising licensed psychologist and a psychological practitioner under the conditions specified in section 11; or

(2) documented consultation between an applicant for licensure as a licensed psychologist and either a supervising licensed psychologist or a person designated by the supervising licensed psychologist, under the conditions specified in section 11.

Sec. 6. Minnesota Statutes 1990, section 148.90, is amended to read:

148.90 [BOARD OF PSYCHOLOGY.]

Subdivision 1. [BOARD OF PSYCHOLOGY.] (a) The board of psychology is hereby created with the powers and duties as hereinafter prescribed described in this section. The board shall consist of has 11 members. In its initial composition, membership shall who consist of (1) three psychologists whose qualifications shall be not less than those specified in section 148.91, subdivision 4, (2) two psychologists whose qualifications shall be those specified in section 148.91, subdivision 5, (3) two doctoral level psychologists, not necessarily licensed under Laws 1973, chapter 685, whose specialties broadly represent the fields of interest in psychology, and (4) four public members. After the initial appointments, members specified in clause (1) shall be licensed consulting psychologists and members specified in clause (2) shall be licensed psychologists.

(1) three persons licensed as licensed psychologists who have a doctoral degree in psychology;

(2) two persons licensed as licensed psychologists who have a masters degree in psychology;

(3) two psychologists not necessarily licensed, one with a doctoral degree in psychology who represents a doctoral training program in psychology, and one who represents a masters training program in psychology;

(4) one person licensed or qualified to be licensed as a psychological practitioner; and

(5) three public members.

(b) After the date on which fewer than 30 percent of the persons licensed by the board as licensed psychologists qualify for licensure under section 148.921, subdivision 2, the first vacancy filled under clause (2) of paragraph (a) must be filled by a person licensed or qualified to be licensed as a psychological practitioner. From this date on, this position when vacant must be filled by a person licensed or qualified to be licensed as a psychological practitioner.

(c) After the date on which fewer than 15 percent of the persons licensed by the board as licensed psychologists qualify for licensure under section 148.921, subdivision 2, the first vacancy under clause (2) of paragraph (a) for a person licensed as a licensed psychologist with a masters degree in psychology must be filled by a person licensed as a licensed psychologist who has a doctoral degree in psychology. From this date on, this position when vacant must be filled by a person licensed as a licensed psychologist who has a doctoral degree in psychology.

(d) Following the filling of the first vacancy under paragraph (c), no further appointments shall be made pursuant to clause (2) of paragraph (a).

Subd. 2. [MEMBERS.] (a) The members of the board shall:

(1) be appointed by the governor;

(2) be residents of the state;

(3) serve for not more than two consecutive terms;

(4) designate the officers of the board, and pursuant to chapter 14, prescribe rules as may be necessary to enable it to carry into effect the provisions of Laws 1973, chapter 686; and

(5) administer oaths pertaining to the business of the board.

Public members of the board shall broadly represent the public interest and shall not: (a) be members of health professions licensed by the state of Minnesota; (b) be a spouse, parent, child, or employee of a practicing psychologist or of a health professional licensed by the state of Minnesota; or (c) be persons who are or were before their retirement persons who were engaged on a full or part-time basis in the practice of psychology.

(b) A public member of the board shall broadly represent the public interest and shall not:

(1) be a psychologist or engage in the practice of psychology before retirement;

- (2) be an applicant or former applicant for licensure;
- (3) be a member of another health profession;
- (4) be a member of a household that includes a psychologist; or
- (5) have conflicts of interest or the appearance of conflicts with duties as a board member.

Subd. 3. [TERMS; COMPENSATION; REMOVAL OF MEMBERS.] Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in ~~sections 214.07 to 214.09~~ chapter 214. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other ~~provisions~~ activities relating to board operations shall be as provided in conducted according to ~~chapter 214 and Laws 1976, chapter 222, sections 2 to 7.~~

Sec. 7. [148.905] [DUTIES OF THE BOARD.]

Subdivision 1. [GENERAL.] The board shall:

(1) adopt and enforce rules for licensing psychologists and for regulating their professional conduct. The rules must include, but are not limited to, standards for training, supervision, the practice of psychology, and any other areas covered by sections 148.88 to 148.98;

(2) adopt rules that provide for examinations and establish a code of professional ethics and requirements for continuing education;

(3) hold examinations at least once a year to assess applicants' knowledge and skills. The examinations may be written or oral or both, and may be administered by the board or by institutions or individuals designated by the board;

(4) issue licenses to individuals qualified under section 148.91, according to the procedures for licensing in Minnesota Rules;

(5) issue copies of the rules for licensing to all applicants;

(6) establish and maintain annually a register of current licenses;

(7) establish reasonable fees for the issuance and renewal of licenses and other services by the board. Fees must be set to defray the cost of administering the provisions of sections 148.88 to 148.98 including applications, examinations, enforcement, and the cost of maintaining the operations of the board;

(8) educate the public about the requirements for licensing of psychologists and about the code of professional ethics to allow consumers to file complaints against licensees who may have violated licensing requirements or professional ethics;

(9) establish or approve programs that qualify for professional psychology continuing educational credit. The board may hire consultants, agencies, or professional psychological associations to establish and approve continuing education courses; and

(10) establish and implement, by January 1, 1992, a process for certifying psychologists' competencies in specialty areas, including but not limited to the area of supervision. The process shall include steps to verify that a psychologist has had adequate education and experience in a specialty area to be considered competent to practice in that area. Recertification of competencies declared prior to the effective date of this act shall not be required.

Subd. 2. [ADDITIONAL POWERS.] The board may adopt rules necessary to define standards or to carry out the provisions of sections 148.88 to 148.98. Rules shall be adopted according to chapter 14.

Sec. 8. Minnesota Statutes 1990, section 148.91, is amended to read:

148.91 [REQUIREMENTS OF LICENSES.]

Subdivision 1. [LEVELS OF PRACTICE.] ~~The board may grant licenses for two levels of psychological practice. The persons so licensed are to be known and are hereafter referred to as (a) (1) licensed consulting psychologist and (b) licensed psychologist, or if both levels are referred to, as licensee (2) psychological practitioner.~~

Subd. 2. [TESTING REQUIRED.] ~~Before granting any such a license, the board shall require every an applicant therefor to pass a skills assessment and an examination in psychology. This examination~~ A different skills assessment and examination may be required of applicants for each of the levels of practice enumerated in subdivision 1. The examinations shall be given at least once each a year, at such a time and place and under such supervision as the board prescribes may prescribe.

Subd. 3. [FEE; TERM OF LICENSE.] ~~Each~~ An applicant shall pay a nonrefundable application fee set by the board. The licenses granted hereunder by the board shall be valid for a period as set by the board of three years and shall be renewed on a three-year basis. The fee for a license and for renewal shall be set by the board.

Subd. 4. [AGE AND ETHICAL REQUIREMENTS.] To become a

licensed consulting psychologist a person must fulfill and comply with the requirements of subdivision 2 and satisfy the board that the person:

- (1) Has, an applicant must have attained the age of majority;
- (2) Is be of good moral character, and is not found to be engaging have engaged in unethical practices as defined within in the code of ethics adopted pursuant to section 148.98;
- (3) Has received a doctorate degree with a major in psychology, which may include educational and child psychology, from an educational institution meeting standards which may be prescribed by rule of the board; and
- (4) Has had at least two full years or their equivalent of post doctoral employment as a psychologist the board adopts.

Subd. 5. [EDUCATIONAL REQUIREMENTS FOR LICENSED CONSULTING PSYCHOLOGIST.] To become a licensed psychologist, a person must comply with the requirements of subdivisions 2 to 4 and must have:

- (1) received a doctorate or master's degree or has received the equivalent of a master's degree in a doctoral program with a major in psychology, which may include educational and child psychology, from an educational institution meeting the standards which may be prescribed by rule of the board has established by rule; and
- (2) completed at least two full years of experience or its their equivalent of employment as a psychologist after receiving the training upon which application for this license is made;
- (3) Otherwise fulfilled and complied with subdivision 2 and subdivision 4, clauses (1) and (2) postdoctoral supervised psychological employment.

Subd. 6. [EDUCATIONAL REQUIREMENTS FOR PSYCHOLOGICAL PRACTITIONER.] To become licensed as a psychological practitioner, a person must comply with the provisions of subdivisions 2 to 4 and must have received a doctorate or master's degree or the equivalent of a master's degree in a doctoral program with a major in psychology from an educational institution meeting the standards the board has established by rule.

Sec. 9. [148.911] [CONTINUING EDUCATION.]

When the licensee renews the license, the licensee must provide the board with satisfactory evidence that the licensee has completed continuing education requirements established by the board. Con-

tinuing education programs must be approved under section 148.905, subdivision 1, clause (8). The board shall establish by rule the number of continuing education training hours required each year and may specify subject or skills areas that the licensee must address. In specifying subject or skills areas, the board shall consider the need for continuing education requirements in the areas of ethics, forensic practice, and supervision.

Sec. 10. [148.921] [WAIVERS.]

Subdivision 1. [PERSONS PREVIOUSLY LICENSED.] A person licensed in this state as a licensed consulting psychologist or a licensed psychologist on the effective date of this act qualifies for licensure as a licensed psychologist, as defined in section 148.91, at the time of license renewal.

Subd. 2. [PERSONS PREVIOUSLY QUALIFIED.] The board shall grant a license for a licensed psychologist without examination to a person who:

(1) before November 1, 1991, entered a program granting a master's degree with a major in psychology at an educational institution meeting the standards the board has established by rule;

(2) before November 1, 1991, filed with the board a written declaration of intent to seek licensure under this subdivision;

(3) complied with all requirements of section 148.91, subdivisions 2 to 4, before December 31, 1997; and

(4) completed at least two full years or their equivalent of postmaster's supervised psychological employment before December 31, 1997.

Subd. 3. [RECIPROCITY.] The board may grant a license without an examination to a diplomate of the American Board of Professional Psychology or to any person who at the time of application is licensed or certified by a similar board of another state whose standards, in the judgment of the board, are not lower than those required by section 148.91.

Sec. 11. [148.925] [SUPERVISION.]

Subdivision 1. [PERSONS QUALIFIED TO PROVIDE SUPERVISION.] (a) The following persons are qualified to provide supervision for master's level applicants for licensure as a licensed psychologist:

(1) a licensed psychologist with a competency in supervision in

professional psychology and in the area of practice being supervised; and

(2) a person eligible for licensure by reciprocity who, in the judgment of the board, is competent or experienced in professional psychology and in the area of practice being supervised.

(b) Professional supervision of a doctoral level applicant for licensure as a licensed psychologist must be provided by a person:

(1) who meets the requirements of paragraph (a), clause (1) or (2); and

(2)(i) who has a doctorate degree with a major in psychology; or

(ii) who was licensed by the board as a psychologist before August 1, 1991, and is certified by the board as competent in supervision of applicants for licensure in accord with section 7, subdivision 1, clause (10) by August 1, 1993.

Subd. 2. [SUPERVISORY CONSULTATION.] (a) Supervisory consultation between a supervising licensed psychologist and a supervised psychological practitioner must occur on a one-to-one basis at a ratio of at least one hour of supervision for the initial 20 or fewer hours of psychological services delivered per month and no less than one hour a month. The consultation must be at least one hour in duration. For each additional 20 hours of psychological services delivered per month, an additional hour of supervision must occur. However, if more than 20 hours of psychological services are provided in a week, no time period of supervision beyond one hour per week is required, but supervision must be adequate to assure the quality and competence of the services. Supervisory consultation must include discussions on the nature and content of the practice of the psychological practitioner, including but not limited to a review of a representative sample of psychological services in the supervisee's practice.

(b) Supervision of an applicant for licensure as a licensed psychologist must include at least two hours of regularly scheduled face-to-face consultations a week, one hour of which must be with the supervisor on a one-to-one basis. The remaining hour may be with other mental health professionals designated by the supervisor.

Sec. 12. Minnesota Statutes 1990, section 148.93, is amended to read:

148.93 [LIMITATION.]

Subdivision 1. [FEE SPLITTING PROHIBITED.] A licensed psychologist may engage in private practice only in collaboration with

at least one licensed consulting psychologist in the licensed psychologist field of practice. In addition, a licensed psychologist so collaborating may form any other working relationships with psychologists or other professionals insofar as these do not violate other sections of this or other Minnesota Statutes. It shall be unlawful for any licensed psychologist or licensed consulting psychologist a licensee to divide fees with, or to pay a commission to, or to pay a referral fee to any other person who calls for consultation or sends clients for psychological services as defined in Laws 1973, chapter 685, provided that unless the licensee receives a payment of a fee for collaborative services performed is not prohibited by this section in proportion to the services provided and the responsibility assumed by each professional and the licensee has disclosed the terms of the division.

Subd. 2. [REQUIREMENTS FOR INDEPENDENT PRACTICE.] After the effective date of this section, no person shall engage in the independent practice of psychology unless that person is licensed as a licensed psychologist.

Subd. 3. [REQUIREMENTS FOR PSYCHOLOGICAL PRACTITIONERS.] A psychological practitioner shall practice only under supervision that satisfies the requirements of section 11 and while employed by either a licensed psychologist or a health care or social service agency which employs or contracts with a supervising licensed psychologist who shares clinical responsibility for the care provided by the psychological practitioner.

Subd. 4. [WAIVER.] The board may grant a waiver from the supervision requirements of section 11 to a psychological practitioner who presents evidence of:

(1) completion of two full years or their equivalent of supervised post-master's degree employment, meeting the requirements of section 11;

(2) endorsement for specific areas of competency by the licensed psychologist who provided the two years of supervision;

(3) employment by a hospital or by a community mental health center or nonprofit mental health clinic or social service agency providing services as a part of the mental health service plan required by the comprehensive mental health act;

(4) the employer's acceptance of clinical responsibility for the care provided by the psychological practitioner; and

(5) a plan for supervising the work of the psychological practitioner which is satisfactory to the board.

The waiver permitted by this section may be time-limited and shall expire at the termination of the psychological practitioner's employment.

Sec. 13. Minnesota Statutes 1990, section 148.95, is amended to read:

148.95 [SUSPENSION AND REVOCATION.]

The board may suspend or revoke the license of any consulting psychologist or psychologist may be suspended or revoked by the board licensee upon proof of guilt that the licensee has been guilty of unprofessional conduct as defined by the rules established by the board or violation of has violated the code of ethics adopted by the board.

For reasons it deems considers sufficient and upon a an affirmative vote of six of its members, the board may restore a license which that has been revoked, reduce a period of suspension, or withdraw a reprimand.

Sec. 14. Minnesota Statutes 1990, section 148.96, is amended to read:

148.96 [PRESENTATION TO PUBLIC.]

Subdivision 1. [REQUIREMENTS FOR ADVERTISING.] No individual shall present or permit presentation of that individual to the public by any title incorporating the word "psychological," "psychologist," or "psychology" other than those so licensed by Laws 1973, chapter 685; except that: All psychologists and psychological practitioners, when representing themselves to the public through written materials or advertising, must use their academic degree as well as their license status in the advertising or written materials.

Subd. 2. [DISCLOSURE OF EDUCATION.] At the initial meeting, a psychologist shall display or make available to each new client accurate information about the qualifications and competencies of the psychologist, in accordance with regulations of the board.

Subd. 3. [REQUIREMENTS FOR REPRESENTATIONS TO THE PUBLIC.] Individuals shall not present themselves or permit themselves to be presented to the public as psychologists unless they are licensed under sections 148.88 to 148.98, except as provided in paragraphs (a) to (c).

(1) Any (a) Psychologically trained individual individuals who are employed by an educational institutions institution recognized by a regional accrediting organization, by a federal, state, county, or local governmental institutions government institution, agencies, or re-

search facilities, or agencies providing services on a contracting basis may be ~~represented~~ represent themselves by the academic or research title designated by that organization;

(2) ~~Any~~ (b) A psychologically trained individual from such recognized institutions, as given an institution described in clause (1) paragraph (a), may offer lecture services and be exempt from the provisions of this section; and.

(3) ~~Persons~~ (c) A person preparing for the profession of psychologist under qualified supervision in recognized training institutions or facilities may be designated by such titles as a "psychological intern," "psychological trainee," or others by other terms clearly indicating such describing the person's training status.

(d) Nothing in this section shall be construed to prohibit the practice of school psychology by a person licensed in accordance with chapter 125.

Sec. 15. Minnesota Statutes 1990, section 148.98, is amended to read:

148.98 [CODE OF ETHICS.]

The board shall adopt a code of ethics to govern appropriate practices or behavior, as referred to in section 148.89. The board shall publish the code in the State Register and file such the code with the secretary of state at least 30 days prior to the effective date of such the code. ~~This~~ The code of ethics shall include, but is not be limited to, the ~~following~~ principles: in paragraphs (a) to (c).

(1) (a) ~~The psychologist recognizes personal shall recognize the boundaries of the psychologist's competence and the limitation of the psychologist's techniques and does shall not offer services or use techniques that fail to meet usual and customary professional standards established in particular fields.~~

(2) (b) ~~The psychologist who engages in practice assists the client shall assist clients in obtaining professional help for all important aspects of the client's problem their problems that fall outside the boundaries of the psychologist's competence.~~

(3) (c) ~~A psychologist does shall not claim either directly or by implication professional qualifications that differ from the psychologist's actual qualifications, nor does shall the psychologist misrepresent the psychologist's affiliation with any institution, organization, or individual, nor lead others to assume the psychologist has false affiliations an affiliation that does not exist.~~

Sec. 16. Minnesota Statutes 1990, section 253B.02, subdivision 7, is amended to read:

Subd. 7. [EXAMINER.] “Examiner” means a person who is knowledgeable, trained, and practicing in the diagnosis and treatment of the alleged impairment and who is:

(1) a licensed physician; or

(2) a licensed consulting psychologist, ~~knowledgeable, trained and practicing in the diagnosis and treatment of the alleged impairment~~ who has a doctoral degree in psychology or who became licensed as a licensed psychologist before July 2, 1975.

Sec. 17. [INSTRUCTION TO REVISOR.]

In the next edition of Minnesota Statutes and Minnesota Rules, the revisor of statutes shall: (1) substitute the term “psychological practitioner” for the term “licensed psychologist” wherever the latter term appears and (2) substitute the term “licensed psychologist” for the term “licensed consulting psychologist” wherever the latter term appears. This instruction does not apply to the language in this act.

Sec. 18. [REPEALER.]

Minnesota Statutes 1990, sections 148.92 and 148.97, subdivision 4, are repealed.”

Delete the title and insert:

“A bill for an act relating to health; clarifying requirements for licensing psychologists and psychological practitioners; describing duties of the board of psychology; establishing requirements for the independent practice of psychology; amending Minnesota Statutes 1990, sections 62A.152, subdivisions 2 and 3; 148.88; 148.89; 148.90; 148.91; 148.93; 148.95; 148.96; 148.98; and 253B.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1990, sections 148.92; and 148.97, subdivision 4.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 317, A bill for an act relating to marriage dissolution; clarifying procedure for modification of certain custody orders; providing for additional child support payments; providing an alternative form of satisfaction of child support obligation; imposing a fiduciary duty and providing for compensation in cases of breach of that duty; clarifying certain mediation procedures; providing for attorneys' fees in certain cases; clarifying language concerning certain motions; imposing penalties; amending Minnesota Statutes 1990, sections 518.18; 518.551, subdivision 5; 518.57, by adding a subdivision; 518.58, subdivision 1, and by adding a subdivision; 518.619, subdivision 6; and 518.64, subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 16, insert:

"Section 1. [518.122] [DISCLOSURE OF ASSETS AND LIABILITIES.]

Subdivision 1. [FILING.] When serving the respondent with copies of the summons and petition, the petitioner shall include an assets and liabilities disclosure form, completed to the best of the petitioner's knowledge, and a blank form to be completed by the respondent. The petitioner need not include a completed disclosure form if service is by publication. If a petition requests an expedited hearing for any reason, including allegations of domestic abuse, the petitioner need not submit a completed disclosure form but may instead submit a form within 30 days after serving the petition. When serving the petitioner with an answer, the respondent shall include an assets and liabilities disclosure form, completed to the best of the respondent's knowledge. The respondent shall return a completed disclosure form to the petitioner within the time required for serving an answer, even if the respondent does not serve an answer. The court shall award attorney fees for a motion to compel compliance with this subdivision. Notwithstanding any contrary provision in the rules of civil procedure, return of the completed disclosure form does not constitute making an appearance in the case. The disclosure shall be in the form of an affidavit and may be obtained from the court administrator. The assets and liabilities disclosed by each party shall be those in existence at the time of service of the petition. The completion of a disclosure form pursuant to this section does not preclude further discovery by either party.

Subd. 2. [SANCTIONS.] If a party intentionally fails to serve a disclosure form on the other party, knowingly makes misrepresentations in a disclosure form, or knowingly omits information from a disclosure form, the court shall award attorney fees for a motion to compel compliance for any delay or inconvenience. If, after the entry

of an order for support or maintenance, or denying support or maintenance, a party learns that the other party made a misrepresentation or omission in that party's disclosure form, whether knowingly or by mistake, inadvertence, or excusable neglect, which had a material effect on the marital property, nonmarital property, or liabilities considered by the court it is grounds for modifying an order for maintenance or child support.

Subd. 3. [PREPARATION OF A FORM.] The form required to be filed pursuant to subdivision 1 shall be developed by the supreme court. The form shall provide for a party to a marriage dissolution to disclose all income as defined in section 518.54, subdivision 6, and list all assets, including both marital property and nonmarital property as defined in section 518.54, subdivision 5. In the case of nonmarital property, a party shall list both property owned solely by that party and property in which the party has any form of joint ownership with another person. The form shall also provide for a party to disclose all financial liabilities, whether they are the sole liability of that party, liabilities jointly incurred with the other party, or liabilities jointly incurred with any other person. The form shall also provide for a party to list all basic living expenses. The form shall include authorization by a party for any pension fund in which the party participates to release information about the party's benefits to the other party. The supreme court may determine the design of the disclosure form, including the desirability of preparing a basic form with supplemental schedules for particular kinds of assets and liabilities.

Sec. 2. [518.146] [SEALING RECORDS.]

For good cause shown, on application of either party, the records of a marriage dissolution, or legal separation, or annulment, except for the portion of the decree granting the dissolution, legal separation, or annulment may be sealed."

Page 2, line 11, strike "custodian" and insert "parties"

Page 2, line 14, strike "custodian" and insert "custody arrangement"

Page 2, line 15, strike "the custodian agrees" and insert "both parties agree"

Page 2, line 17, strike "custodian" and insert "other party"

Page 2, delete lines 25 to 27 and insert:

"(e) In deciding whether to modify a prior joint custody order, the court shall apply the standards set forth in paragraph (d) unless: (1) the parties agree in writing to the application of a different

standard, or (2) the party seeking the modification is asking the court for permission to move the residence of the child to another state.”

Page 3, line 10, after “may” insert “also”

Page 3, line 11, delete “additional”

Page 3, line 13, delete “above base pay” and insert “, in addition to, or if the obligor receives no base pay, in lieu of, an order for a specific dollar amount”

Page 7, line 4, before the period insert “and child support payments were not assigned to the public agency under section 256.74”

Page 8, line 9, delete everything after “ASSETS.]”

Page 8, delete lines 10 to 25 and insert “During the pendency of a marriage dissolution, separation, or annulment proceeding, or in contemplation of commencing a marriage dissolution, separation, or annulment proceeding, each party owes a fiduciary duty to the other for any profit or loss derived by the party, without the consent of the other, from a transaction or from any use by the party of the marital assets. If the court finds that a party to a marriage, without consent of the other party, has in contemplation of commencing, or during the pendency of, the current dissolution, separation, or annulment proceeding, transferred, encumbered, concealed, or disposed of marital assets except in the usual course of business or for the necessities of life, the court shall compensate the other party by placing both parties in the same position that they would have been in had the transfer, encumbrance, concealment, or disposal not occurred. The burden of proof under this subdivision is on the party claiming that the other party transferred, encumbered, concealed, or disposed of marital assets in contemplation of commencing or during the pendency of the current dissolution, separation, or annulment proceeding, without consent of the claiming party, and that the transfer, encumbrance, concealment, or disposal was not in the usual course of business or for the necessities of life. In compensating a party under this section, the court, in dividing the marital property, may impute the entire value of an asset to the party who transferred, encumbered, concealed, or disposed of it. The absence of a restraining order against the transfer, encumbrance, concealment, or disposal of marital property is not available as a defense under this subdivision.”

Page 8, lines 33 to 36, delete the new language

Page 9, line 1, after “evaluation” insert “unless: (1) the parties agree in writing, executed after the termination of mediation, that the mediator may conduct the investigation or evaluation, or (2)

there is no other person reasonably available to conduct the investigation or evaluation”

Page 9, line 20, delete “shall” and insert “may”

Page 10, after line 34, insert:

“Sec. 10. Minnesota Statutes 1990, section 518.641, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] An order for maintenance or child support shall provide for a biennial adjustment in the amount to be paid based on a change in the cost of living. An order that provides for a cost-of-living adjustment shall specify the cost-of-living index to be applied and the date on which the cost-of-living adjustment shall become effective. The court may use the consumer price index for all urban consumers, Minneapolis-St. Paul (CPI-U), the consumer price index for wage earners and clerical, Minneapolis-St. Paul (CPI-W), or another cost-of-living index published by the department of labor which it specifically finds is more appropriate. ~~The court may specify that the housing component be excluded from the cost-of-living adjustment.~~ Cost-of-living increases under this section shall be compounded. The court may also increase the amount by more than the cost-of-living adjustment by agreement of the parties or by making further findings. The adjustment becomes effective on the first of May of the year in which it is made, for cases in which payment is made to the public authority. For cases in which payment is not made to the public authority, application for an adjustment may be made in any month but no application for an adjustment may be made sooner than two years after the date of the dissolution decree. A court may waive the requirement of the cost-of-living clause if it expressly finds that the obligor’s occupation or income, or both, does not provide for cost-of-living adjustment or that the order for maintenance or child support has a provision such as a step increase that has the effect of a cost-of-living clause. The court may waive a cost-of-living adjustment in a maintenance order if the parties so agree in writing. The commissioner of human services may promulgate rules for child support adjustments under this section in accordance with the rulemaking provisions of chapter 14.

Sec. 11. Minnesota Statutes 1990, section 518.641, subdivision 2, is amended to read:

Subd. 2. [CONDITIONS.] No adjustment under this section may be made unless the order provides for it and until the following conditions are met:

(a) the obligee or public authority serves notice of its application for adjustment by mail on the obligor at the obligor’s last known address at least 20 days before the effective date of the adjustment;

(b) the notice to the obligor ~~shall inform~~ informs the obligor ~~that~~ on of the date on which the adjustment in payments shall become effective on the first of May; and

(c) after receipt of notice and before the effective day of the adjustment, the obligor fails to request a hearing on the issue of whether the adjustment should take effect, and ex parte, to stay imposition of the adjustment pending outcome of the hearing."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 321, A bill for an act relating to marriage dissolution; requiring a summons to contain certain information; providing for court approval of certain items without a hearing; changing requirements for certain court orders; limiting joint custody; creating a summary dissolution pilot project; appropriating money for legal service to low-income persons and for marriage dissolution education and orientation; amending Minnesota Statutes 1990, sections 518.13, by adding a subdivision; 518.167, subdivision 1; and 518.17, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518.

Reported the same back with the following amendments:

Page 1, delete lines 16 to 29 and insert:

"(a) Every summons must include the notice in this paragraph.

"NOTICE OF TEMPORARY RESTRAINING PROVISIONS

Under Minnesota law, service of this summons makes the following requirements apply to both parties to this action, unless they are modified by the court or the proceeding is dismissed:

(1) neither party may dispose of any assets except (i) for the necessities of life or for the necessary generation of income or preservation of assets, (ii) by an agreement in writing, or (iii) for retaining counsel to carry on or to contest this proceeding;

(2) neither party may harass the other party; and

(3) all currently available insurance coverage must be maintained and continued without change in coverage or beneficiary designation.

If you violate any of these provisions, you will be subject to sanctions by the court."

(b) Upon service of the summons, the restraining provisions contained in the notice apply by operation of law upon both parties until modified by further order of the court or dismissal of the proceeding."

Page 2, line 8, after "stipulation" insert "which includes a listing of all marital assets and debts, and their apportionment between the parties"

Page 2, line 12, after "stipulation" insert "which includes a listing of all marital assets and debts, and their apportionment between the parties"

Page 2, after line 32, insert:

"Sec. 4. Minnesota Statutes 1990, section 518.167, is amended by adding a subdivision to read:

Subd. 5. [COSTS.] The court shall order all or part of the cost of the investigation and report to be paid by either or both parties, based on their ability to pay. Any part of the cost that the court finds the parties are incapable of paying must be borne by the county welfare agency or department of court services that performs the investigation. The court may not order costs under this subdivision to be paid by a party receiving public assistance or legal assistance from a qualified legal services program or by a party whose annual income falls below the poverty line under United States Code, title 42, section 9902(2)."

Page 3, line 13, before "The" insert "Upon request of either or both parties," and strike "upon"

Page 3, line 14, strike "request of either or both parties,"

Page 3, after line 18, insert:

“Notwithstanding section 518.13, subdivision 5, before awarding joint physical custody, the court shall question the parties to determine that the parents have demonstrated that they can be flexible and cooperative so that joint physical custody will inure to the best interests of the child.”

Page 3, delete lines 24 to 26

Page 4, line 28, delete “the” and insert “any”

Page 4, line 29, after “available” insert “from the court”

Page 4, line 30, delete the first “the” and insert “any such”

Reorder the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 5, delete “certain” and after “orders” insert “in contested custody cases and providing for payment of investigation costs”

Page 1, line 11, before the first semicolon, insert “, and by adding a subdivision”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 333, A bill for an act relating to health; mental health; assigning additional duties to the commissioner of human services in the area of mental health; requiring the commissioner to adopt and revise rules relating to case management services; modifying the requirement for county maintenance of effort; including community residential treatment as a service covered by medical assistance; appropriating money; amending Minnesota Statutes 1990, sections 245.461, subdivision 3, and by adding a subdivision; 245.4711, by adding a subdivision; 245.48; 245.487, by adding a subdivision; 245.4881, by adding a subdivision; and 256B.0625, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 245.461, subdivision 3, is amended to read:

Subd. 3. [REPORT.] By February 15, 1988, and annually after that until February 15, ~~1990~~ 1994, the commissioner shall report to the legislature on all steps taken and recommendations for full implementation of sections 245.461 to 245.486 and on additional resources needed to further implement those sections.

Sec. 2. Minnesota Statutes 1990, section 245.461, is amended by adding a subdivision to read:

Subd. 5. [FUNDING FROM THE FEDERAL GOVERNMENT AND OTHER SOURCES.] The commissioner shall seek and apply for federal and other nonstate, nonlocal government funding for the mental health services specified in sections 245.461 to 245.486, in order to maximize nonstate, nonlocal dollars for these services.

Sec. 3. Minnesota Statutes 1990, section 245.462, subdivision 6, is amended to read:

Subd. 6. [COMMUNITY SUPPORT SERVICES PROGRAM.] “Community support services program” means services, other than inpatient or residential treatment services, provided or coordinated by an identified program and staff under the clinical supervision of a mental health professional designed to help adults with serious and persistent mental illness to function and remain in the community. A community support services program includes:

- (1) client outreach,
- (2) medication monitoring,
- (3) assistance in independent living skills,
- (4) development of employability and work-related opportunities,
- (5) crisis assistance,
- (6) psychosocial rehabilitation,
- (7) help in applying for government benefits, and
- (8) ~~the development, identification, and monitoring of living arrangements~~ housing support services.

The community support services program must be coordinated with the case management services specified in section 245.4711.

Sec. 4. Minnesota Statutes 1990, section 245.462, subdivision 18, is amended to read:

Subd. 18. [MENTAL HEALTH PROFESSIONAL.] "Mental health professional" means a person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

(1) in psychiatric nursing: a registered nurse who is licensed under sections 148.171 to 148.285, and who is certified as a clinical specialist in adult psychiatric and mental health nursing by the American nurses association or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work: a person licensed as an independent clinical social worker under section 148B.21, subdivision 6, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(3) in psychology: a psychologist licensed under sections 148.88 to 148.98 who has stated to the board of psychology competencies in the diagnosis and treatment of mental illness;

(4) in psychiatry: a physician licensed under chapter 147 and certified by the American board of psychiatry and neurology or eligible for board certification in psychiatry; or

(5) in allied fields: a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.

Sec. 5. Minnesota Statutes 1990, section 245.4711, is amended by adding a subdivision to read:

Subd. 9. [REVISION OF RULES.] The commissioner, by July 1, 1992, shall revise existing rules governing case management services, in order to:

(1) make improvements in rule flexibility;

(2) establish a comprehensive coordination of services;

(3) increase the rate of reimbursement for case management services;

(4) require case managers to arrange for standardized assessments of side effects related to the administration of psychotropic medication;

(5) establish a reasonable caseload limit for case managers;

(6) provide reimbursement for transportation costs for case managers; and

(7) review the eligibility criteria for case management services covered by medical assistance.

Sec. 6. Minnesota Statutes 1990, section 245.472, is amended by adding a subdivision to read:

Subd. 4. [ADMISSION, CONTINUED STAY, AND DISCHARGE CRITERIA.] No later than January 1, 1992, the county board shall ensure that placement decisions for residential services are based on the clinical needs of the adult. The county board shall ensure that each entity under contract with the county to provide residential treatment services has admission, continued stay, discharge criteria and discharge planning criteria as part of the contract. Contracts shall specify specific responsibilities between the county and service providers to ensure comprehensive planning and continuity of care between needed services according to data privacy requirements. A requirement that clients be advised of appeal rights under section 245.477 shall be included in all contracts for provision of residential services.

Sec. 7. Minnesota Statutes 1990, section 245.473, is amended by adding a subdivision to read:

Subd. 3. [ADMISSION, CONTINUED STAY, AND DISCHARGE CRITERIA.] No later than January 1, 1992, the county board shall ensure that placement decisions for acute care inpatient services are based on the clinical needs of the adult. The county board shall ensure that each entity under contract with the county to provide acute care hospital treatment services has admission, continued stay, discharge criteria and discharge planning criteria as part of the contract. Contracts shall specify specific responsibilities between the county and service providers to ensure comprehensive planning and continuity of care between needed services according to data privacy requirements. A requirement that clients be advised of appeal rights under section 245.477 shall be included in all contracts for provision of acute care hospital inpatient services.

Sec. 8. Minnesota Statutes 1990, section 245.473, is amended by adding a subdivision to read:

Subd. 4. [INDIVIDUAL PLACEMENT AGREEMENT.] Except for services reimbursed under chapters 256B and 256D, the county board shall enter into an individual placement agreement with a provider of acute care hospital inpatient treatment services to an adult eligible for services under this section. The agreement must specify the payment rate and the terms and conditions of county payment for the placement.

Sec. 9. Minnesota Statutes 1990, section 245.484, is amended to read:

245.484 [RULES.]

The commissioner shall adopt emergency rules to govern implementation of case management services for eligible children in section 245.4881 and professional home-based family treatment services for medical assistance eligible children, in section 245.4884, subdivision 3, by January 1, 1992, and must adopt permanent rules by January 1, 1993.

The commissioner shall adopt permanent rules as necessary to carry out sections 245.461 to 245.486 and ~~Laws 1989, chapter 282, article 4, sections 1 to 53~~ 245.487 to 245.4887. The commissioner shall reassign agency staff as necessary to meet this deadline.

Sec. 10. Minnesota Statutes 1990, section 245.487, subdivision 4, is amended to read:

Subd. 4. [IMPLEMENTATION.] (a) The commissioner shall begin implementing sections 245.487 to 245.4887 by February 15, 1990, and shall fully implement sections 245.487 to 245.4887 by ~~January~~ July 1, 1992 ~~1993~~.

(b) Annually until February 15, ~~1992~~ 1994, the commissioner shall report to the legislature on all steps taken and recommendations for full implementation of sections 245.487 to 245.4887 and on additional resources needed to further implement those sections. The report shall include information on county and state progress in identifying the needs of cultural and racial minorities and in using special mental health consultants to meet these needs.

Sec. 11. Minnesota Statutes 1990, section 245.487, is amended by adding a subdivision to read:

Subd. 6. [FUNDING FROM THE FEDERAL GOVERNMENT AND OTHER SOURCES.] The commissioner shall seek and apply for federal and other nonstate, nonlocal government funding for

mental health services specified in sections 245.487 to 245.4887, in order to maximize nonstate, nonlocal dollars for these services.

Sec. 12. Minnesota Statutes 1990, section 245.4871, subdivision 27, is amended to read:

Subd. 27. [MENTAL HEALTH PROFESSIONAL.] "Mental health professional" means a person providing clinical services in the diagnosis and treatment of children's emotional disorders. A mental health professional must have training and experience in working with children consistent with the age group to which the mental health professional is assigned. A mental health professional must be qualified in at least one of the following ways:

(1) in psychiatric nursing, the mental health professional must be a registered nurse who is licensed under sections 148.171 to 148.285 and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by the American nurses association or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work, the mental health professional must be a person licensed as an independent clinical social worker under section 148B.21, subdivision 6, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders;

(3) in psychology, the mental health professional must be a psychologist licensed under sections 148.88 to 148.98 who has stated to the board of psychology competencies in the diagnosis and treatment of mental disorders;

(4) in psychiatry, the mental health professional must be a physician licensed under chapter 147 and certified by the American board of psychiatry and neurology or eligible for board certification in psychiatry; or

(5) in allied fields, the mental health professional must be a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of emotional disturbances.

Sec. 13. Minnesota Statutes 1990, section 245.4871, subdivision 31, is amended to read:

Subd. 31. [PROFESSIONAL HOME-BASED FAMILY TREATMENT.] "Professional home-based family treatment" means intensive mental health services provided to children because of a severe emotional disturbance (1) who are at risk of out-of-home placement; (2) who are in out-of-home placement; or (3) who are returning from out-of-home placement because of an emotional disturbance. Services are provided to the child and the child's family primarily in the child's home environment or other location. Services may also be provided in the child's school, child care setting, or other community setting appropriate to the child. Examples of appropriate locations include, but are not limited to, the child's school, day care center, home, and any other living arrangement of the child. Services must be provided on an individual family basis, must be child-oriented and family-oriented, and must be designed using information from diagnostic and functional assessments to meet the specific mental health needs of the child and the child's family. Examples of services include family and are: (1) individual therapy and; (2) family therapy; (3) client outreach; (4) assistance in developing individual living skills training and; (5) assistance in developing parenting skills necessary to address the needs of the child; (6) assistance with leisure and recreational services; (7) crisis assistance, including crisis respite care and arranging for crisis placement; and (8) assistance in locating respite and child care. Services must be coordinated with other service providers services provided to the child and family.

Sec. 14. Minnesota Statutes 1990, section 245.4871, is amended by adding a subdivision to read:

Subd. 33a. [SPECIAL MENTAL HEALTH CONSULTANT.] "Special mental health consultant" is a mental health practitioner or professional with special expertise in treating children from a particular cultural or racial minority group.

Sec. 15. Minnesota Statutes 1990, section 245.4873, subdivision 6, is amended to read:

Subd. 6. [PRIORITIES.] By January 1, 1992, the commissioner shall require that each of the treatment services and management activities described in sections 245.487 to 245.4887 be developed for children with emotional disturbances within available resources based on the following ranked priorities. The commissioner shall reassign agency staff and use consultants as necessary to meet this deadline:

(1) the provision of locally available mental health emergency services;

(2) the provision of locally available mental health services to all children with severe emotional disturbance;

(3) the provision of early identification and intervention services to children who are at risk of needing or who need mental health services;

(4) the provision of specialized mental health services regionally available to meet the special needs of all children with severe emotional disturbance, and all children with emotional disturbances;

(5) the provision of locally available services to children with emotional disturbances; and

(6) the provision of education and preventive mental health services.

Sec. 16. Minnesota Statutes 1990, section 245.4874, is amended to read:

245.4874 [DUTIES OF COUNTY BOARD.]

The county board in each county shall use its share of mental health and community social service act funds allocated by the commissioner according to a biennial local children's mental health service proposal required under section 245.4887, and approved by the commissioner. The county board must:

(1) develop a system of affordable and locally available children's mental health services according to sections 245.487 to 245.4887;

(2) assure that parents and providers in the county receive information about how to gain access to services provided according to sections 245.487 to 245.4887;

(3) coordinate the delivery of children's mental health services with services provided by social services, education, corrections, health, and vocational agencies to improve the availability of mental health services to children and the cost effectiveness of their delivery;

(4) assure that mental health services delivered according to sections 245.487 to 245.4887 are delivered expeditiously and are appropriate to the child's diagnostic assessment and individual treatment plan;

(5) provide the community with information about predictors and symptoms of emotional disturbances and how to access children's mental health services according to sections 245.4877 and 245.4878;

(6) provide for case management services to each child with severe

emotional disturbance according to sections 245.486; 245.4871, subdivisions 3 and 4; and 245.4881, subdivisions 1, 3, and 5;

(7) provide for screening of each child under section 245.4885 upon admission to a residential treatment facility, acute care hospital inpatient treatment, or informal admission to a regional treatment center;

(8) prudently administer grants and purchase-of-service contracts that the county board determines are necessary to fulfill its responsibilities under sections 245.487 to 245.4887;

(9) assure that mental health professionals, mental health practitioners, and case managers employed by or under contract to the county to provide mental health services are qualified under section 245.4871; ~~and~~

(10) assure that children's mental health services are coordinated with adult mental health services specified in sections 245.461 to 245.486 so that a continuum of mental health services is available to serve persons with mental illness, regardless of the person's age; and

(11) assure that special mental health consultants are used as necessary to assist the county board in assessing and providing appropriate treatment for children of cultural or racial minority heritage.

Sec. 17. Minnesota Statutes 1990, section 245.4881, subdivision 1, is amended to read:

Subdivision 1. [AVAILABILITY OF CASE MANAGEMENT SERVICES.] (a) By July 1, 1991, the county board shall provide case management services for each child with severe emotional disturbance who is a resident of the county and the child's family who request or consent to the services. Staffing ratios must be sufficient to serve the needs of the clients. The case manager must meet the requirements in section 245.4871, subdivision 4.

(b) Except as permitted by law and the commissioner under demonstration projects, case management services provided to children with severe emotional disturbance eligible for medical assistance must be billed to the medical assistance program under sections 256B.02, subdivision 8, and 256B.0625.

Sec. 18. Minnesota Statutes 1990, section 245.4882, is amended by adding a subdivision to read:

Subd. 4. [ADMISSION, CONTINUED STAY, AND DISCHARGE CRITERIA.] No later than January 1, 1992, the county board shall ensure that placement decisions for residential treatment services

are based on the clinical needs of the child. The county board shall ensure that each entity under contract to provide residential treatment services has admission, continued stay, discharge criteria and discharge planning criteria as part of the contract. Contracts shall specify specific responsibilities between the county and service providers to ensure comprehensive planning and continuity of care between needed services according to data privacy requirements. The county board shall ensure that, at least ten days prior to discharge, the operator of the residential treatment facility shall provide written notification of the discharge to the child's parent or caretaker, the local education agency in which the child is enrolled and the receiving education agency to which the child will be transferred upon discharge. When the child has an individual education plan, the notice shall include a copy of the individual education plan. A requirement that clients be advised of appeal rights under section 245.4886 shall be included in all contracts for the provision of residential services.

Sec. 19. Minnesota Statutes 1990, section 245.4882, is amended by adding a subdivision to read:

Subd. 5. [ADMISSION, CONTINUED STAY, AND DISCHARGE CRITERIA.] No later than January 1, 1992, the county board shall ensure that placement decisions for acute care hospital inpatient treatment services are based on the clinical needs of the child and, if appropriate, the child's family. The county board shall ensure that each entity under contract with the county to provide acute care hospital treatment services has admission, continued stay, discharge criteria and discharge planning criteria as part of the contract. Contracts should specify the specific responsibilities between the county and service providers to ensure comprehensive planning and continuity of care between needed services according to data privacy requirements. A requirement that clients be advised of appeal rights under section 245.4886 shall be included in contracts for provision of acute care hospital inpatient treatment services.

Sec. 20. Minnesota Statutes 1990, section 245.4884, subdivision 1, is amended to read:

Subdivision 1. [AVAILABILITY OF FAMILY COMMUNITY SUPPORT SERVICES.] By July 1, 1991, county boards must provide or contract for sufficient family community support services within the county to meet the needs of each child with severe emotional disturbance who resides in the county and the child's family. Children or their parents may be required to pay a fee in accordance with section 245.481.

Family community support services must be designed to improve the ability of children with severe emotional disturbance to:

- (1) ~~handle~~ manage basic activities of daily living;
- (2) ~~improve functioning~~ function appropriately in home, school, and community settings;
- (3) participate in leisure time or community youth activities;
- (4) set goals and plans;
- (5) reside with the family in the community;
- (6) participate in after-school and summer activities;
- (7) make a smooth transition among mental health and education services provided to children; and
- (8) make a smooth transition into the adult mental health system as appropriate.

In addition, family community support services must be designed to improve overall family functioning if clinically appropriate to the child's needs, and to reduce the need for and use of placements more intensive, costly, or restrictive both in the number of admissions and lengths of stay than indicated by the child's diagnostic assessment.

Sec. 21. Minnesota Statutes 1990, section 245.4885, subdivision 1, is amended to read:

Subdivision 1. [SCREENING REQUIRED.] The county board shall, ~~upon prior to admission, except in the case of emergency admission, screen all children admitted referred for treatment of severe emotional disturbance to a residential treatment facility, an acute care hospital, or informally admitted to a regional treatment center if public funds are used to pay for the services. The county board shall also screen all children admitted to an acute care hospital for treatment of severe emotional disturbance if public funds other than reimbursement under chapters 256B and 256D are used to pay for the services. If a child is admitted to a residential treatment facility or acute care hospital for emergency treatment of emotional disturbance or held for emergency care by a regional treatment center under section 253B.05, subdivision 1, screening must occur within five three working days of admission. Screening shall determine whether the proposed treatment:~~

- (1) is necessary;
- (2) is appropriate to the child's individual treatment needs;
- (3) cannot be effectively provided in the child's home; and

(4) provides a length of stay as short as possible consistent with the individual child's need.

Screening shall include both a diagnostic assessment and a functional assessment which evaluates family, school, and community living situations. If a diagnostic assessment or functional assessment has been completed by a mental health professional within 180 days, a new diagnostic or functional assessment need not be completed unless in the opinion of the current treating mental health professional the child's mental health status has changed markedly since the assessment was completed. The child's parent shall be notified if an assessment will not be completed and of the reasons. A copy of the notice shall be placed in the child's file. Recommendations developed as part of the screening process shall include specific community services needed by the child and, if appropriate, the child's family, and shall indicate whether or not these services are available and accessible to the child and family.

During the screening process, the child, child's family, or child's legal representative, as appropriate, must be informed of the child's eligibility for case management services and family community support services and that an individual family community support plan is being developed by the case manager, if assigned.

Screening shall be in compliance with section 256F.07 or 257.071, whichever applies. Wherever possible, the parent shall be consulted in the screening process, unless clinically inappropriate.

The screening process, and placement decision, and recommendations for mental health services must be documented in the child's record.

An alternate review process may be approved by the commissioner if the county board demonstrates that an alternate review process has been established by the county board and the times of review, persons responsible for the review, and review criteria are comparable to the standards in clauses (1) to ~~(5)~~ (4).

Sec. 22. Minnesota Statutes 1990, section 245.4885, subdivision 2, is amended to read:

Subd. 2. [QUALIFICATIONS.] No later than July 1, 1991, screening of children for residential and inpatient services must be conducted by a mental health professional. Where appropriate and available, special mental health consultants must participate in the screening. Mental health professionals providing screening for inpatient and residential services must not be financially affiliated with any acute care inpatient hospital, residential treatment facility, or regional treatment center. The commissioner may waive this requirement for mental health professional participation after July 1, 1991, if the county documents that:

(1) mental health professionals or mental health practitioners are unavailable to provide this service; and

(2) services are provided by a designated person with training in human services who receives clinical supervision from a mental health professional.

Sec. 23. Minnesota Statutes 1990, section 245.4885, is amended by adding a subdivision to read:

Subd. 3a. [SUMMARY DATA COLLECTION.] The county board shall annually collect summary information on the number of children screened, the age and racial or ethnic background of the children, the presenting problem, and the screening recommendations. The county shall include information on the degree to which these recommendations are followed and the reasons for not following recommendations. Summary data shall be available to the public and shall be used by the county board and local children's advisory council to identify needed service development.

Sec. 24. [245.4886] [CHILDREN'S COMMUNITY-BASED MENTAL HEALTH FUND.]

Subdivision 1. [STATEWIDE PROGRAM; ESTABLISHMENT.] The commissioner shall establish a statewide program to assist counties in providing services to children with severe emotional disturbance as defined in section 245.4871, subdivision 15, and their families. Services must be designed to help each child to function and remain with the child's family in the community. The commissioner shall make grants to counties to establish, operate, or contract with private providers to provide the following services in the following order of priority when these cannot be reimbursed under section 256B.0625:

(1) family community support services including crisis placement and crisis respite care as specified in section 245.4871, subdivision 17;

(2) case management services as specified in section 245.4871, subdivision 3;

(3) day treatment services as specified in section 245.4871, subdivision 10;

(4) professional home-based family treatment as specified in section 245.4871, subdivision 31; and

(5) therapeutic support of foster care as specified in section 245.4871, subdivision 34.

Funding appropriated beginning July 1, 1991, must be used by county boards to provide family community support services and case management services. Additional services shall be provided in the order of priority as identified in this subdivision.

Subd. 2. [GRANT APPLICATION AND REPORTING REQUIREMENTS.] To apply for a grant a county board shall submit an application and budget for the use of the money in the form specified by the commissioner. The commissioner shall make grants only to counties whose applications and budgets are approved by the commissioner. In awarding grants, the commissioner shall give priority to those counties whose applications indicate plans to collaborate in the development, funding, and delivery of services with other agencies in the local system of care. The commissioner shall adopt emergency and permanent rules to govern grant applications, approval of applications, allocation of grants, and maintenance of financial statements by grant recipients. The commissioner shall specify requirements for reports, including quarterly fiscal reports, according to section 256.01, subdivision 2, paragraph (17). The commissioner shall require collection of data and periodic reports which the commissioner deems necessary to demonstrate the effectiveness of each service in realizing the stated purpose as specified for family community support in section 245.4884, subdivision 1; therapeutic support of foster care in section 245.4884, subdivision 4; professional home-based family treatment in section 245.4884, subdivision 3; day treatment in section 245.4884, subdivision 2; and case management in section 245.4881.

Sec. 25. Minnesota Statutes 1990, section 253C.01, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] As used in this section, "residential program" means (1) a freestanding primary treatment program or hospital-based primary treatment program that provides residential treatment to chemically dependent or mentally ill minors with emotional disturbance as defined by the comprehensive children's mental health act in sections 245.487 to 245.4888, or (2) a facility licensed by the state under Minnesota Rules, parts 9545.0900 to 9545.1090, to provide services for emotionally disturbed to minors on a 24-hour basis.

Sec. 26. Minnesota Statutes 1990, section 253C.01, subdivision 2, is amended to read:

Subd. 2. [ANNUAL REPORT INFORMATION REQUIRED.] Beginning June 1, 1986, each residential program shall collect the information listed in this subdivision. Each residential program shall file a report no later than December 31, 1986, containing the information collected as of that date. Thereafter, each residential program shall prepare an annual report for the year ending June 30 of each year and file the report no later than December 31 of each

year. ~~Hospital-based primary treatment programs shall file the report with the commissioner of health provide the required information annually on a date to be determined by the commissioner of human services. All other residential programs shall file the report with to the commissioner of human services. The summary reports on each program are public data and must contain at least the following information for the period covered by the report:~~

- (1) number of minors admitted to the program;
- (2) number of minors discharged from the program;
- (3) primary diagnoses of each admitted minor number of minors served during the reporting period;
- (4) number of minors who remained in residence for less than 30 days;
- (5) number of minors who remained in residence for between 30 and 60 days;
- (6) number of minors who remained in residence for more than 60 days;
- (7) average length of stay of minors in the program;
- (8) number of minors who have received psychotropic medications as part of treatment in the program;
- (9) age, race, and sex of each minor admitted to the program;
- (10) copy of written notices, forms, and other procedures being used to advise minors and their parents of their rights;
- (11) number of minors admitted ~~or presently in residence~~ who have previously had residential treatment;
- (12) (11) number of minors discharged who are on private pay or third-party reimbursement payment and number who are receiving government funds for treatment;
- (13) criteria for admission and continued stay (12) the county of residence of discharged minors;
- (14) (13) number of admitted minors whose admission is court-ordered; and
- (15) (14) number of beds on a locked unit and number of beds on an unlocked unit.

~~The information required by this subdivision must be separately stated for chemically dependent, mentally ill, and emotionally disturbed minors as defined by the residential programs.~~

Sec. 27. Minnesota Statutes 1990, section 256B.0625, subdivision 20, is amended to read:

Subd. 20. [MENTAL ILLNESS CASE MANAGEMENT.] To the extent authorized by rule of the state agency, medical assistance covers case management services to persons with serious and persistent mental illness or subject to federal approval, children with severe emotional disturbance.

Sec. 28. Minnesota Statutes 1990, section 256B.431, is amended by adding a subdivision to read:

Subd. 2m. [DOWNSIZING OF NURSING FACILITIES THAT ARE INSTITUTIONS FOR MENTAL DISEASE.] (a) The provisions of this subdivision apply to a nursing facility that is an institution for mental disease and that has less than 23 licensed beds. A nursing facility that meets these conditions may reduce its total number of licensed beds to 16 licensed beds before April 1, 1992, by notifying the commissioner of health of the reduction by that date. If the nursing facility elects to reduce its licensed beds to 16, the commissioner of health shall approve that request effective on the date of request.

(b) The commissioner of human services must be notified by the nursing facility of the reduction in licensed beds by April 4, 1992, and that notice must include a copy of the request for reduction submitted to the commissioner of health.

(c) For the rate year beginning July 1, 1992, the commissioner shall establish the operating cost payment rates for a nursing facility that has reduced its licensed bed capacity under this subdivision by taking into account paragraphs (1) and (2).

(1) The commissioner must reduce the nursing facility's nurse's aide, orderly, and attendant salaries account and the food expense account for the reporting year ending September 30, 1991, by 50 percent of the percentage change in licensed beds.

(2) The commissioner shall adjust the nursing facility's resident days and standardized resident days for the reporting year ending September 30, 1991, as in clauses (i) and (ii).

(i) Resident days shall be the lesser of the nursing facility's actual resident days for that reporting year or 5,840.

(ii) Standardized resident days shall be the lesser of the nursing

facility's actual standardized resident days or the nursing facility's case mix score for that reporting year times 5,840.

(d) For the rate year beginning July 1, 1993, the commissioner shall establish the operating cost payment rates for a nursing facility that has reduced its licensed bed capacity under this subdivision by taking into account paragraphs (1) and (2).

(1) The commissioner must reduce the nursing facility's account for the nurse's aide, orderly, and attendant salaries, and its account for food expense for the reporting year ending September 30, 1992, by 37.5 percent of the percentage change in licensed beds.

(2) The commissioner shall adjust the nursing facility's resident days and standardized resident days for the reporting year ending September 30, 1992, as in clauses (i) and (ii).

(i) Resident days shall be the lesser of the nursing facility's actual resident days for that reporting year or 5,840.

(ii) Standardized resident days shall be the lesser of the nursing facility's actual standardized resident days or the nursing facility's case mix score for that reporting year times 5,840.

Sec. 29. Minnesota Statutes 1990, section 256B.431, is amended by adding a subdivision to read:

Subd. 2n. [NEGOTIATED RATE CAP EXEMPTION.] A nursing facility which requests, after January 1991, that its boarding care beds be decertified from participation in the medical assistance program, is not eligible for the exception to the negotiated rate cap in section 256I.05, subdivision 2, paragraph (c), clause (1).

Sec. 30. [RULE REVISION.]

The commissioner must revise Minnesota Rules, parts 9545.0900 to 9545.1090, which govern facilities that provide residential services for children with emotional handicaps. The rule revisions must be adopted within 12 months of the effective date of this section.

Sec. 31. [PILOT DEMONSTRATION PROJECT FOR CHILDREN IN CRISIS.]

The commissioner of human services shall establish a pilot demonstration project in Hennepin county to provide needed care for, and offer assistive services to the families of, children experiencing a mental health crisis. The project shall be designed to offer the following services, as needed: residential crisis care, in-home visits by crisis intervention teams, on-call services by a mental health professional, a telephone hotline service. The project shall be

designed to operate for the biennium ending June 30, 1993. By February 15, 1993, the commissioner shall report to the legislature on the implementation of the project and shall make recommendations about the feasibility of continuing and expanding the program statewide.

Sec. 32. [TASK FORCE TO STUDY INTEGRATED CHILDREN'S MENTAL HEALTH FUNDING.]

The commissioner of human services shall convene a task force to study the feasibility of establishing an integrated children's mental health fund. The task force shall consist of mental health professionals, county social services personnel, service providers, advocates, and parents of children who have experienced episodes of emotional disturbance. The task force shall also include representatives of the children's mental health subcommittee of the state advisory council and local coordinating councils established under sections 245.487 to 245.4887. The task force shall include the commissioners of education, health, and human services; two members of the senate; and two members of the house of representatives. The task force shall examine all possible county, state, and federal sources of funds for children's mental health with a view to designing an integrated children's mental health fund. Programs to be examined shall include, but not be limited to, the following: medical assistance, title IV-E of the social security act, title XX social service programs, chemical dependency programs, education and special education programs, and, for children with a dual diagnosis, programs for the developmentally disabled. The task force shall examine funding sources with a view to maximizing federal funding, and may consult with experts in the field, as necessary. The task force shall report back to the legislature by February 15, 1993, with its recommendations.

Sec. 33. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1993, to implement sections 1, 2, 5, 11, and 31.

Sec. 34. [REPEALER.]

Minnesota Statutes 1990, section 245.476, subdivisions 1, 2, and 3, are repealed.

Sec. 35. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall renumber Minnesota Statutes, section 245.4886 as section 245.4887 and Minnesota Statutes, section 245.4887 as section 245.4888, and shall correct all relevant cross-references in Minnesota Statutes and Minnesota Rules.

Sec. 36. [EFFECTIVE DATE.]

Sections 5 and 9 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to human services; mental health; clarifying reporting and screening requirements; clarifying the definition of psychiatric nurses; clarifying the definition of professional home-based family treatment; modifying the requirement for county maintenance of effort; including community residential treatment as a service covered by medical assistance; expanding county duties; assigning additional duties to the commissioner of human services; imposing criteria for admission, continued stays, and discharges for inpatient hospital and residential treatment; requiring the commissioner to revise and adopt rules; establishing a pilot project for crisis care; requiring a study; appropriating money; amending Minnesota Statutes 1990, sections 245.461, subdivision 3, and by adding a subdivision; 245.462, subdivisions 6 and 18; 245.4711, by adding a subdivision; 245.472, by adding a subdivision; 245.473, by adding subdivisions; 245.484; 245.487, subdivision 4, and by adding a subdivision; 245.4871, subdivisions 27 and 31, and by adding a subdivision; 245.4873, subdivision 6; 245.4874; 245.4881, subdivision 1; 245.4882, by adding subdivisions; 245.4884, subdivision 1; 245.4885, subdivisions 1 and 2, and by adding a subdivision; 253C.01, subdivisions 1 and 2; and 256B.0625, subdivision 20; 256B.431, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 245; repealing Minnesota Statutes 1990, section 245.476, subdivisions 1, 2, and 3."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 366, A bill for an act relating to companion animals; establishing a low-cost spaying and neutering program; imposing a tax on wholesale sales of dog and cat food; imposing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 346; proposing coding for new law as Minnesota Statutes, chapter 297E.

Reported the same back with the following amendments:

Page 1, line 9, delete "ARTICLE 1"

Page 2, line 2, before "Only" insert "All dogs and cats are eligible except that, if required by local law to be licensed, then"

Page 2, line 3, delete "as required by local law"

Pages 2 to 9, delete "ARTICLE 2"

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, delete line 4

Page 1, line 5, delete "penalties; appropriating money;"

Page 1, line 6, delete "; proposing" and insert a period

Page 1, delete line 7

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 385, A bill for an act relating to commerce; modifying provisions relating to certain motor vehicle accident prevention courses; appropriating money; amending Minnesota Statutes 1990, sections 65B.28, subdivisions 1, 2, and by adding subdivisions.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 2, line 9, strike "three" and insert "five"

Page 2, line 10, after the period insert "The premium reduction applies for the five-year period beginning with the date that the insurer reduces the premium."

Page 2, line 24, delete everything after the headnote

Page 2, line 25, delete everything before "must" and insert "The commissioner of public safety shall establish fees to be paid by instructors and by providers of accident prevention courses. The fees"

Amend the title as follows:

Page 1, line 5, delete "subdivisions 1," and insert "subdivision"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 397, A bill for an act relating to elections; authorizing certain experimental mail balloting; appropriating money; amending Minnesota Statutes 1990, section 204B.45, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 204B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 203B.02, is amended by adding a subdivision to read:

Subd. 1a. [EXPERIMENTAL PROCEDURES.] A county board may authorize any eligible voter in the county to vote by absentee ballot without qualification by submitting a written request to the county auditor between August 1, 1991 and November 30, 1992, notwithstanding the provisions of subdivision 1. The county auditor shall notify the secretary of state immediately after the adoption of such a resolution of authorization by the county board.

The application for absentee ballots must include the voter's name, residence address in the county, address to which the ballots are to be mailed, the date of the request, and the voter's signature.

The county auditor shall maintain a record of the number of applications for absentee ballots submitted under this subdivision. No later than January 15, 1993, the secretary of state shall prepare a report to the legislature on the implementation of this subdivision.

Assistance to voters in marking absentee ballots is subject to section 204C.15, subdivision 1.

Sec. 2. Minnesota Statutes 1990, section 204B.45, is amended by adding a subdivision to read:

Subd. 1a. [EXPERIMENTAL MAIL BALLOTING; AUTHORIZATION.] The secretary of state may authorize Ramsey and Kittson counties to conduct elections entirely by mail on an experimental basis. A request from a county board seeking authorization to conduct an experimental mail election must be submitted to the secretary of state at least 90 days prior to the election. The county auditor must pay all costs related to mailing the ballots to and from the voters.

The secretary of state shall prepare a report to the legislature on the implementation of this subdivision by January 15, 1993.

Sec. 3. [204B.47] [EXPERIMENTAL MAIL ELECTIONS; PRESIDENTIAL PRIMARY.]

Subdivision 1. [AUTHORIZATION; GENERAL PROCEDURES.] The presidential primary authorized by section 207A.01 must be conducted by mail on an experimental basis in 1992. The provisions of sections 204B.45, subdivisions 2 and 3, and 207A.01 to 207A.09 apply to the presidential primary to the extent practicable, except as provided in this section.

Subd. 2. [BALLOT MAILER.] No earlier than 20 days or later than ten days before the presidential primary, the secretary of state shall prepare and send by nonforwardable mail a ballot mailer to each person registered to vote as of 5:00 p.m. on the 21st day prior to the presidential primary. The voter records in the statewide registration system must indicate whether the voter has been sent a ballot mailer. A ballot mailer must not be mailed to any voter who has previously been sent an absentee ballot for the presidential primary. The ballot mailer must include a separate ballot for each major political party, a mailing enclosure, a return envelope, a ballot secrecy envelope, and instructions to the voters on marking the ballot and completing the mail voter's certificate. The return envelope must be preaddressed for delivery to the secretary of state.

The secretary of state may prepare the ballot mailer in a manner which permits the votes on the ballots, the voter's party choice, and information included on the return envelope to be read electronically. The ballots included in the ballot mailer must be prepared in the format provided for the white ballot to the extent practicable. The envelopes included in the ballot mailer must be prepared in the format provided in the rules for mail balloting adopted by the secretary of state to the extent practicable.

Subd. 3. [VOTER VERIFICATION.] The county auditors shall indicate on the statewide registration system the persons who have received absentee ballots prior to the mailing of the presidential primary ballot mailer. After the mailing of the presidential primary ballot mailer, the county auditors shall determine whether a person who applied for an absentee ballot has been sent a ballot mailer. The county auditor shall not send or deliver an absentee ballot to a voter who has been sent a ballot mailer unless the voter requests a replacement ballot in the manner provided in the rules of the secretary of state.

Subd. 4. [COSTS.] The secretary of state shall pay the following costs for the presidential primary: printing the ballot mailers; providing first class postage for the mailing enclosure and the return envelope included in the ballot mailer; use of equipment to process the return envelopes and count the ballots; and acquisition of adequate space and staff needed to process the return envelopes and count the ballots. The county auditor shall pay the costs of preparing absentee and replacement ballots, and for first class postage for absentee ballots. The municipal clerks shall pay the costs of the election judges needed by the county auditor to process return envelopes and count the ballots, and the costs of providing ballot boxes and voting booths to the county auditor.

Subd. 5. [PROCESSING AND COUNTING BALLOTS.] The secretary of state may begin examining the return envelopes, removing voted ballots from the ballot secrecy envelopes, and placing the voted ballots in sealed containers immediately upon receipt of the return envelopes from the voters. The secretary of state may begin counting the voted ballots at any time on the day of the presidential primary. No results may be compiled or released to the public until after 8:00 p.m. on election day. The secretary of state may use equipment designed for optical character recognition on an experimental basis for the purpose of processing and counting the ballots.

The secretary of state shall provide adequate staff to process and count the voted ballots. Any staff employed must receive training in counting ballots similar to that required for election judges. The county auditors shall provide assistance to the secretary of state in the recruitment and training of staff and in the processing and counting of the ballots.

Subd. 6. [DUTIES OF COUNTY AUDITORS.] Each county auditor shall designate at least one place in the county where voters may deposit voted ballots and receive assistance. The county auditors shall also provide replacement ballots, absentee ballots, and ballots for persons who vote in person on election day.

The county auditor shall process and count absentee ballots, replacement ballots, and any ballots cast or returned on election day. The county auditor may begin examining return envelopes,

removing voted ballots from the ballot secrecy envelopes, and placing the voted ballots in sealed containers at any time on election day. The county auditor shall count the ballots immediately after the close of voting and shall report the results in the manner specified by the secretary of state. The municipal clerks shall provide the county auditor with ballot boxes, voting booths, and an adequate number of election judges to process and count the ballots.

Subd. 7. [VOTING ON ELECTION DAY.] Presidential primary ballots may be obtained and cast in person at the locations designated by the county auditor from 7:00 a.m. until 8:00 p.m. on election day. The county auditor shall verify that persons voting on election day have not already submitted a voted ballot.

Subd. 8. [REPORTING RESULTS.] The secretary of state shall prepare a report on the results of the presidential primary for the state canvassing board. The report must include statewide vote totals for each candidate.

Sec. 4. [APPROPRIATION.]

\$. is appropriated from the general fund to the secretary of state to implement section 3. This appropriation is available until June 30, 1993."

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections 203B.02, by adding a subdivision; and"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 416, A bill for an act relating to crimes; child abduction; requiring convicted sex offenders to register with local law enforcement agencies; requiring the publication of missing children bulletins; establishing a historic data base of information concerning missing children; requiring training concerning the investigation of missing children cases; providing for the release of medical and dental records of missing children; appropriating money; amending Minnesota Statutes 1990, section 299C.52, subdivisions 1, 3, and 6; proposing coding for new law in Minnesota Statutes, chapters 243 and 299C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 13.82, is amended by adding a subdivision to read:

Subd. 14a. [DATA ON REGISTERED CRIMINAL OFFENDERS.] Data described in section 3 shall be classified as described in that section.

Sec. 2. Minnesota Statutes 1990, section 13.82, is amended by adding a subdivision to read:

Subd. 14b. [DATA IN MISSING CHILDREN BULLETINS.] Data described in section 7 shall be classified as described in that section.

Sec. 3. [243.166] [REGISTRATION OF SEX OFFENDERS.]

Subdivision 1. [REGISTRATION REQUIRED.] A person shall comply with this section after being released from prison if:

(1) the person was sentenced to imprisonment following a conviction for kidnapping under section 609.25 or criminal sexual conduct under section 609.342, 609.343, or 609.344, and the offense was committed against a victim who was a minor;

(2) the sentencing court made a written finding at the sentencing hearing that registration is necessary because there is a significant risk that the offender may, in the future, commit a crime listed in clause (1). The court's finding must contain the facts on which it is based including, but not limited to, the offender's offense history, the nature and severity of the current offense, and social or psychological information about the offender in the presentence investigation report;

(3) the person is not now required to register under section 243.165; and

(4) ten years have not yet elapsed since the person was released from imprisonment.

Subd. 2. [NOTICE.] When a person who is required to register under this section is released, the commissioner of corrections shall tell the person of the duty to register under section 243.165 and this section. The commissioner shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The commissioner shall obtain the address where the person expects to reside upon release and shall report within three days the address to the bureau of criminal

apprehension. The commissioner shall give one copy of the form to the person, and shall send one copy to the bureau of criminal apprehension and one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon release.

Subd. 3. [REGISTRATION PROCEDURE.] (a) The person shall, within 14 days after the end of the term of supervised release, register with the probation officer assigned to the person at the end of that term.

(b) If the person changes residence address, the person shall give the new address to the last assigned probation officer in writing within ten days. The probation officer shall, within three days after receipt of this information, forward it to the bureau of criminal apprehension.

Subd. 4. [CONTENTS OF REGISTRATION.] The registration provided to the probation officer must consist of a statement in writing signed by the person, giving information required by the bureau of criminal apprehension, and a fingerprint card and photograph of the person if these have not already been obtained in connection with the offense that triggers registration. Within three days, the probation officer shall forward the statement, fingerprint card, and photograph to the bureau of criminal apprehension.

Subd. 5. [CRIMINAL PENALTY.] A person required to register under this section who violates any of its provisions is guilty of a misdemeanor.

Subd. 6. [REGISTRATION PERIOD.] (a) A person required to register under this section shall continue to comply with this section until ten years have elapsed since the person was released from imprisonment.

(b) If a person required to register under this section fails to register following a change in address, the commissioner of public safety may require the person to continue to register for an additional period of five years.

Subd. 7. [USE OF INFORMATION.] The information provided under this section is private data on individuals under section 13.01, subdivision 12. The information may be used only for law enforcement purposes.

Sec. 4. Minnesota Statutes 1990, section 299C.52, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in sections 299C.52 and

~~299C.53~~ to section 9, the following terms have the meanings given them:

(a) "Child" means any person under the age of 18 years or any person certified or known to be mentally incompetent;

(b) "CJIS" means Minnesota criminal justice information system;

(c) "Missing" means the status of a child after a law enforcement agency that has received a report of a missing child has conducted a preliminary investigation and determined that the child cannot be located; and

(d) "NCIC" means National Crime Information Center.

Sec. 5. Minnesota Statutes 1990, section 299C.52, subdivision 3, is amended to read:

Subd. 3. [COMPUTER EQUIPMENT AND PROGRAMS.] The commissioner shall provide the necessary computer hardware and computer programs to enter, modify, and cancel information on missing children in the NCIC computer through the CJIS. These programs must provide for search and retrieval of information using the following identifiers: physical description, name and date of birth, name and social security number, name and driver's license number, vehicle license number, and vehicle identification number. The commissioner shall also provide a system for regional, statewide, multistate, and nationwide broadcasts of information on missing children. These broadcasts shall be made by local law enforcement agencies where possible or, in the case of statewide or nationwide broadcasts, by the bureau of criminal apprehension upon request of the local law enforcement agency.

Sec. 6. Minnesota Statutes 1990, section 299C.52, subdivision 6, is amended to read:

Subd. 6. [RULES.] The commissioner may adopt rules in conformance with sections 299C.52 ~~and 299C.53~~ to section 9 to provide for the orderly collection and entry of missing child information and requests for retrieval of missing child information.

Sec. 7. [299C.54] [MISSING CHILDREN BULLETINS.]

Subdivision 1. [MISSING CHILDREN BULLETIN.] The commissioner shall distribute a missing children bulletin on a quarterly basis to local law enforcement agencies, county attorneys, and public and nonpublic schools. The commissioner shall also make this information accessible to other parties involved in efforts to locate missing children and to other persons as the commissioner considers appropriate.

Subd. 2. [PHOTOGRAPHS.] The commissioner shall provide appropriate local law enforcement agencies with a list of missing children, with an appropriate waiver form to assist the agency in obtaining a photograph of each missing child. Local agencies shall obtain the most recent photograph available for missing children and forward those photographs to the commissioner. The commissioner shall include these photographs, as they become available, in the quarterly bulletins.

Subd. 3. [INCLUDED WITH MAILINGS.] State and local elected officials and agencies may enclose in their mailings information regarding missing children obtained from law enforcement agencies or from any organization that is recognized as a nonprofit, tax-exempt organization under state or federal law and has an ongoing missing children program. Elected officials and commissioners of state agencies are urged to develop policies to enclose missing children information in mailings when it will not increase postage costs and is otherwise considered appropriate.

Subd. 4. [DATA CLASSIFICATION.] The information included in the missing children bulletin is public data as defined in section 13.01, subdivision 15, except that photographs of missing children obtained under this section are private data on individuals as defined in section 13.01, subdivision 12.

Sec. 8. [299C.55] [TRAINING.]

The commissioner shall adopt standards for training appropriate personnel concerning the investigation of missing children cases.

Sec. 9. [299C.56] [RELEASE OF MEDICAL DATA.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given.

(b) "Health care facility" means the office of a dentist or physician, or another medical facility, that is in possession of identifying data.

(c) "Identifying data" means dental or skeletal X-rays, or both, and related information, previously created in the course of providing dental or medical care to a child who has now been reported as missing.

Subd. 2. [WRITTEN DECLARATION.] If a child is reported missing, a law enforcement agency may execute a written declaration, stating that an active investigation seeking the location of the missing child is being conducted, and that the identifying data are necessary for the exclusive purpose of furthering the investigation. Notwithstanding chapter 13 or section 144.651, subdivision 16, when a written declaration executed under this subdivision, signed

by a peace officer, is presented to a health care facility, the facility shall provide access to the missing child's identifying data to the law enforcement agency.

Sec. 10. Minnesota Statutes 1990, section 609.3461, is amended to read:

609.3461 [DNA ANALYSIS OF SEX OFFENDERS REQUIRED.]

When a court sentences a person convicted of violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, or when a court sentences a person as a patterned sex offender pursuant to section 609.1352, or the juvenile court adjudicates a person a delinquent child for violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, it shall order the person to provide a biological specimen for the purpose of DNA analysis as defined in section 299C.155. The biological specimen or the results of the analysis shall be maintained by the bureau of criminal apprehension as provided in section 299C.155. If a person convicted of violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, or sentenced as a patterned sex offender pursuant to section 609.1352, and committed to the custody of the commissioner of corrections for a term of imprisonment has not provided a biological specimen for the purpose of DNA analysis, the commissioner of corrections or local corrections authority shall order the person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment. The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.

Sec. 11. [APPROPRIATION.]

\$. is appropriated to the commissioner of public safety, bureau of criminal apprehension, to implement sections 3 to 9, to be available until June 30, 1993.

Sec. 12. [EFFECTIVE DATE.]

Sections 1, 3, and 10 are effective August 1, 1991, and apply to offenders sentenced on or after that date. Sections 2 and 4 to 9 are effective August 1, 1991, and apply to crimes committed, and persons reported missing, on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; child abduction; requiring certain convicted sex and kidnapping offenders to report a current address to probation officer following release from prison; requiring the publication of missing children bulletins; requiring training concerning the investigation of missing children cases; providing

law enforcement officers access to medical and dental records of missing children; extending DNA analysis requirements to persons sentenced as patterned sex offenders; appropriating money; amending Minnesota Statutes 1990, sections 13.82, by adding subdivisions; 299C.52, subdivisions 1, 3, and 6; and 609.3461; proposing coding for new law in Minnesota Statutes, chapters 243 and 299C.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 455, A bill for an act relating to education; merging the community colleges into the state university system; clarifying governing board powers and duties; transferring responsibilities of the chancellor and the state board for community colleges; amending Minnesota Statutes 1990, sections 15A.081, subdivision 7b; 135A.02; 135A.03, subdivisions 1 and 6; 135A.04; 135A.05; 135A.06, subdivision 1; 135A.08; 135A.09; 135A.10, subdivision 1; 136.017, subdivision 1; 136.02; 136.036, subdivisions 2 and 4; 136.045; 136.065; 136.07; 136.10; 136.11; 136.111, subdivisions 2 and 3; 136.141; 136.142; 136.143; 136.144; 136.145; 136.146; 136.147; 136.17; 136.171; 136.18; 136.19; 136.20; 136.21; 136.22; 136.24; 136.25; 136.31, subdivision 1; 136.311; 136.33; 136.35; 136.37; 136.38; 136.40, subdivisions 1, 3, 4, 8, and 9; 136.42; 136.43; 136.44; 136.45; 136.46; 136.47; 136.48; 136.49; 136.503, subdivision 1; 136.506; 136.55; 136.56; 136.58; 136.80; 136.81, subdivisions 1 and 1a; 136.82, subdivisions 1 and 2; 136.87, subdivision 1; 136.88, subdivision 1; 136A.02, subdivision 6; 136A.041; 136A.81, subdivision 1; 136A.86, subdivision 1; 179A.03, subdivision 14; 179A.10, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 136; repealing Minnesota Statutes 1990, sections 136.03; 136.031; 136.09; 136.111, subdivision 5; 136.12; 136.13; 136.14; 136.60; 136.602; 136.603; 136.61; 136.62; 136.621; 136.622; 136.63; 136.65; 136.651; 136.67; 136.70; 136.71; and 136.72.

Reported the same back with the following amendments:

Page 4, after line 3, insert:

“Sec. 7. [135A.052] [POST-SECONDARY MISSIONS.]

The legislature recognizes three distinctive missions within the overall provision of public higher education in the state. These are:

(1) vocational training and education to prepare students for skilled occupations;

(2) undergraduate liberal arts and preprofessional education at the associate and baccalaureate degree level; and

(3) postgraduate education at the masters and doctorate level and related research.

Programs and courses at the technical college system shall be concentrated on the first mission, those at the state university and community college system shall be concentrated on the second mission, and those of the University of Minnesota shall be concentrated on the third mission."

Page 7, after line 35, insert:

"Subd. 2. [DESIGNATION; ADMINISTRATION.] State universities and community colleges in existence on July 1, 1992, shall continue to be designated as either state universities or community colleges in the same manner they were prior to July 1, 1992. The state university and community college board shall adopt a mission statement that incorporates the role of both the state universities and the community colleges. Each university and community college shall have a president or campus provost. All presidents and provosts shall have equal access to the chancellor and board."

Re-number the remaining subdivisions in sequence

Page 50, line 10, delete everything after the comma and insert "in accordance with Minnesota Statutes, chapter 179A. Employees will continue to be assigned to collective bargaining units as provided in Minnesota Statutes, section 179A.10, in the same manner they were prior to the date of transfer. The exclusive representatives of the bargaining units shall remain the same unless changed in accordance with the procedures of Minnesota Statutes, chapter 179A."

Page 50, line 14, after the period insert "The report shall include the board's plans for reducing administrative structures, eliminating unnecessary program duplication and improving the efficient delivery of services within the regions served by each state university."

Page 50, after line 14, insert:

"Sec. 80. [ADMINISTRATIVE COSTS.]

The commissioner of finance shall identify the fiscal year 1991 administrative expenditures of the state university board and the community college board. The commissioner of finance shall sepa-

rate the central office administrative expenditures from the campus administrative expenditures. The commissioner shall develop definitions of central office administrative expenditures and campus level administrative expenditures, including expenditures for contracted services of an administrative nature. The commissioner shall report findings and recommendations to the appropriations and finance committees by January 15, 1992.

For fiscal year 1993 the state university and community college board shall reduce expenditures for central office administration by an amount determined by the legislature and shall reallocate those funds to the campuses for library acquisitions and instructional equipment.

As part of the biennial budget request, the state university and community college board shall report on the number of classified and unclassified administrative positions added, eliminated or consolidated. The report shall also identify changes in administrative compensation levels, beyond normal cost of living. The board shall include expenditures for contracted administrative services."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 26, delete "chapter" and insert "chapters 135A and"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 463, A bill for an act relating to motor vehicles; providing for seven-year, in transit license plates for motor vehicle dealers; amending Minnesota Statutes 1990, sections 168.12, subdivision 1; 168.27, subdivisions 16 and 17; and 297B.035, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 168.10, subdivision 1a, is amended to read:

Subd. 1a. [COLLECTOR'S VEHICLES, PIONEER LICENSE.] Any motor vehicle manufactured prior to 1936 and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$25 tax, or in the case of personalized pioneer license plates the one-time fee prescribed in section 168.12, subdivision 2a, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates so issued shall bear the inscription “Pioneer,” “Minnesota” and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke said plates for failure to comply with this subdivision.

Sec. 2. Minnesota Statutes 1990, section 168.10, subdivision 1b, is amended to read:

Subd. 1b. [COLLECTOR'S VEHICLE, CLASSIC CAR LICENSE.] Any motor vehicle manufactured between and including the years 1925 and 1948, and designated by the registrar of motor vehicles as a classic car because of its fine design, high engineering standards, and superior workmanship, and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the registrar is satisfied that the affidavit is true and correct and that the motor vehicle qualifies to be classified as a classic car, and the owner pays a \$25 tax, or in the case

of personalized classic car license plates the one-time fee prescribed in section 168.12, subdivision 2a, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates so issued shall bear the inscription "Classic Car," "Minnesota," and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke said plates for failure to comply with this subdivision.

The following cars built between and including 1925 and 1948 are classic:

A.C.	
Adler	
Alfa Romeo	
Alvis	Speed 20, 25, and 4.3 litre.
Amilcar	
Aston Martin	
Auburn	All 8-cylinder and 12-cylinder models.
Audi	
Austro-Daimler	
Avions Voisin 12	
Bentley	
Blackhawk	
B.M.W.	Models 327, 328, and 335 only.
Brewster (Heart-front Ford)	
Bugatti	
Buick	1931 through 1942: series 90 only.
Cadillac	All 1925 through 1935. 1936-1948: Series 67, 70, 72, 75, 80, 85 and 90 only. 1938-1941: 60 special only.
Chrysler	1926 through 1930: Imperial 80. 1931: Imperial 8 Series CG. 1932: Series CG, CH and CL. 1933: Series CL. 1934: Series CW. 1935: Series CW. All Newports and Thunderbolts.
Cord	
Cunningham	
Dagmar	Model 25-70 only.
Daimler	
Delage	

Delahaye	
Doble	
Dorris	
Duesenberg	
du Pont	
Franklin	All models except 1933-34 Olympic Sixes.
Frazer Nash	
Hispano Suiza	
Horch	
Hotchkiss	
Invicta	
Isotta Fraschini	
Jaguar	
Jordan	Speedway Series 'Z' only.
Kissel	1925, 1926 and 1927: Model 8-75. 1928: Model 8-90, and 8-90 White Eagle. 1929: Model 8-126, and 8-90 White Eagle. 1930: Model 8-126. 1931: Model 8-126.
Lagonda	
Lancia	
La Salle	
Lincoln	1927 through 1933 only. All models K, L, KA, and KB. 1941: Model 168H. 1942: Model 268H.
Lincoln Continental	1939 through 1948.
Locomobile	All models 48 and 90. 1927: Model 8-80. 1928: Model 8-80. 1929: Models 8-80 and 8-88.
Marmon	All 16-cylinder models. 1925: Model 74. 1926: Model 74. 1927: Model 75. 1928: Model E75. 1930: Big 8 model. 1931: Model 88, and Big 8.
Maybach	
McFarlan	
Mercedes Benz	All models 2.2 litres and up.
Mercer	
M.G.	6-cylinder models only.
Minerva	
Packard	1925 through 1934: All models. 1935 through 1942: Models 1200, 1201, 1202, 1203, 1204, 1205, 1207, 1208, 1400, 1401, 1402, 1403, 1404, 1405, 1407, 1408, 1500, 1501, 1502,

	1506, 1507, 1508, 1603, 1604, 1605, 1607, 1608, 1705, 1707, 1708, 1806, 1807, 1808, 1906, 1907, 1908, 2006, 2007, and 2008 only. 1946 and 1947: Models 2106 and 2126 only.
Peerless	1926 through 1928: Series 69. 1930-1931: Custom 8. 1932: Deluxe Custom 8.
Pierce Arrow	
Railton	
Renault	Grand Sport model only.
Reo	1930-1931: Royale Custom 8, and Series 8-35 and 8-52 Elite 8. 1933: Royale Custom 8.
Revere	
Roamer	1925: Series 8-88, 6-54e, and 4-75. 1926: Series 4-75e, and 8-88. 1927-1928: Series 8-88. 1929: Series 8-88, and 8-125. 1930: Series 8-125.
Rohr	
Rolls Royce	
Ruxton	
Salmson	
Squire	
Stearns Knight	
Stevens Duryea	
Steyr	
Stutz	
Sunbeam	
Talbot	
Vauxhall	Series 30-98 only.
Wills Saint Claire	

No commercial vehicles such as hearses, ambulances, or trucks are considered to be classic cars.

Sec. 3. Minnesota Statutes 1990, section 168.10, subdivision 1c, is amended to read:

Subd. 1c. [COLLECTOR'S VEHICLE, COLLECTOR LICENSE.] Any motor vehicle, including any truck, that is at least 20 model years old and manufactured after 1935, or any motor vehicle of a defunct make defined as any car or truck originally licensed as a separate identifiable make as designated by the division of motor vehicles, and owned and operated solely as a collector's vehicle, shall be listed for taxation and registration as follows: An affidavit shall

be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. The owner must also prove that the owner also has one or more vehicles with regular license plates. If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$25 tax, or in the case of personalized collector license plates the one-time fee prescribed in section 168.12, subdivision 2a, the registrar shall list the vehicle for taxation and registration and shall issue number plates.

The number plates issued shall bear the inscription "Collector," "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for the vehicle. The registrar has the power to revoke the plates for failure to comply with this subdivision.

Sec. 4. Minnesota Statutes 1990, section 168.10, subdivision 1d, is amended to read:

Subd. 1d. [COLLECTORS VEHICLES, STREET ROD LICENSE.] Any modernized motor vehicle manufactured prior to the year 1949 or designed and manufactured to resemble such vehicle shall be listed for taxation and registration as follows:

An affidavit shall be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year number of model, and the manufacturer's identification number. The affidavit shall further state that the vehicle is owned and operated solely as a street rod and not for general transportation purposes. The owner must also prove that the owner has one or more vehicles with regular license plates. If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$25 tax, or in the case of personalized street rod license plates the one-time fee prescribed in section 168.12, subdivision 2a, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates issued shall bear the inscription "Street Rod", "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no

date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke such plates for failure to comply with this subdivision.

Sec. 5. Minnesota Statutes 1990, section 168.105, subdivision 2, is amended to read:

Subd. 2. [AFFIDAVIT FOR REGISTRATION AND TAXATION.] A classic motorcycle must be listed for taxation and registration by executed affidavit stating (1) the name and address of the owner, (2) the name and address of the person from whom purchased, (3) the make of the classic motorcycle, (4) the year and number of the model, (5) the manufacturer's identification number, (6) that the motorcycle is owned and operated solely as a collector's item and not used for general transportation purposes, and (7) that the owner has one or more motor vehicles with regular license plates.

When the registrar is satisfied that the affidavit is true, correct, and complete and that the owner has paid a \$10 tax, or in the case of a personalized classic motorcycle plate the one-time fee prescribed in section 168.12, subdivision 2a, the registrar shall list the vehicle for taxation and registration and shall issue special number plates.

Sec. 6. Minnesota Statutes 1990, section 168.105, subdivision 3, is amended to read:

Subd. 3. [LICENSE PLATES.] The registrar shall issue number plates of the same size as standard motorcycle license plates and inscribed "collector" and "Minnesota" with the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but without a date. The plates are valid without renewal as long as the classic motorcycle exists and may be issued for the applicant's use only for the classic motorcycle. The registrar may revoke the plates for noncompliance with this subdivision.

Sec. 7. Minnesota Statutes 1990, section 168.12, subdivision 1, is amended to read:

Subdivision 1. [NUMBER PLATES; VISIBILITY, PERIODS OF ISSUANCE.] The registrar, upon the approval and payment, shall issue to the applicant the number plates required by law, bearing the state name and the number assigned. The number assigned may be a combination of a letter or sign with figures. The color of the

plates and the color of the abbreviation of the state name and the number assigned shall be in marked contrast. The plates shall be lettered, spaced, or distinguished to suitably indicate the registration of the vehicle according to the rules of the registrar, and when a vehicle is registered on the basis of total gross weight, the plates issued shall clearly indicate by letters or other suitable insignia the maximum gross weight for which the tax has been paid. These number plates shall be so treated as to be at least 100 times brighter than the conventional painted number plates. When properly mounted on an unlighted vehicle, these number plates, when viewed from a vehicle equipped with standard headlights, shall be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet. The registrar shall issue these number plates for the following periods:

(1) Number plates issued pursuant to ~~sections 168.27, subdivisions 16 and 17, and section~~ section 168.053 shall be for a one-year period.

(2) New number plates issued pursuant to section 168.012, subdivision 1, shall be issued to a vehicle for as long as it is owned by the exempt agency and shall not be transferable from one vehicle to another but may be transferred with the vehicle from one tax exempt agency to another.

(3) Plates issued for passenger automobiles as defined in section 168.011, subdivision 7, shall be issued for a seven-year period. All plates issued under this paragraph must be replaced if they are seven years old or older at the time of annual registration or will become so during the registration period.

(4) Number plates issued under section 168.27, subdivisions 16 and 17, shall be for a seven-year period.

(5) Plates for any vehicle not specified in clauses (1), ~~(2) and (3)~~ to (4), except for trailers as hereafter provided, shall be issued for the life of the vehicle. Beginning with number plates issued for the year 1981, plates issued for trailers with a total gross weight of 3,000 pounds or less shall be issued for the life of the trailer and shall be not more than seven inches in length and four inches in width.

In a year in which plates are not issued, the registrar shall issue for each registration a tab or sticker to designate the year of registration. This tab or sticker shall show the calendar year or years for which issued, and is valid only for that period. The number plates, number tabs, or stickers issued for a motor vehicle may not be transferred to another motor vehicle during the period for which it is issued.

Notwithstanding any other provision of this subdivision, number plates issued to a vehicle which is used for behind-the-wheel instruction in a driver education course in a public school may be

transferred to another vehicle used for the same purpose without payment of any additional fee. The registrar shall be notified of each transfer of number plates under this paragraph and may prescribe a form for notification.

Sec. 8. Minnesota Statutes 1990, section 168.12, subdivision 2a, is amended to read:

Subd. 2a. [PERSONALIZED LICENSE PLATES.] Personalized license plates must be issued to an applicant for registration of a passenger automobile, including a passenger automobile registered as a classic car, pioneer car, collector car, or street rod; van; pickup truck; motorcycle, including a classic motorcycle; or self-propelled recreational vehicle, upon compliance with the laws of this state relating to registration of the vehicle and upon payment of a one-time fee of \$100. The fee is in addition to the registration tax required by law for the vehicle, except in the case of classic cars, pioneer cars, collector cars, street rods, and classic motorcycles. The registrar shall designate a replacement fee for personalized license plates that is calculated to cover the cost of replacement. This fee must be paid by the applicant whenever the personalized license plates are required to be replaced by law. In lieu of the numbers assigned as provided in subdivision 1, personalized license plates must have imprinted on them a series of not more than seven numbers and letters in any combination. When an applicant has once obtained personalized plates, the applicant shall have a prior claim for similar personalized plates in the next succeeding year that plates are issued if application is made for them at least 30 days before the first date that registration can be renewed. The commissioner of public safety shall adopt rules in the manner provided by chapter 14, regulating the issuance and transfer of personalized license plates. No words or combination of letters placed on personalized license plates may be used for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a nature that would offend public morals or decency. The call signals or letters of a radio or television station are not commercial advertising for the purposes of this subdivision.

Notwithstanding the provisions of subdivision 1, personalized license plates issued under this subdivision may be transferred to another motor vehicle owned or jointly owned by the applicant, upon the payment of a fee of \$5, which must be paid into the state treasury and credited to the highway user tax distribution fund. The registrar may by rule provide a form for notification. A personalized license plate issued for a classic car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred to a vehicle not eligible for such a license plate.

Notwithstanding any law to the contrary, if the personalized license plates are lost, stolen, or destroyed, the applicant may apply and shall receive duplicate license plates bearing the same combi-

nation of letters and numbers as the former personalized plates upon the payment of the fee required by section 168.29.

Fees from the sale of permanent and duplicate personalized license plates must be paid into the state treasury and credited to the highway user tax distribution fund.

Sec. 9. Minnesota Statutes 1990, section 168.27, subdivision 16, is amended to read:

Subd. 16. [PLATES, DISTINGUISHING NUMBERS.] (a) The registrar shall issue to every motor vehicle dealer, upon a request from the motor vehicle dealer licensed as provided in subdivision 2 or 3, one or more plates displaying a general distinguishing number. This subdivision does not apply to a scrap metal processor, a used vehicle parts dealer, or a vehicle salvage pool. The fee for each of the first four plates is \$75 per calendar year, of which \$60 must be paid to the registrar and the remaining \$15 is payable as motor vehicle excise tax under section 297B.035. For each additional plate, the dealer shall pay the registrar a fee of \$25 and a motor vehicle excise tax of \$15 annually per calendar year. The registrar shall deposit the tax in the state treasury and it shall be credited as provided in section 297B.09. Motor vehicles, new or used, owned by the motor vehicle dealer and bearing the number plate, except vehicles leased to the user who is not an employee of the dealer during the term of the lease, held for hire, or customarily used by the dealer as a tow truck, service truck, or parts pickup truck, may be driven upon the streets and highways of this state:

(1) by the motor vehicle dealer or dealer's spouse, or any full-time employee of the motor vehicle dealer for either private or business purposes;

(2) by a part-time employee when the use is directly related to a particular business transaction of the dealer;

(3) for demonstration purposes by any prospective buyer thereof for a period of 48 hours or in the case of a truck, truck-tractor, or semitrailer, for a period of seven days; or

(4) in a promotional event that lasts no longer than four days in which at least three motor vehicles are involved.

(b) A new or used motor vehicle sold by the motor vehicle dealer and bearing the motor vehicle dealer's number plate may be driven upon the public streets and highways for a period of 72 hours by the buyer for either of the following purposes: (1) Removing the vehicle from this state for registration in another state, or (2) permitting the buyer to use the motor vehicle before the buyer receives number plates pursuant to registration. Use of a motor vehicle by the buyer

under the provisions of clause (2) of the preceding sentence before the buyer receives number plates pursuant to registration constitutes a use of the public streets or highways for the purpose of the time requirements for registration of motor vehicles.

Sec. 10. Minnesota Statutes 1990, section 168.27, subdivision 17, is amended to read:

Subd. 17. [APPLICATION FOR IN TRANSIT PLATES.] Every licensed dealer in motor vehicles may make application upon a blank provided by the registrar for that purpose for a general distinguishing number for use upon all new or used motor vehicles being transported from the dealer's source of supply, or other place of storage, to the dealer's place of business, or to another place of storage, or from one dealer to another. A general distinguishing number shall be assigned by the registrar to the dealer for that purpose, and the registrar shall then issue to the dealer the number of plates as the dealer may request, upon the payment by the dealer to the registrar of the sum of \$5 per plate per calendar year. The plates shall be known as "in transit" plates. The registrar may issue "in transit" plates, upon the payment of the sum of \$5 to the registrar, to dealers duly licensed in other states or provinces upon information furnished in the manner as the registrar may prescribe, and which satisfies the registrar that persons or companies applying therefor are duly licensed dealers under the laws of the states or provinces.

Sec. 11. Minnesota Statutes 1990, section 169.01, subdivision 75, is amended to read:

Subd. 75. [COMMERCIAL MOTOR VEHICLE.] (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of ~~26,001 or more~~ than 26,000 pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials ~~defined in section 221.033, except for those vehicles~~ having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and liquid fertilizer; or

(5) is outwardly equipped and identified as a school bus, except for school buses defined in section 169.44, subdivision 15.

(b) For purposes of sections 169.1211, 169.1215, and 169.123, subdivisions 2 and 4, a commercial motor vehicle does not include a farm truck, firefighting equipment, or recreational equipment being operated by a person within the scope of section 171.02, subdivision 2, paragraph (a).

Sec. 12. Minnesota Statutes 1990, section 169.01, is amended by adding a subdivision to read:

Subd. 76. [HAZARDOUS MATERIALS.] "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, part 172, subpart F.

Sec. 13. Minnesota Statutes 1990, section 169.121, subdivision 8, is amended to read:

Subd. 8. [ALCOHOL CHEMICAL USE ASSESSMENT.] When the evidentiary test shows an alcohol concentration of 0.07 or more, that result shall be reported to the commissioner of public safety. The commissioner shall record that fact on the driver's record. When the driver's record shows a second or subsequent report of an alcohol concentration of 0.07 or more within two years of a recorded report, the commissioner may require that the driver have ~~an alcohol problem~~ a chemical use assessment meeting the commissioner's requirements. The assessment shall be at the driver's expense. In no event shall the commissioner deny the license of a person who refuses to take the assessment or to undertake treatment, if treatment is indicated by the assessment, for longer than 90 days. If an assessment is made pursuant to this section, the commissioner may waive the assessment required by section 169.126.

Sec. 14. Minnesota Statutes 1990, section 169.123, subdivision 5c, is amended to read:

Subd. 5c. [PETITION FOR JUDICIAL REVIEW.] Within 30 days following receipt of a notice and order of revocation or disqualification pursuant to this section, a person may petition the court for review; ~~unless the person is entitled to review under section 171.166.~~ The petition shall be filed with the district court administrator in the county where the alleged offense occurred, together with proof of service of a copy on the commissioner of public safety, and accompanied by the standard filing fee for civil actions. No responsive pleading shall be required of the commissioner of public safety, and no court fees shall be charged for the appearance of the commissioner of public safety in the matter.

The petition shall be captioned in the full name of the person making the petition as petitioner and the commissioner of public safety as respondent. The petition must include the petitioner's date of birth, driver's license number, and date of the offense. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order of revocation, disqualification, or denial and state the facts underlying each claim asserted.

The filing of the petition shall not stay the revocation, disqualification, or denial. The reviewing court may order a stay of the balance of the revocation or disqualification if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper. Judicial reviews shall be conducted according to the rules of civil procedure.

Sec. 15. Minnesota Statutes 1990, section 169.123, subdivision 8, is amended to read:

Subd. 8. [NOTICE OF ACTION TO OTHER STATES.] ~~When it has been finally determined that~~ a nonresident's privilege to operate a motor vehicle in this state has been revoked or denied, the commissioner of public safety shall give information in writing of the action taken to the official in charge of traffic control or public safety of the state of the person's residence and of any state in which the person has a license.

Sec. 16. Minnesota Statutes 1990, section 171.01, subdivision 22, is amended to read:

Subd. 22. [COMMERCIAL MOTOR VEHICLE.] "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of ~~26,001 or more~~ than 26,000 pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials ~~defined in section 221.033,~~ except for those vehicles having a gross vehicle weight of 26,000 pounds or less and carrying in bulk tanks a total of not more than 200 gallons of liquid fertilizer and petroleum products; or

(5) is outwardly equipped and identified as a school bus, except for school buses defined in section 169.44, subdivision 15.

Sec. 17. Minnesota Statutes 1990, section 171.01, is amended by adding a subdivision to read:

Subd. 24. [FARM TRUCK.] For purposes of this chapter only, "farm truck" means a single-unit truck, including a pickup truck as defined in section 168.011; truck-tractor; tractor; semitrailer; or trailer, used by its owner:

(1) to transport from the farm to the market agricultural, horticultural, dairy, or other farm products, including livestock, produced or finished by the owner of the farm truck;

(2) to transport the owner's other personal property from the farm to market; or

(3) to transport property and supplies to the farm of the owner.

Sec. 18. Minnesota Statutes 1990, section 171.01, is amended by adding a subdivision to read:

Subd. 25. [HAZARDOUS MATERIALS.] "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, part 172, subpart F.

Sec. 19. Minnesota Statutes 1990, section 171.02, subdivision 2, is amended to read:

Subd. 2. [DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.] Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. No class of license shall be valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There shall be four general classes of licenses as follows:

(a) Class C; valid for:

(1) all farm trucks as defined in section 168.011, subdivision 17, operated by (i) the owner, (ii) an immediate family member of the owner, (iii) an employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm, or (iv) an employee of the owner employed during harvest to operate the farm

truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site;

(2) fire trucks and emergency fire equipment, whether or not in excess of 26,000 pounds gross vehicle weight, operated by a fire-fighter while on duty, or a tiller operator employed by a fire department who drives the rear portion of a midmount aerial ladder truck;

(3) recreational equipment as defined in section 168.011, subdivision 25, that is operated for personal use; and

(4) all single unit vehicles except vehicles with a gross vehicle weight of ~~26,001~~ or more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials.

The holder of a class C license may also tow vehicles ~~under 10,000 pounds~~ if the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.

(b) Class CC; valid for:

(1) operating class C vehicles;

(2) with a hazardous materials endorsement, transporting hazardous materials in class C vehicles; and

(3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver.

(c) Class B; valid for all vehicles in class C, class CC, and all other single unit vehicles including, with a passenger endorsement, buses.

(d) Class A; valid for any vehicle or combination thereof.

Sec. 20. Minnesota Statutes 1990, section 171.02, is amended by adding a subdivision to read:

Subd. 2a. [EXCEPTION.] Notwithstanding subdivision 2, a hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and liquid fertilizer.

Sec. 21. Minnesota Statutes 1990, section 171.03, is amended to read:

171.03 [PERSONS EXEMPT.]

The following persons are exempt from license hereunder:

(1) any a person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government, except that only a noncivilian operator of a commercial motor vehicle owned or leased by the United States Department of Defense or the Minnesota national guard is exempt from the requirement to possess a valid commercial motor vehicle driver's license;

(2) any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway, and for purposes of this section an all-terrain vehicle, as defined in section 84.92, subdivision 8, is not an implement of husbandry;

(3) a nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver;

(4) a nonresident who has in immediate possession a valid commercial driver's license issued by a state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state;

(5) any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, only for a period of not more than 90 days in any calendar year if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such nonresident;

(6) any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province or by military authorities of the United States may operate a motor vehicle as a driver, only for a period of not more than 60 days after becoming a resident of this state without being required to have a Minnesota driver's license as provided in this chapter;

(7) any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, for not more than 30 days after becoming a resident of this state; and

(8) any person operating a snowmobile, as defined in section 84.81.

Sec. 22. Minnesota Statutes 1990, section 171.165, subdivision 3, is amended to read:

Subd. 3. [GRAVE OR MULTIPLE OFFENSES.] Subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for:

(1) not less than three years, for a conviction or revocation set forth in subdivision 1 or 2 committed during the transportation of hazardous materials;

(2) not less than ten years, if the person is convicted a second or subsequent time of an offense set forth in subdivision 1 or if ~~the person's license is revoked more than once under section 169.123 or 2,~~ a statute of another state or ordinance in conformity with it, or any combination of ~~them~~ those offenses; or

(3) life, if the person is convicted under chapter 152 of a felony involving the manufacture, sale, or distribution of a controlled substance, or involving the possession of a controlled substance with intent to manufacture, sell, or distribute it, and the person is found to have used a commercial motor vehicle in the commission of the felony.

Sec. 23. Minnesota Statutes 1990, section 171.29, subdivision 1, is amended to read:

Subdivision 1. No person whose ~~drivers~~ driver's license has been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under section 171.17 or 65B.67, or revoked under section 169.123 or 169.172 shall be issued another license unless and until that person shall have successfully passed an examination as required for an initial license.

Sec. 24. Minnesota Statutes 1990, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE.] In any case where a person's license has been suspended under section 171.18 or revoked under section 65B.67, 169.121, 169.123, 169.792, or 171.17, the commissioner may issue a limited license to the driver including under the following conditions:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a post-secondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

For purposes of this subdivision, "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

If the person's driver's license or permit to drive, or nonresident operating privileges, have been revoked under section 65B.67 or 169.172, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

Sec. 25. Minnesota Statutes 1990, section 297B.035, subdivision 2, is amended to read:

Subd. 2. [ANNUAL TAX FOR DEALER PLATE.] Motor vehicles which satisfy the definitions of subdivision 1, shall be taxed at a yearly rate of \$15 per dealer plate. This tax shall be paid when dealer plates, tabs, or stickers are purchased and shall be deposited in the state treasury and credited as provided in section 297B.09. This tax shall be in lieu of any other state sales, excise, or use tax.

Sec. 26. [EFFECTIVE DATE.]

Sections 7, 9, 10, and 25 are effective July 1, 1991, for dealer plates, tabs, and stickers bought on and after that date."

Delete the title and insert:

"A bill for an act relating to motor vehicles; allowing personalized license plates for classic, pioneer, collector, and street rod vehicles; providing for seven-year, in transit license plates for motor vehicle dealers; making technical changes in driver's license law; clarifying procedure for review of driver's license revocation or disqualification under implied consent law; defining hazardous materials, commercial motor vehicle, and farm truck; allowing class C driver's license holder to tow when the gross weight of the vehicles is 26,000 pounds or less; restricting exemption for drivers of certain federal vehicles from requirement to possess commercial driver's license; clarifying offenses for which driver may be disqualified from holding commercial driver's license; requiring person whose driver's license has been revoked to pass examination under certain circumstances; permitting qualified driver to obtain limited license following revocation for failure to have vehicle insurance; amending Minnesota Statutes 1990, sections 168.10, subdivisions 1a, 1b, 1c, and 1d; 168.105, subdivisions 2 and 3; 168.12, subdivisions 1 and 2a; 168.27, subdivisions 16 and 17; 169.01, subdivision 75, and by adding a subdivision; 169.121, subdivision 8; 169.123, subdivisions 5c and 8; 171.01, subdivision 22, and by adding subdivisions; 171.02, subdivision 2, and by adding a subdivision; 171.03; 171.165, subdivision 3; 171.29, subdivision 1; 171.30, subdivision 1; and 297B.035, subdivision 2."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 470, A bill for an act relating to metropolitan government; providing for the powers of the mosquito control district; amending Minnesota Statutes 1990, sections 473.704, by adding a subdivision; and 473.705.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1990, section 473.1623, subdivision 6, is amended to read:

Subd. 6. [PERSONNEL AND ETHICAL PRACTICES; COMMUNICATION.] By January 1 of each year, the council ~~and~~ each agency represented on the advisory committee established under this section, and the metropolitan mosquito control commission shall report to the legislature on the following:

(1) agency personnel practices, including an analysis of trends, compliance with legal requirements, health care and other benefits, and salary levels in comparison with relevant job markets; and

(2) ethical practices requirements for board members and employees of each agency, including the sources of the requirements, agency comparisons, and comparison with requirements for state and local government officers and employees; and

(3) the activities undertaken by each agency board member and council member to regularly meet with and communicate with local officials and legislators in the member's district about issues before the agency or council.

The report on employee salaries under clause (1) must include details of: all lump sum payments or bonuses; and a description of all payments, expense accounts, allowances, including travel allowances, and other current benefits granted to individuals that are not made generally available to employees of the council or agency.

Sec. 2. Minnesota Statutes 1990, section 473.1623, is amended by adding a subdivision to read:

Subd. 7. [APPLICATION TO COMMISSION.] The provisions of subdivisions 4 and 4b also apply to the metropolitan mosquito control commission.”

Renumber remaining sections in sequence

Amend the title as follows:

Page 1, line 4, after “sections” insert “473.1623, subdivision 6, and by adding a subdivision;”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Beginch from the Committee on Labor-Management Relations to which was referred:

H. F. No. 474, A bill for an act relating to employment; regulating certain construction bids; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Page 1, line 9, delete "the costs" and insert "coverage" and after "compensation" delete "coverage"

Page 1, line 10, delete "contributions"

Page 2, line 1, delete "treble" and insert "double"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 530, A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land in Washington county.

Reported the same back with the following amendments:

Page 1, line 7, delete "section 92.45, the"

Page 1, line 8, delete everything before "chapter"

Page 1, lines 9 and 11, delete "shall" and insert "may"

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 571, A bill for an act relating to retirement; Minneapolis municipal employees; making various changes reflecting benefits, administration, and investment practices of the Minneapolis employees retirement fund; amending Minnesota Statutes 1990, sec-

tions 422A.03, subdivision 1; 422A.05, subdivision 2c; 422A.09, subdivision 3; 422A.13, subdivision 2; and 422A.16, subdivisions 1 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 11A.24, subdivision 1, is amended to read:

Subdivision 1. [SECURITIES GENERALLY.] The state board shall have the authority to purchase, sell, lend or exchange the following securities for funds or accounts specifically made subject to this section including puts and call options and future contracts traded on a contract market designated and regulated by a federal agency. These securities may be owned as units in commingled trusts that own the securities described in subdivisions 2 to 5.

Sec. 2. Minnesota Statutes 1990, section 356.71, is amended to read:

356.71 [REAL ESTATE INVESTMENTS.]

Notwithstanding any law to the contrary, any public pension plan whose assets are not invested by the state board of investment may invest its funds in Minnesota situs nonfarm real estate ownership interests or loans secured by mortgages or deeds of trust if the investment is consistent with section 356A.04. Except to the extent authorized in the case of the Minneapolis employees retirement fund under section 422A.05, subdivision 2c, paragraph (a), an investment otherwise authorized by this section must also comply with the requirements and limitations of section 11A.24, subdivision 6.

Sec. 3. Minnesota Statutes 1990, section 422A.03, subdivision 1, is amended to read:

Subdivision 1. The retirement board shall meet on the third Tuesday of each calendar month of each year and may adjourn from time to time. Special meetings may be held upon the call of the president. The board shall, by a four-sevenths vote of all members of the board, appoint an executive director, who shall have charge of the performance of the duties required by the provisions of sections 422A.01 to 422A.25, and who shall appoint other necessary employees to positions approved in advance by the board. If at the time of appointment as executive director the appointee holds a position subject to the civil service rules and regulations of the city the appointee shall be deemed to be on leave of absence from the civil service position during tenure as executive director, and upon

termination of service shall be returned to the appointee's permanent civil service classification. If no vacancy is available in the appointee's permanent civil service classified position, seniority shall prevail, and the person most recently certified to the position shall be returned to the permanent civil service classification held prior to such certification.

Sec. 4. Minnesota Statutes 1990, section 422A.05, subdivision 2c, is amended to read:

Subd. 2c. (a) For investments made on or after July 1, 1991, the board may shall invest funds only in investments authorized by section 11A.24. However, in addition to other authorized real estate investments authorized by section 11A.24, the board may also invest funds in make loans to purchasers of Minnesota situs nonfarm residential real state ownership interests or loans that is owned by the Minneapolis employees retirement fund. The loans must be secured by mortgages or deeds of trust.

(b) For investments made before July 1, 1991, the board may, but is not required to, comply with section 11A.24. However, with respect to these investments, the board shall act in accordance with subdivision 2a and chapter 356A.

Sec. 5. Minnesota Statutes 1990, section 422A.09, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS FROM MEMBERSHIP] The exempt class shall consist of:

(1) Employees who are members of any other organization or association of the city on behalf of which a tax is levied by the city for the purpose of paying retirement allowances to disabled or superannuated employees.

(2) Persons filling elective position; provided that any elective officer holding an elective city office, except a judge of municipal court, shall, upon written application to the retirement board, be entitled to become a member of the contributing class of the fund, and after becoming a contributor to the fund be entitled to all benefits conferred upon employees of the contributing class except retirement on a service allowance, which shall be granted only upon completion of ten or more years of service and attaining at least age 60.

All retirement allowances shall be computed and determined as provided herein, except that in determining the number of years of service, credit shall be given for time served as an elective officer or employee, or member of an executive board or commission or any combination thereof. Persons who have served in elective positions

which qualified them for membership in the fund prior to July 1, 1967, and who immediately thereafter hold elective office, first being appointed to that elective office in Hennepin county, may retain or resume membership in the fund as an elective officer of the county. The county shall collect and pay to the retirement fund the employee contribution as required ~~pursuant to~~ under section 422A.10. The employer contribution on behalf of the elected officer ~~shall~~ must be paid by the county. Before receiving a retirement allowance, or any other benefit, any person who claims credit for service ~~pursuant to~~ under this section shall contribute to the fund an amount equal to the amount of contributions to the fund which the person would have made had the person been a contributor to the fund since the date the person first became eligible for membership in the fund, ~~in accordance with~~ under section 422A.10, plus six percent compound interest.

(3) Persons serving without pay.

(4) Persons employed on a temporary basis, as doorkeepers, ticket takers, and attendants at the municipal auditorium, park recreation facilities, or like activities, employed less than 1000 hours, or its equivalent if employed on any other basis than an hourly basis, in any calendar year from January 1 to December 31, inclusive, provided that employees who were contributing members of the fund on July 1, 1959 shall not be affected by the exclusions ~~contained~~ in this section.

(5) A person who is exempted from the contributing class by Minnesota Statutes 1974, section 422A.09, subdivision 3, clauses (4) and (5), but who is employed by and paid, in whole or in part, by the city or any of its boards, departments, or commissions, operated as a department of the city government or independently, if financed in whole or in part by city funds, including any person employed by a public corporation, and including any person employed by special school district No. 1, each of whom is not a member of any other retirement system, who later becomes a contributing member of the fund may elect to qualify at that time for credit by paying into the fund an amount equal to the amount of contributions to the fund which the person would have made had the person been a contributor to the fund since the date the person first qualified as an exempt member of the contributing class, ~~in accordance with~~ under section 422A.10, plus six percent compound interest.

(6) Any person who is employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal Comprehensive Employment and Training Act from and after March 30, 1978, unless the city council of the city of Minneapolis specifies that the person is to be considered as a provisional member of the retirement fund pursuant to section 356.451 or unless the person has as of the later of March 30, 1978, or the date of employment sufficient service credit in the retirement fund to

meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Training and Employment Act, or the person agrees in writing to make the required employer contribution in addition to the required employee contribution.

Sec. 6. Minnesota Statutes 1990, section 422A.13, subdivision 2, is amended to read:

Subd. 2. Subject to the limitations stated in sections 422A.01 to 422A.25, ~~any an~~ employee in the contributing class who ~~shall have been was~~ employed by the city for ten or more years and ~~shall have attained~~ attains the established age for retirement, or ~~shall have been was~~ employed by the city for 30 or more years ~~all~~, as determined by the retirement board, ~~shall be entitled to~~ may retire. Any employee in the contributing class shall be retired upon reaching the age of 70 regardless of the provisions of the veterans preference act and receive a service allowance as specified in sections ~~356.30, 356.32, or 422A.01 to 422A.25.~~

Sec. 7. Minnesota Statutes 1990, section 422A.16, subdivision 1, is amended to read:

Subdivision 1. Any member of the contributing class who becomes permanently separated from the service of the city after ~~20~~ three or more years of service to the city may, by an instrument in writing filed with the retirement board within 30 days after such separation becomes permanent, elect to allow the member's contributions to the fund to the date of separation to remain on deposit in the fund.

Sec. 8. Minnesota Statutes 1990, section 422A.16, subdivision 3, is amended to read:

Subd. 3. If such contributing member dies ~~before reaching the age of 65 years, or having attained the age of 65 years~~ without having made the election provided for herein, the net accumulated amount of deductions from the member's salary, pay or compensation plus interest to the member's credit on date of death ~~shall~~ must be paid to such person, or persons, as the member shall have nominated by written designation filed with the retirement board, in such form as the retirement board shall require. If the employee fails to make a designation, or if the person or persons designated by the employee is not living to receive payment, the net accumulated amount of deductions from the employee's salary, pay, or compensation, plus interest to the credit of such employee on date of death ~~shall~~ must be paid to the employee's estate. The net accumulated city deposits ~~shall~~ must be paid to a beneficiary designated by such contributing member in such form as the retirement board shall require, who

shall be the surviving spouse, or surviving child, or children of such member. If there ~~be~~ is no surviving spouse, or surviving child or children, deposits ~~shall~~ must be paid to a person actually dependent on and receiving principal support from such member or surviving mother or father, or surviving brother or sister, or surviving children of the deceased brother or sister of such member.

If the beneficiary designated by the member is not one of the class of persons named in the preceding paragraph, such benefit from the accumulations of city deposits shall be paid in the following order: (1) to the surviving spouse, the whole thereof; (2) if there be no surviving spouse, to the surviving children, share and share alike; (3) if there be no surviving spouse or child, or children, to the dependent or dependents of the member, share and share alike; (4) if there be no surviving spouse, child, or children, or dependents, to the surviving mother and father, share and share alike; (5) if there be no surviving mother and father, to the surviving brothers and sisters of the member, in equal shares; (6) and if there be no surviving brothers and sisters, to the surviving children of the deceased brothers and sisters of the member, in equal shares; (7) and if there be no person named in this paragraph who survives the member, the accumulation of city deposits ~~shall~~ must be canceled.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective July 1, 1991."

Amend the title as follows:

Page 1, line 6, after "sections" insert "11A.24, subdivision 1; 356.71;"

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 640, A bill for an act relating to education; providing for prepaid tuition; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 135B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [136A.096] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 1 and 2, the terms defined in this section have the meanings given them.

Subd. 2. [BOARD.] “Board” means the higher education coordinating board.

Subd. 3. [CONTRACT.] “Contract” means a prepaid tuition contract entered into by the board and a purchaser.

Subd. 4. [PURCHASER.] “Purchaser” means a person who makes or is obligated to make advance payments in accordance with a prepaid tuition contract.

Subd. 5. [QUALIFIED BENEFICIARY.] “Qualified beneficiary” means a person who is a resident of this state at the time a purchaser enters into a contract on behalf of the resident.

Subd. 6. [TUITION.] “Tuition” means the quarter, semester, or term charges imposed by a school, including all mandatory fees, as a condition of enrollment.

Sec. 2. [PREPAID TUITION PROGRAM.]

Subdivision 1. [CREATION.] The board, or its authorized officer, agent, or employee, is authorized to contract with a purchaser for the lump sum or installment prepayment of tuition costs by the purchaser for a qualified beneficiary to attend any public post-secondary institution in this state to which the qualified beneficiary is admitted, without further tuition costs. The board is authorized to bind the public post-secondary institution, including the University of Minnesota if the board of regents consents, to the terms of a contract.

Subd. 2. [ADMINISTRATION.] The board shall administer the prepaid tuition program created by this section. The board is granted all powers necessary to implement the program and may adopt rules necessary to implement the program.

Subd. 3. [TYPES OF CONTRACT.] The board must offer contracts for each public system of post-secondary institutions. The board shall offer a contract for the University of Minnesota if the board of regents of the University of Minnesota agrees to be bound by the contract.

Subd. 4. [CONTRACT TERMS.] A contract shall include, but not be limited to, the following:

(1) the price which may vary according to the institutions covered by the contract, age of the qualified beneficiary, and the number of payments;

(2) provisions for withdrawal from the plan, including refunds and any penalty therefor;

(3) the name and date of birth of the qualified beneficiary;

(4) terms and conditions under which another person may be subsequently substituted for the qualified beneficiary originally named;

(5) the person entitled to terminate the contract, how a contract may be terminated, and the name of the person entitled to and the amount of any refund due on termination of the contract;

(6) the period of time during which a qualified beneficiary must claim benefits through the program;

(7) all other rights and obligations of the purchaser and the board; and

(8) such other terms as the board considers in its sole discretion to be necessary or appropriate.

Subd. 5. [TRANSFERABILITY.] In the event a qualified beneficiary elects not to attend a state public post-secondary institution and is accepted by any other post-secondary institution, the board shall, upon receipt of evidence of admission to the other post-secondary institution, remit on a quarterly, semester, or term basis as appropriate, an amount pursuant to the terms of the contract that is equal to the amount that would have been payable to a public post-secondary institution under the contract.

Subd. 6. [CANCELLATION.] A contract must provide that, if after a specified period of time, the contract has not been terminated nor the qualified beneficiary's rights under the contract exercised, the board, after making reasonable effort to locate the purchaser and qualified beneficiary or the agent of either, shall retain the amounts otherwise payable and the rights of the qualified beneficiary, the purchaser, or the agent of either are terminated.

Subd. 7. [NO PROMISE OF ADMISSION OR GRADUATION.] Nothing in this section, nor in a prepaid tuition contract entered into pursuant to this section, shall be construed as a promise or guarantee by the board or the state that a person shall be:

(1) admitted to a particular post-secondary institution;

(2) allowed to continue to attend a post-secondary institution after having been admitted; or

(3) graduated from a post-secondary institution.

Subd. 8. [NO ADDITIONAL TUITION.] The contract must provide that upon receipt of the contract price, the qualified beneficiary may attend the public post-secondary institution named in the contract without payment of any additional tuition.

Subd. 9. [PAYROLL DEDUCTIONS.] The state, a political subdivision of the state, or any other employer in the state is authorized, by contract, or otherwise, to agree with any employee to remit payments toward prepaid tuition contracts through payroll deduction under the terms of a prepaid tuition contract.

Subd. 10. [DEPOSIT OF FUNDS.] Money received by the board in payment for contracts under this section shall be deposited in a dedicated fund in the state treasury. Money in the dedicated fund shall be used solely to meet the board's obligations under contracts executed pursuant to this section and to pay for the cost of administering this section. A sum sufficient to meet contract obligations and pay administrative costs is annually appropriated from the dedicated fund to the board.

Subd. 11. [MANAGEMENT OF FUNDS.] The Minnesota state board of investment shall invest the money in the dedicated fund subject to chapter 11A. All income and investment gains and losses must be credited to the dedicated fund.

Subd. 12. [MINORITY, ECONOMICALLY DISADVANTAGED BENEFICIARIES.] The board shall develop and publicize a program whereby corporate, foundation, and other purchasers unrelated to a beneficiary purchase contracts for the benefit of minority or economically disadvantaged children. The board shall attempt to structure the program so that payment by these unrelated purchasers are deductible under federal and state income tax laws as charitable contributions.

Sec. 3. [APPROPRIATION.]

\$. is appropriated from the general fund to the higher education coordinating board for the purposes of section 2 for the biennium ending June 30, 1993.

Sec. 4. [EFFECTIVE DATE.]

This act is effective July 1, 1991."

Delete the title and insert:

"A bill for an act relating to higher education; creating a prepaid tuition program for post-secondary institutions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 647, A bill for an act relating to crime; providing penalties for intentional damage to timber or wood processing, manufacturing, or transportation equipment; providing penalties for possessing certain devices to damage timber or wood processing, manufacturing, or transportation equipment; providing penalties for unlawful interference with timber harvests; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 650, A bill for an act relating to trade and economic development; appropriating money for a history center at Traverse des Sioux.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 664, A bill for an act relating to commerce; requiring accessibility specialists; requiring certification by building officials; amending Minnesota Statutes 1990, sections 16B.63, by adding a subdivision; and 16B.65, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 22, insert:

“Sec. 3. Minnesota Statutes 1990, section 471.468, is amended to read:

471.468 [BUILDING PLANS; APPROVAL; EXCEPTIONS.]

On site construction or remodeling shall not hereafter be commenced of any building or facility until the plans and specifications of the building or facility have been reviewed and approved by the local authority. The provisions of sections 471.465 to 471.469 are applicable only to contracts awarded subsequent to May 22, 1971. The local authority shall certify in writing that the review and approval under this section have occurred. The certification must be attached to the permit of record.”

Amend the title as follows:

Page 1, line 5, delete “and”

Page 1, line 6, before the period insert “; and 471.468”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 678, A bill for an act relating to juveniles; requiring a study of the juvenile certification process.

Reported the same back with the following amendments:

Page 2, after line 1, insert:

“The membership of the study group shall include at least four members who reside in nonmetropolitan counties and who include a judge, a county attorney, a public defender, and a representative of a local correctional system.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 684, A bill for an act relating to retirement; Duluth teachers retirement fund association and St. Paul teachers retirement fund association; proposing coding for new law in Minnesota Statutes, chapter 354A; repealing Laws 1985, chapter 259, sections 2 and 3; and Laws 1990, chapter 570, article 7, section 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 685, A bill for an act relating to gambling; requiring posting of the compulsive gambling hotline number; imposing surcharges on gambling permits and licenses; appropriating money; amending Minnesota Statutes 1990, sections 240.13, subdivision 2; 349.172; and 349A.06, subdivision 5.

Reported the same back with the following amendments:

Page 3, delete lines 14 to 22

Page 3, line 23, delete "5" and insert "4"

Page 3, line 24, delete "\$767,000" and insert "\$....." and delete "\$756,000" and insert "\$....."

Page 3, line 29, delete "\$260,000" and insert "\$....." and delete "\$260,000" and insert "\$....."

Page 4, line 1, delete "6" and insert "5"

Amend the title as follows:

Page 1, line 3, delete "imposing"

Page 1, delete line 4

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 688, A bill for an act relating to corrections; requiring county boards to provide medical aid for prisoners in jail; amending Minnesota Statutes 1990, section 641.15.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 641.15, is amended to read:

641.15 [PRISONERS; FEEDING, CARE.]

Subdivision 1. [CLOTHING AND CARE.] The county board shall provide suitable jail clothing, without distinctive marks, underclothing, linen and bedding, towels, and medical aid for prisoners, and fuel for the jail and, if adjoining and connected, the sheriff's residence. The sheriff may require a prisoner to wear jail clothing during confinement, but shall restore personal clothing upon discharge. No prisoner shall must be required to wear clothing previously used until it has been thoroughly cleansed. The sheriff or jailer shall keep the jail in a clean and healthy condition, have each prisoner's clothing washed at least once a week, furnish to each sufficient clean water for drinking and bathing, and serve each three times a day with a sufficient quantity of wholesome, well cooked food.

Subd. 2. [MEDICAL AID.] Except as provided in section 466.101, the county board shall provide medical aid for prisoners. The county is not responsible for payment of medical bills to the extent that the prisoner to whom the medical aid was provided has the ability to pay the bills. If there is a disagreement between the county and a prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall determine the extent, if any, of the prisoner's ability to pay for the medical aid. If a prisoner is covered by health or medical insurance or other health plan when medical aid is provided, the county providing the medical aid has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical aid to the prisoner that are covered by

the policy of insurance or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan, as provided in section 62A.156. The county may maintain an action to enforce this subrogation right.

Subd. 3. [INTAKE PROCEDURE; HEALTH COVERAGE.] As part of its intake procedure for new prisoners, the sheriff shall ask the prisoner whether the prisoner has health coverage. If the prisoner has coverage as described in section 62A.156, subdivision 1, coverage through a self-insured plan, or other health coverage, the prisoner shall provide to the sheriff the name of the carrier or administrator and other information and authorizations necessary for the sheriff to obtain specific information about coverage.

Subd. 4. [OBTAINING HEALTH CARE IN COMPLIANCE WITH COVERAGE.] A county board may authorize the sheriff to fulfill the county board's obligation to provide the medical aid required by subdivision 1 in accordance with the terms of the health plan covering the prisoner, where possible, subject to any rules and exceptions provided by the county board. The sheriff has no obligation to the prisoner to obtain the prisoner's health care in accordance with the prisoner's health coverage.

Subd. 5. [SCOPE.] Subdivisions 2, 3, and 4 apply to any medical aid, including dental care, provided to prisoners held in a county jail or workhouse."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 693, A bill for an act relating to the collection and dissemination of data; authorizing child protective service agencies and family court service agencies to share information about cases relating to child abuse when they involve common clients; amending Minnesota Statutes 1990, sections 13.46, by adding a subdivision; and 13.84, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 13.01, is amended by adding a subdivision to read:

Subd. 3. [SCOPE.] This chapter regulates the collection, creation, storage, maintenance, dissemination, and access to government data in state agencies, statewide systems, and political subdivisions. It establishes a presumption that government data are classified as public and are therefore accessible by the public for both inspection and copying unless there is federal law, a state statute, or a temporary classification of data that provides that certain data are not public.

Data on individuals that are not public can be classified as either private, meaning the data are accessible by the individual who is the subject of the data, or as confidential meaning the data are usually not accessible by the subject of the data. Data not on individuals that are not public can be classified as either nonpublic, meaning the data are accessible by the subject of the data if there is a data subject, or protected nonpublic meaning the data are usually not accessible by the subject of the data. Statutory sections classifying data can be found in this chapter.

This chapter also establishes rights for individual subjects of data and duties to be performed by state agencies, statewide systems, and political subdivisions. It provides remedies to citizens and both criminal and personnel sanctions for violations of the statute. This chapter also contains a number of sections that define various types of data, classifications are stated for those types of data, and special issues associated with those types of data are resolved.

Sec. 2. Minnesota Statutes 1990, section 13.03, is amended by adding a subdivision to read:

Subd. 9. [EFFECT OF CHANGES TO CLASSIFICATION.] Unless otherwise expressly provided by a particular statute, the classification of data is determined by the law that applies to the data at the time a request for access to the data is made, regardless of the data's classification at the time it was collected, created, or received.

Sec. 3. Minnesota Statutes 1990, section 13.40, is amended to read:

13.40 [LIBRARY AND HISTORICAL DATA.]

Subdivision 1. [DEFINITIONS.] The definitions in this subdivision apply to this section.

(a) "Historical records repository" means an archives or manuscript repository operated by any state agency, political subdivision, or statewide system whose purpose is to collect and maintain records to further the history of a geographic or subject area. The term does not include the state archives as defined in section 138.17, subdivision 1, clause (5).

(b) "Records" means all cards, correspondence, discs, maps, memoranda, microfilms, papers, photographs, recordings, tapes, writings, optical disks, and other data, information, or documentary material, regardless of physical form or characteristics, storage media, or conditions of use.

Subd. 2. [RECORDS SUBJECT TO THIS CHAPTER.] All records collected, maintained, used, or disseminated by a library or historical records repository operated by any state agency, political subdivision, or statewide system shall be administered in accordance with the provisions of this chapter.

Subd. 2. 3. [PRIVATE DATA; RECORDS OF BORROWING.] That portion of records maintained by a library which links a library patron's name with materials requested or borrowed by the patron or which links a patron's name with a specific subject about which the patron has requested information or materials is classified as private, pursuant to under section 13.02, subdivision 12, and shall not be disclosed except pursuant to a valid court order.

Subd. 4. [NONGOVERNMENTAL RECORDS.] All records held in the custody of a historical records repository that were not originally created, received, maintained, or disseminated by a state agency, political subdivision, or statewide system shall not be considered government data. These records shall be made accessible to the public unless:

(1) the records are contributed by private persons under an agreement that restricts access to the extent of any lawful limitation; or

(2) access would significantly endanger the physical or organizational integrity of the records.

Sec. 4. Minnesota Statutes 1990, section 13.43, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] (a) Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency, statewide system, or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action together with the specific reasons for the action and data document-

ing the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the terms of any agreement settling administrative or judicial proceedings; work location; a work telephone number; badge number; honors and awards received; payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data; and city and county of residence.

(b) For purposes of this subdivision, a final disposition occurs when the state agency, statewide system, or political subdivision makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the state agency, statewide system, political subdivision, or arbitrator.

(c) The state agency, statewide system, or political subdivision may display a photograph of a current or former employee to a prospective witness as part of the state agency's, statewide system's, or political subdivision's investigation of any complaint or charge against the employee.

Sec. 5. Minnesota Statutes 1990, section 13.43, is amended by adding a subdivision to read:

Subd. 2b. [MUNICIPAL AGENCY MEMBER DATA.] (a) The terms defined in this paragraph apply to this subdivision.

(1) "Board" means a board, commission, task force, or other similar multimember agency of a statutory or home rule charter city.

(2) "City" means a statutory or home rule charter city.

(b) Notwithstanding any law to the contrary, in addition to the data classified as public under subdivision 2, the following data pertaining to applicants for appointment to a board are public: name, home address, and qualifications.

The city shall make this data available upon request.

Sec. 6. [13.48] [AWARD DATA.]

All financial data on business entities, including but not limited to audited financial statements prepared by a certified public

accountant, balance sheets, statements of cash flow, internal production costs, and statements of changes in financial condition submitted to a state agency, statewide system, or political subdivision for the purpose of presenting awards to business entities for achievements in business development or performance are classified as nonpublic data.

Sec. 7. Minnesota Statutes 1990, section 13.55, is amended to read:

13.55 [ST. PAUL CIVIC CONVENTION CENTER AUTHORITY DATA.]

Subdivision 1. [~~NONPUBLIC NOT PUBLIC CLASSIFICATION.~~] The following data received, created or maintained by ~~the St. Paul civic center authority~~ or for publicly owned and operated convention facilities, civic center authorities, or the metropolitan sports facilities commission are classified as nonpublic data pursuant to section 13.02, subdivision 9; or private data on individuals pursuant to section 13.02, subdivision 12.

(a) A letter or other documentation from any person who makes inquiry to or who is contacted by the authority as to facility regarding the availability of authority facilities the facility for staging events;

(b) Identity of firms and corporations which contact the ~~authority facility~~;

(c) Type of event which they wish to stage in ~~authority facilities the facility~~;

(d) Suggested terms of rentals; and

(e) Responses of authority staff to these inquiries.

Subd. 2. [PUBLIC DATA.] The data made ~~nonpublic not public~~ by the provisions of subdivision 1 shall become public upon the occurrence of any of the following:

(a) A Five years elapse from the date on which the lease or contract is entered into between the authority facility and the inquiring party or parties or the event which was the subject of inquiry occurs at the facility, whichever occurs earlier;

(b) The event which was the subject of inquiry does not occur; or

(c) The event which was the subject of inquiry occurs elsewhere.

Subd. 3. [EXHIBITOR DATA.] The names, addresses, and contact persons for individual exhibitors at an exhibition may be withheld at the discretion of the facility to protect the competitive position of the facility or its customers.

Sec. 8. Minnesota Statutes 1990, section 13.82, subdivision 4, is amended to read:

Subd. 4. [RESPONSE OR INCIDENT DATA.] The following data created or collected by law enforcement agencies which documents the agency's response to a request for service including, but not limited to, responses to traffic accidents, or which describes actions taken by the agency on its own initiative shall be public government data:

(a) Date, time and place of the action;

(b) Agencies, units of agencies and individual agency personnel participating in the action unless the identities of agency personnel qualify for protection under subdivision 10;

(c) Any resistance encountered by the agency;

(d) Any pursuit engaged in by the agency;

(e) Whether any weapons were used by the agency or other individuals;

(f) A brief factual reconstruction of events associated with the action;

(g) Names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under subdivision 10;

(h) Names and addresses of any victims or casualties unless the identities of those individuals qualify for protection under subdivision 10;

(i) The name and location of the health care facility to which victims or casualties were taken; and

(j) Response or incident report number; and

(k) Dates of birth of the parties involved in a traffic accident.

Sec. 9. Minnesota Statutes 1990, section 13.82, subdivision 10, is amended to read:

Subd. 10. [PROTECTION OF IDENTITIES.] A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency may withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) When access to the data would reveal the identity of an undercover law enforcement officer;

(b) When access to the data would reveal the identity of a victim of criminal sexual conduct or of a violation of section 617.246, subdivision 2;

(c) When access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant;

(d) When access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, and the agency reasonably determines that revealing the identity of the victim or witness would threaten the personal safety or property of the individual; or

(e) When access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred; or

(f) When access to the data would reveal the identity of a person who placed a call to a 911 system, or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and the agency determines that revealing the identity may threaten the personal safety or property of any person. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller.

Sec. 10. Minnesota Statutes 1990, section 13.83, subdivision 4, is amended to read:

Subd. 4. [INVESTIGATIVE DATA.] Data created or collected by a county coroner or medical examiner which is part of an active investigation mandated by chapter 390, or any other general or local law relating to coroners or medical examiners is confidential data or protected nonpublic data, until the completion of the coroner's or medical examiner's final summary of findings at which point the data collected in the investigation and the final summary thereof shall become private or nonpublic data, except that unless the final summary and the death certificate indicate the manner of death is homicide, undetermined, or pending investigation and there is an active law enforcement investigation, within the meaning of section

13.82, subdivision 5, relating to the death of the deceased individual. If there is an active law enforcement investigation of a possible homicide, the data remain confidential or protected nonpublic. However, upon review by the county attorney of the jurisdiction in which the law enforcement investigation is active, the data may be released to persons described in subdivision 8 if the county attorney determines release would not impede the ongoing investigation. When the law enforcement investigation becomes inactive, the data shall become private or nonpublic data. Nothing in this subdivision shall be construed to make not public the data elements identified in subdivision 2 at any point in the investigation or thereafter.

Sec. 11. Minnesota Statutes 1990, section 13.83, subdivision 8, is amended to read:

Subd. 8. [ACCESS TO NONPUBLIC DATA.] The data made nonpublic by this section are accessible to the physician who attended the decedent at the time of death, the legal representative of the decedent's estate and to the decedent's surviving spouse, parents, children, and siblings and their legal representatives.

Sec. 12. Minnesota Statutes 1990, section 13.83, is amended by adding a subdivision to read:

Subd. 10. [CLASSIFICATION OF CERTAIN MEDICAL EXAMINER AND CORONER DATA.] Data described in sections 383B.225, subdivision 6, 390.11, subdivision 7, and 390.32, subdivision 6, shall be classified as described therein.

Sec. 13. Minnesota Statutes 1990, section 13.84, is amended by adding a subdivision to read:

Subd. 8. [CHILD ABUSE DATA; RELEASE TO CHILD PROTECTIVE SERVICES.] The responsible authority or its designee of a family court services agency may release private or confidential data on an active case involving assessment or investigation of actions that are defined as sexual abuse, physical abuse, or neglect under section 626.556 to a child protective services unit of the local welfare agency if:

(1) the child protective services unit has an active case involving a common client or clients who are the subject of the data; and

(2) the data are necessary for the child protective services unit to effectively process the units' case, including investigating or performing other duties relating to the case required by law.

The family court services data disclosed under this subdivision shall be used only for purposes of the active child protective services case described in clause (1) and must not be further disclosed to any

other person or agency, except by court order or written consent of the parties, or pursuant to section 626.556, subdivision 10.

Sec. 14. Minnesota Statutes 1990, section 144.335, is amended by adding a subdivision to read:

Subd. 3a. [PATIENT CONSENT TO RELEASE OF RECORDS; LIABILITY.] (a) A provider may not release a patient's health records to a person without a signed and dated consent from the patient or the patient's legally authorized representative authorizing the release, unless the release is specifically authorized by law.

(b) This subdivision does not prohibit the release of health records for a medical emergency when the provider is unable to obtain the patient's consent.

(c) A provider which negligently or intentionally releases a health record in violation of this subdivision, or person who forges a signature on a consent form or who alters the consent form of another person without the person's consent, is liable to the patient for compensatory damages caused by an unauthorized release, plus costs and disbursements.

Sec. 15. Minnesota Statutes 1990, section 169.09, subdivision 13, is amended to read:

Subd. 13. [ACCIDENT REPORTS CONFIDENTIAL.] All written reports and supplemental reports required under this section to be provided to the department of public safety shall be without prejudice to the individual so reporting and shall be for the confidential use of the department of public safety and other appropriate state, federal, county, and municipal governmental agencies for accident analysis purposes, except that the department of public safety or any law enforcement department of any municipality or county in this state shall, upon written request of any person involved in an accident or upon written request of the representative of the person's estate, surviving spouse, or one or more surviving next of kin, or a trustee appointed pursuant to section 573.02, disclose to the requester, the requester's legal counsel or a representative of the requester's insurer any information contained therein except the parties' version of the accident as set out in the written report filed by the parties or may disclose identity of a person involved in an accident when the identity is not otherwise known or when the person denies presence at the accident. No report shall be used as evidence in any trial, civil or criminal, arising out of an accident, *except that the department of public safety shall furnish upon the demand of any person who has, or claims to have, made a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department of public safety solely to prove a compliance or a failure to comply with the requirements that the report be made to the department of public*

safety. Disclosing any information contained in any accident report, except as provided herein, is unlawful and a misdemeanor.

Nothing herein shall be construed to prevent any person who has made a report pursuant to this chapter from providing information to any persons involved in an accident or their representatives or from testifying in any trial, civil or criminal, arising out of an accident, as to facts within the person's knowledge. It is intended by this subdivision to render privileged the reports required but it is not intended to prohibit proof of the facts to which the reports relate. Legally qualified newspaper publications and licensed radio and television stations shall upon request to a law enforcement agency be given an oral statement covering only the time and place of the accident, the names, addresses, and dates of birth of the parties involved, whether a citation was issued, and if so, what it was for, and whether the parties involved were wearing seat belts, and a general statement as to how the accident happened without attempting to fix liability upon anyone, but said legally qualified newspaper publications and licensed radio and television stations shall not be given access to the hereinbefore mentioned confidential reports, nor shall any such statements or information so orally given be used as evidence in any court proceeding, but shall merely be used for the purpose of a proper publication or broadcast of the news. Response or incident data may be released pursuant to section 13.82, subdivision 4.

When these reports are released for accident analysis purposes the identity of any involved person shall not be revealed. Data contained in these reports shall only be used for accident analysis purposes, except as otherwise provided by this subdivision. Accident reports and data contained therein which may be in the possession or control of departments or agencies other than the department of public safety shall not be discoverable under any provision of law or rule of court.

Notwithstanding other provisions of this subdivision to the contrary, the commissioner of public safety shall give to the commissioner of transportation the name and address of a carrier subject to section 221.031 that is named in an accident report filed under subdivision 7 or 8. The commissioner of transportation may not release the name and address to any person. The commissioner shall use this information to enforce accident report requirements under chapter 221. In addition the commissioner of public safety may give to the United States Department of Transportation commercial vehicle accident information in connection with federal grant programs relating to safety.

The department may charge authorized persons a \$5 fee for a copy of an accident report.

Sec. 16. Minnesota Statutes 1990, section 260.161, subdivision 3, is amended to read:

Subd. 3. (a) Peace officers' records of children shall be kept separate from records of persons 18 years of age or older and shall not be open to public inspection or their contents disclosed to the public except (1) by order of the juvenile court, (2) as required by section 126.036, (3) as authorized under section 13.82, subdivision 2, or (4) to the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation; and except that (1) traffic investigation reports may be open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident, and (2) identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169.121 or 169.129. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

(b) *Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing a criminal investigation.*

(c) The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

Sec. 17. Minnesota Statutes 1990, section 383B.225, subdivision 6, is amended to read:

Subd. 6. [INVESTIGATION PROCEDURE.] (a) Upon notification of the death of any person, as provided in subdivision 5, the county medical examiner or a designee may proceed to the body, take charge of it, and order, when necessary, that there be no interference with the body or the scene of death. Any person violating the order of the examiner is guilty of a misdemeanor. The examiner or the examiner's designee shall make inquiry regarding the cause and manner of death and prepare written findings together with the report of death and its circumstances, which shall be filed in the office of the examiner. When it appears that death may have resulted from a criminal act and that further investigation is advisable, a copy of the report shall be transmitted to the county attorney. The examiner may take possession of all property of the deceased, mark it for identification, and make an inventory. The examiner shall take possession of all articles useful in establishing the cause of death,

mark them for identification and retain them securely until they are no longer needed for evidence or investigation. The examiner shall release any property or articles needed for any criminal investigation to law enforcement officers conducting the investigation. When a reasonable basis exists for not releasing property or articles to law enforcement officers, the examiner shall consult with the county attorney. If the county attorney determines that a reasonable basis exists for not releasing the property or articles, the examiner may retain them. The property or articles shall be returned immediately upon completion of the investigation. When the property or articles are no longer needed for the investigation or as evidence, the examiner shall release the property or articles to the person or persons entitled to them. Notwithstanding any other law to the contrary, when personal property of a decedent has come into the possession of the examiner, and is not used for a criminal investigation or as evidence, and has not been otherwise released as provided in this subdivision, the name of the decedent shall be filed with the probate court, together with a copy of the inventory of the decedent's property. At that time, an examination of the records of the probate court shall be made to determine whether a will has been admitted to probate or an administration has been commenced. Property of a nominal value, including wearing apparel, may be released to the spouse or any blood relative of the decedent or to the person accepting financial responsibility for burial of the decedent. If property has not been released by the examiner and no will has been admitted to probate or administration commenced within six months after death, the examiner shall sell the property at a public auction upon notice and in a manner as the probate court may direct. If the name of the decedent is not known, the examiner shall inventory the property of the decedent and after six months may sell the property at a public auction. The examiner shall be allowed reasonable expenses for the care and sale of the property and shall deposit the net proceeds of the sale with the county administrator, or the administrator's designee, in the name of the decedent, if known. If the decedent is not known, the examiner shall establish a means of identifying the property of the decedent with the unknown decedent and shall deposit the net proceeds of the sale with the county administrator, or a designee, so, that, if the unknown decedent's identity is established within six years, the proceeds can be properly distributed. In either case, duplicate receipts shall be provided to the examiner, one of which shall be filed with the court, the other of which shall be retained in the office of the examiner. If a representative shall qualify within six years from the time of deposit, the county administrator, or a designee, shall pay the amount of the deposit to the representative upon order of the court. If no order is made within six years, the proceeds of the sale shall become a part of the general revenue of the county.

(b) For the purposes of this section, health-related records or data on a decedent, except health data defined in section 13.38, whose death is being investigated under this section, whether the records

or data are recorded or unrecorded, including but not limited to those concerning medical, surgical, psychiatric, psychological, or any other consultation, diagnosis, or treatment, including medical imaging, shall be made promptly available to the medical examiner, upon the medical examiner's written request, by a person having custody of, possession of, access to, or knowledge of the records or data. The medical examiner shall pay the reasonable costs of copies of records or data provided to the medical examiner under this section. Data collected or created pursuant to this subdivision relating to any psychiatric, psychological, or mental health consultation with, diagnosis of, or treatment of the decedent whose death is being investigated shall remain confidential or protected nonpublic data, except that the medical examiner's report may contain a summary of such data.

Sec. 18. Minnesota Statutes 1990, section 390.11, subdivision 7, is amended to read:

Subd. 7. [REPORTS.] (a) Deaths of the types described in this section must be promptly reported for investigation to the coroner by the law enforcement officer, attending physician, mortician, person in charge of the public institutions referred to in subdivision 1, or other person with knowledge of the death.

(b) For the purposes of this section, health-related records or data on a decedent, except health data defined in section 13.38, whose death is being investigated under this section, whether the records or data are recorded or unrecorded, including but not limited to those concerning medical, surgical, psychiatric, psychological, or any other consultation, diagnosis, or treatment, including medical imaging, shall be made promptly available to the coroner, upon the coroner's written request, by a person having custody of, possession of, access to, or knowledge of the records or data. The coroner shall pay the reasonable costs of copies of records or data provided to the coroner under this section. Data collected or created pursuant to this subdivision relating to any psychiatric, psychological, or mental health consultation with, diagnosis of, or treatment of the decedent whose death is being investigated shall remain confidential or protected nonpublic data, except that the coroner's report may contain a summary of such data.

Sec. 19. Minnesota Statutes 1990, section 390.32, subdivision 6, is amended to read:

Subd. 6. [REPORT OF DEATHS.] (a) Deaths of the types described in this section must be promptly reported for investigation to the sheriff by the attending physician, mortician, person in charge of the public institutions referred to in subdivision 1, or other person having knowledge of the death.

(b) For the purposes of this section, health-related records or data

on a decedent, except health data as defined in section 13.38, whose death is being investigated under this section, whether the records or data are recorded or unrecorded, including but not limited to those concerning medical, surgical, psychiatric, psychological, or any other consultation, diagnosis, or treatment, including medical imaging, shall be made promptly available to the medical examiner, upon the medical examiner's written request, by a person having custody of, possession of, access to, or knowledge of the records or data. The medical examiner shall pay the reasonable costs of copies of records or data provided to the medical examiner under this section. Data collected or created pursuant to this subdivision relating to any psychiatric, psychological, or mental health consultation with, diagnosis of, or treatment of the decedent whose death is being investigated shall remain confidential or protected nonpublic data, except that the medical examiner's report may contain a summary of such data.

Sec. 20. Minnesota Statutes 1990, section 403.07, subdivision 4, is amended to read:

Subd. 4. [USE OF FURNISHED INFORMATION.] Names, addresses, and telephone numbers provided to a 911 system under subdivision 3 are private data and may be used only for identifying the location or identity, or both, of a person calling a 911 public safety answering point. The information furnished under subdivision 3 may not be used or disclosed by 911 system agencies, their agents, or their employees for any other purpose except under a court order. ~~This subdivision does not affect access to service data under section 13.82, subdivision 3, when data subject to that provision is sought from a law enforcement agency.~~

Sec. 21. Minnesota Statutes 1990, section 595.024, subdivision 3, is amended to read:

Subd. 3. [DETERMINATION; APPEAL.] The district court shall consider the nature of the proceedings, the merits of the claims and defenses, the adequacies of alternative remedies, the relevancy of the information sought, and the possibility of establishing by other means that which the source is expected or may tend to prove. The court shall make its appropriate order after making findings of fact. The order may be appealed directly to the court of appeals according to the rules of appellate procedure. The order is stayed and nondisclosure shall remain in full force and effect during the pendency of the appeal. Where the court finds that the information sought has been published or broadcast, there shall be no automatic stay unless an appeal is filed within two days after the order is issued. Either party may request expedited consideration.

Sec. 22. Minnesota Statutes 1990, section 626.556, is amended by adding a subdivision to read:

Subd. 10h. [CHILD ABUSE DATA; RELEASE TO FAMILY COURT SERVICES.] The responsible authority or its designee of a child protective services unit of a local welfare agency may release private or confidential data on an active case involving assessment or investigation of actions that are defined as sexual abuse, physical abuse, or neglect under this section to a family court services agency if:

(1) the family court services agency has an active case involving a common client or clients who are the subject of the data; and

(2) the data are necessary for the family court services agency to effectively process the family court services' case, including investigating or performing other duties relating to the case required by law.

The child protective services data disclosed under this subdivision shall be used only for purposes of the active family court services case described in clause (1) and must not be further disclosed to any other person or agency, except by court order or written consent of the parties or pursuant to section 518.167.

Sec. 23. Minnesota Statutes 1990, section 626.556, subdivision 11c, is amended to read:

Subd. 11c. [WELFARE, FAMILY COURT SERVICES AGENCY, AND SCHOOL RECORDS MAINTAINED.] Notwithstanding sections 138.163 and 138.17, records maintained or records derived from reports of abuse by local welfare agencies, family court services agencies, or schools under this section shall be destroyed as provided in paragraphs (a) to (e) (d) by the responsible authority.

(a) If upon assessment or investigation there is no determination of maltreatment or the need for child protective services, the records may be maintained for a period of four years. After the individual alleged to have maltreated a child is notified under subdivision 10f of the determinations at the conclusion of the assessment or investigation, upon that individual's request, records shall be destroyed within 30 days.

(b) All records relating to reports which, upon assessment or investigation, indicate either maltreatment or a need for child protective services shall be destroyed seven years after the date of the final entry in the case record.

(c) All records regarding a report of maltreatment, including any notification of intent to interview which was received by a school under subdivision 10, paragraph (d), shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notifi-

cation when other records relating to the report under investigation or assessment are destroyed under this subdivision.

(d) Private or confidential data released to a family court services agency under subdivision 10h, shall be destroyed by the family court services agency when ordered to do so by the child protection services unit of the local welfare agency that released the data. The child protection services unit shall order destruction of the data when other records relating to the assessment or investigation are destroyed under this subdivision.

Sec. 24. [EFFECTIVE DATE.]

Sections 2, 8, 15, and 16 are effective the day following final enactment. Section 17 takes effect the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the board of commissioners of Hennepin county."

Delete the title and insert:

"A bill for an act relating to data practices; providing for classifications of government data; amending Minnesota Statutes 1990, sections 13.01, by adding a subdivision; 13.03, by adding a subdivision; 13.40; 13.43, subdivision 2 and by adding a subdivision; 13.55; 13.82, subdivisions 4 and 10; 13.83, subdivisions 4, 8, and by adding a subdivision; 13.84, by adding a subdivision; 144.335, by adding a subdivision; 169.09, subdivision 13; 260.161, subdivision 3; 383B.225, subdivision 6; 390.11, subdivision 7; 390.32, subdivision 6; 403.07, subdivision 4; 595.024, subdivision 3; and 626.556, subdivision 11c, and by adding a subdivision; proposing coding for new law in chapter 13."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 694, A bill for an act relating to the environment; establishing an environmental enforcement account; establishing a field citation pilot project for unauthorized disposal of solid waste; authorizing background investigations of environmental permit applicants; expanding current authority to impose administrative penalties for air and water pollution and solid waste management violations; imposing criminal penalties for knowing violations of standards related to hazardous air pollutants and toxic pollutants in water; providing that certain property is subject to forfeiture in connection with convictions for water pollution and air pollution

violations; imposing criminal penalties for unauthorized disposal of solid waste; authorizing prosecution of environmental crimes by the attorney general; providing for environmental restitution as part of a sentence; increasing criminal penalties for false statements on documents related to permits and record keeping; requiring reports; amending Minnesota Statutes 1990, sections 18D.331, subdivision 4; 115.071, by adding a subdivision; 115.072; 115C.05; 116.07, subdivision 4d; 116.072, subdivisions 1, 2, 6, 10, and 11; 609.531, subdivision 1; and 609.671; proposing coding for new law in Minnesota Statutes, chapters 115 and 116.

Reported the same back with the following amendments:

Page 4, line 3, after "waste" insert "if, after being notified that waste has escaped the vehicle, the person or company transporting the waste fails to collect the waste,"

Page 4, line 31, after "a" insert "hazardous waste facility permit or a solid waste facility"

Page 5, line 6, delete "and" and insert "or"

Page 5, line 10, after "convictions" insert "of the permit applicant"

Page 5, line 16, delete "its" and insert "the permit applicant's"

Page 5, line 28, delete "or" and insert "and"

Page 6, line 31, delete "; section 115B.17, subdivision 3; and any" and insert "; any rules promulgated under those chapters, and any standards, limitations, or conditions established in an agency permit; and for failure to respond to a request for information under section 115B.17, subdivision 3"

Page 6, delete lines 32 and 33

Page 6, line 34, delete everything before the period

Page 9, line 23, after "provisions" insert "; under which penalties are not assessed,"

Page 10, line 4, delete "and the attorney general"

Page 10, line 8, after "of" insert "the attorney general,"

Page 10, line 26, before the period insert "and methods of avoiding duplicative enforcement activities"

Page 10, line 30, delete "and the attorney general"

Page 10, line 33, after “and” insert “after consulting with the attorney general,”

Page 11, line 32, delete everything after “agency”

Page 11, line 33, delete everything before “may”

Page 14, lines 11 to 14, delete the new language and insert “(a) For purposes of this section, whether an act was “knowing” may be inferred from the person’s conduct, from the person’s familiarity with the subject matter in question, or from all of the facts and circumstances connected with the case. Proof of knowledge does not require that a person knew a particular act or failure to act was a violation of law or that the person had specific knowledge of the regulatory limits or testing procedures involved in a case. Knowledge may also be established by proof that the person deliberately avoided learning the truth about facts that a reasonably prudent person would have known. Mere negligence or mistake is not sufficient to establish knowledge.

(b) Knowledge by a corporate officer may be established under paragraph (a) or by proof that the person is a responsible corporate officer. To prove that a person is a responsible corporate officer, it must be shown that:

(1) the person is an officer of the corporation, not merely an employee; and

(2) the person has direct control of or supervisory responsibility for the activities. It is not sufficient to prove merely that the person held a certain job or position in a corporation; and

(3) the person had information that would lead a reasonably prudent person under the circumstances to learn or attempt to learn the actual facts”

Page 19, line 25, after “limitation” insert “for a hazardous air pollutant”

Page 20, after line 5, insert:

“Subd. 14. [DEFENSE.] Except for intentional violations, it is a defense to criminal liability under subdivision 8, paragraph (a), and subdivision 12 if the person notified the pollution control agency of the violation as soon as the person discovered the violation and took steps to promptly remedy the violation.”

Page 20, line 6, delete “14” and insert “15”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 713, A bill for an act relating to the justice system; making various technical corrections and minor changes to the public defender law; providing for payment of travel fees for defense witnesses; allowing persons in custody reasonable telephone access to their attorneys without charge; providing for certain compensation increases for district public defenders and assistant public defenders; providing who is eligible to be represented by the public defender; making the eighth judicial district court financing pilot project permanent; providing for a county aid offset if certain court costs are assumed by the state; requiring the supreme court to study the costs and prepare a budget; appropriating money; amending Minnesota Statutes 1990, sections 357.24; 477A.012, by adding a subdivision; 481.10; 611.215, subdivision 2; and 611.26, subdivision 6, and by adding subdivisions; and Laws 1989, chapter 335, article 3, section 44, as amended; repealing Minnesota Statutes 1990, sections 611.215, subdivision 4; 611.261; 611.28; and 611.29; and Laws 1989, chapter 335, article 3, section 54, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE 1

PUBLIC DEFENDER LAW CHANGES

Section 1. Minnesota Statutes 1990, section 275.50, subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in 1990 payable in 1991 and subsequent years, “special levies” means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) for taxes levied in 1990, payable in 1991 and subsequent years, pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law, and the costs of purchase or delivery of social services. The aggregate amounts levied under this clause for the costs of purchase or delivery of social services and income maintenance programs, other than those identified in sec-

tion 273.1398, subdivision 1, paragraph (i), are subject to a maximum increase over the amount levied for the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties. For purposes of this clause, "income maintenance programs" include income maintenance programs in section 273.1398, subdivision 1, paragraph (i), to the extent the county provides benefits under those programs over the statutory mandated standards. Effective with taxes levied in 1990, the portion of this special levy for human service programs identified in section 273.1398, subdivision 1, paragraph (i), is eliminated;

(b) pay the costs of principal and interest on bonded indebtedness except on bonded indebtedness issued under section 471.981, subdivisions 4 to 4c, or to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(c) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency; and to pay the cost for certificates of indebtedness issued pursuant to sections 298.28 and 298.282;

(d) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(e) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(f) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(g) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(h) pay amounts required by law to be paid to pay the interest on

and to reduce the unfunded accrued liability of public pension funds in accordance with the actuarial standards and guidelines specified in sections 356.215 and 356.216 reduced by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated receipts expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds;

(i) to compensate the state for the cost of a reassessment ordered by the commissioner of revenue pursuant to section 270.16;

(j) pay the debt service on tax increment financing revenue bonds to the extent that revenue to pay the bonds or to maintain reserves for the bonds is insufficient as a result of the provisions of Laws 1988, chapter 719, article 5;

(k) pay the cost of hospital care under section 261.21;

(l) pay the unreimbursed costs incurred in the previous year to satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any tort action, or to pay the costs of settlements out of court against the governmental subdivision in a tort action when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, provided that an appeal for the unreimbursed costs under this clause was approved by the commissioner of revenue under section 275.51, subdivision 3;

(m) pay the expenses reasonably and necessarily incurred in preparing for or repairing the effects of natural disaster including the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from natural causes such as earthquake, fire, flood, wind storm, wave action, oil spill, water contamination, air contamination, or drought in accordance with standards formulated by the emergency services division of the state department of public safety, provided that an appeal for the expenses incurred under this clause were approved by the commissioner of revenue under section 275.51, subdivision 3;

(n) pay a portion of the losses in tax receipts to a city due to tax abatements or court actions in the year preceding the current levy year, provided that an appeal for the tax losses was approved by the commissioner of revenue under section 275.51, subdivision 3. This special levy is limited to the amount of the losses times the ratio of the nonspecial levies to total levies for taxes payable in the year the

abatements were granted. County governments are not authorized to claim this special levy;

(o) pay the operating cost of regional library services authorized under section 134.34, subject to a maximum increase over the previous year of the greater of (1) 103 percent multiplied by one plus the percentage increase determined for the governmental subdivision under section 275.51, subdivision 3h, clause (b), or (2) six percent. If a governmental subdivision elected to include some or all of its levy for libraries within its adjusted levy limit base in the prior year, but elects to claim the levy as a special levy in the current levy year, the allowable increase is determined by applying the greater percentage determined under clause (1) or (2) to the total amount levied for libraries in the prior levy year. After levy year 1989, the increase must not be determined using a base amount other than the amount that could have been levied as a special levy in the prior year. This limit may be redistributed according to the provisions of section 134.342. In no event shall the special levy be less than the minimum levy required under sections 134.33 and 134.34, subdivisions 1 and 2;

(p) pay the amount of the county building fund levy permitted under section 373.40, subdivision 6;

(q) pay the county's share of the costs levied in 1989, 1990, and 1991 for the Minnesota cooperative soil survey under Minnesota Statutes 1988, section 40.07, subdivision 15;

(r) for taxes levied in 1989, payable in 1990 only, pay the cost incurred for the minimum share required by counties levying for the first time under section 134.34 as required under section 134.341. For taxes levied in 1990, and thereafter, counties levying under this provision must levy under clause (o), and their allowable increase must be determined with reference to the amount levied in 1989 under this paragraph;

(s) for taxes levied in ~~1989~~ 1991, payable in ~~1990~~ 1992 only, provide an amount equal to 50 percent of the estimated amount of the reduction in aids payable in 1992 to a county located in the third or sixth judicial district under sections ~~273.1398, subdivision 2, paragraph (d), and 477A.012, subdivision 3,~~ for aids payable in 1990 section 3;

(t) for taxes levied in 1990 only by a county in the eighth judicial district, provide an amount equal to the amount of the levy, if any, that is required under Laws 1989, chapter 335, article 3, section 54, subdivision 8, as amended by Laws 1990, chapter 604, article 9, section 14;

(u) for taxes levied in 1989, payable in 1990 only, pay the costs not reimbursed by the state or federal government:

(i) for the costs of purchase or delivery of social services. The aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties.

(ii) for payments made to or on behalf of recipients of aid under any public assistance program authorized by law. The aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent and must be used only for the public assistance programs.

If the amount levied under this paragraph (u) in 1989 is less than the actual expenditures needed for these programs for 1990, the difference between the actual expenditures and the amount levied may be levied in 1990 as a special levy. If the amount levied in 1989 is greater than the actual expenditures needed for these programs for 1990, the difference between the amount levied and the actual expenditures shall be deducted from the 1990 levy limit, payable in 1991;

(v) pay an amount of up to 25 percent of the money sought for distribution and approved under section 115A.557, subdivision 3, paragraph (b), clause (3);

(w) pay the unreimbursed costs of per diem jail or correctional facilities services paid by the county in the previous 12-month period ending on July 1 of the current year provided that the county is operating under a department of corrections directive that limits the capacity of a county jail as authorized in section 641.01 or 641.262, or a correctional facility as defined in section 241.021, subdivision 1, paragraph (5);

(x) for taxes levied in 1990 and 1991, payable in 1991 and 1992 only, pay the operating or maintenance costs of a county jail as authorized in section 641.01 or 641.262, or of a correctional facility as defined in section 241.021, subdivision 1, paragraph (5), to the extent that the county can demonstrate to the commissioner of revenue that the amount has been included in the county budget as a direct result of a rule, minimum requirement, minimum standard, or directive of the department of corrections. If the county utilizes this special levy, any amount levied by the county in the previous levy year for the purposes specified under this clause and included in the county's previous year's levy limitation computed under section 275.51, shall be deducted from the levy limit base under section 275.51, subdivision 3f, when determining the county's current year levy limitation. The county shall provide the necessary information to the commissioner of revenue for making this determination;

(y) for taxes levied in 1990, payable in 1991 only, pay an amount

equal to the unreimbursed county costs paid in 1989 and 1990 for the purpose of grasshopper control; and, for taxes levied in 1991 payable in 1992 only, pay an amount equal to the unreimbursed county costs paid in 1991 for the purpose of grasshopper control;

(z) for a county, provide an amount needed to fund comprehensive local water implementation activities under sections 103B.3361 to 103B.3369 as provided in this clause.

A county may levy an amount not to exceed the water implementation local tax rate times the adjusted net tax capacity of the county for the preceding year. The water implementation local tax rate shall be set by August 1 each year by the commissioner of revenue for taxes payable in the following year. As used in this paragraph, the "adjusted net tax capacity of the county" means the net tax capacity of the county as equalized by the commissioner of revenue based upon the results of an assessment/sales ratio study. That rate shall be the rate, rounded up to the nearest one-thousandth of a percent, that, when applied to the adjusted net tax capacity for all counties, raises the amount specified in this clause. The water implementation local tax rate for taxes levied in 1990 shall be the rate that raises \$1,500,000 and the rate for taxes levied in 1991 shall be the rate that raises \$1,500,000. A county must levy a tax at the rate established under this clause to qualify for a grant from the board of water and soil resources under section 103B.3369, subdivision 5;

(aa) pay the unreimbursed county costs for court-ordered family-based services and court-ordered out-of-home placement for children to the extent that the county can demonstrate to the commissioner of revenue that the estimated amount included in the county's budget for the following levy year is for the purposes specified under this clause. For purposes of this special levy, costs for "family-based services" and "out-of-home placement" means costs resulting from court-ordered targeted family services designed to avoid out-of-home placement and from court-ordered out-of-home placement under the provisions of sections 260.172 and 260.191, which are unreimbursed by the state or federal government, insurance proceeds, or parental or child obligations. Any amount levied under this clause must only be used by the county for the purposes specified in this clause.

If the county uses this special levy and the county levied an amount in the previous levy year, for the purposes specified under this clause, under another special levy or under the levy limitation in section 275.51, the following adjustments must be made:

(i) The amount levied in the previous levy year for the purposes specified under this clause under the levy limitation in section 275.51 must be deducted from the levy limit base under section 275.51, subdivision 3f, when determining the current year levy limitation.

(ii) The amount levied in the previous levy year, for the purposes specified under clause (a) or (u) must be deducted from the previous year's amount used to calculate the maximum amount allowable under clause (a) in the current levy year; and

(bb) pay the amounts allowed as special levies under Laws 1989, First Special Session chapter 1, article 5, section 50, and subdivisions 5a and 5b.

Sec. 2. Minnesota Statutes 1990, section 275.51, subdivision 3f, is amended to read:

Subd. 3f. [LEVY LIMIT BASE.] (a) The property tax levy limit base for governmental subdivisions for taxes levied in 1988 shall be equal to the total actual levy for taxes payable in 1988 with additions and subtractions as specified in paragraphs (b) and (c).

(b) The amounts to be added to the actual 1988 levy are (1) the amount of local government aid the governmental subdivision was certified to receive in 1988 under sections 477A.011 to 477A.014, (2) its 1988 taconite aids under sections 298.28 and 298.282, and (3) its 1988 wetlands and native prairie reimbursements under Minnesota Statutes 1986, sections 273.115, subdivision 3, and 273.116, subdivision 3.

(c) The amounts to be subtracted from the actual 1988 levy are (1) any special levies claimed for taxes payable in 1988 pursuant to Laws 1987, chapter 268, article 5, section 12, subdivision 4, clauses (1), (2), (3), and (4); and (2) for a governmental subdivision participating in a regional library system receiving grants from the department of education under section 134.34, the amount levied for taxes payable in 1988 for the operating costs of a public library service.

(d) For taxes levied in 1989 and subsequent years, a governmental subdivision's levy limit base is equal to its adjusted levy limit base for the preceding year, provided that for taxes levied in 1989, the amount of the administrative reimbursement aid received in 1988 shall be added to the base.

(e) For taxes levied by a county in 1989, the levy limit base determined under paragraph (d) shall be reduced by an amount equal to 90 percent of the cost of public defender services for felonies and gross misdemeanors and the costs of law clerks in the county that are assumed by the state during calendar year 1990, less 103 percent of one-half the amount of fees collected by the courts in the county during calendar year 1988. For taxes levied in 1990, the levy limit base determined under paragraph (d) shall first be increased by the product of (1) the amount deducted under this paragraph for taxes levied in 1989 and (2) the adjustments under subdivision 3h, paragraphs (a) and (b) for taxes levied in 1989, and then shall be

reduced by an amount equal to the cost of public defender services for felonies and gross misdemeanors and the cost of law clerks in the county that are assumed by the state during calendar year 1991, less the amount of fees collected by the courts in the county during calendar year 1989, computed at the rate of \$30 for civil and probate filings and \$20 for marriage dissolutions.

(f) For taxes levied in 1989 by a county that is located in the eighth judicial district, the levy limit base determined under paragraphs (d) and (e) shall be further reduced by an amount equal to 90 percent of the cost of operation of the trial courts in the county during calendar year 1990 that are assumed by the state and for which an appropriation is provided, less 103 percent of the sum of (1) the remaining one-half of the amount of fees and (2) 100 percent of the amount of fines collected by the courts in the county during calendar year 1988.

(g) By October 15, 1989, the board of public defense shall determine and certify to the commissioner of revenue the pro rata share for each county of the state-financed public defense services described in paragraph (e) during the six-month period beginning July 1, 1990. By October 15, 1989, the supreme court shall determine and certify to the department of revenue for each county the pro rata share for each county of the cost of providing law clerks during the three-month period beginning October 1, 1990, plus, for each county located in the eighth judicial district, the cost of operation of the trial courts during calendar year 1990.

By July 15, 1990, the board of public defense shall determine and certify to the department of revenue the pro rata share for each county of the state-financed public defense services described in paragraph (e) during calendar year 1991. By July 15, 1990, the supreme court shall determine and certify to the department of revenue for each county the pro rata share for each county of the cost of providing law clerks during calendar year 1991 plus, for each county located in the eighth judicial district, the cost of operation of the trial courts during the first six months of 1991.

(h) For taxes levied in a county in 1991, the levy limit base shall be reduced by an amount equal to the cost in the county of court reporters, judicial officers, and district court referees and the expenses of law clerks and court reporters as authorized in sections 484.545, subdivision 3, and 486.05, subdivisions 1 and 1a, as certified by the supreme court pursuant to section 477A.012, subdivision 4.

(i) If a governmental subdivision received an adjustment to its levy limit base for taxes levied in 1988 under section 275.51, subdivision 3j, its levy limit base for taxes levied in 1989 must be reduced by the lesser of (1) the adjustment under section 275.51, subdivision 3j, or (2) the difference between its (i) levy limit for taxes

levied in 1988 and its (ii) total actual levy for taxes levied in 1988 minus any special levies claimed for taxes levied in 1988 under section 275.50, subdivision 5.

(j) For taxes levied in 1991 in a county that is located in the third or sixth judicial districts, the levy limit base shall be reduced by an amount equal to the cost of public defense services in juvenile and misdemeanor cases in the county as certified by the board of public defense in section 3.

Sec. 3. Minnesota Statutes 1990, section 477A.012, is amended by adding a subdivision to read:

Subd. 6. [AID OFFSET FOR PUBLIC DEFENSE COSTS.] (a) There shall be deducted from the payment to a county under this section an amount representing the cost to the state for the assumption of the cost, in the case of a county located in the third or sixth judicial districts, of public defense services in juvenile and misdemeanor cases in the county during the fiscal year beginning on July 1, 1992. The amount of the deduction is computed as provided in this subdivision.

(b) By June 30, 1991, the board of public defense shall determine and certify to the department of revenue the pro rata share for each county in the third or sixth judicial districts of the cost of the state-financed public defense services in juvenile and misdemeanor cases in the third or sixth judicial districts during the fiscal year beginning on July 1, 1992.

(c) One-half of the amount computed under paragraph (b) for each county in the third or sixth judicial districts shall be deducted from each local government aid payment to the county in the third or sixth judicial districts under section 477A.015 in 1992 and each subsequent year. If the amount computed under paragraph (b) exceeds the amount payable to a county under subdivision 1, the excess shall be deducted from the county's homestead and agricultural credit aid under section 273.1398, subdivision 2, and then, if necessary, from the disparity reduction aid under section 273.1398, subdivision 3.

Sec. 4. Minnesota Statutes 1990, section 590.05, is amended to read:

590.05 [INDIGENT PETITIONERS.]

A person financially unable to obtain counsel who desires to pursue the remedy provided in section 590.01 ~~is entitled to be represented~~ may apply for representation by the state public defender. The state public defender shall be ~~appointed to represent~~ such person ~~pursuant to~~ under the applicable provisions of Minne-

~~sota Statutes 1965, sections 611.14 to 611.29, if the person has not already had a direct appeal of the conviction. The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel.~~

Sec. 5. Minnesota Statutes 1990, section 611.14, is amended to read:

611.14 [RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.]

The following persons who are financially unable to obtain counsel, ~~shall be~~ are entitled to be represented by a public defender:

~~(a)~~ (1) a person charged with a felony or gross misdemeanor, including a person charged ~~pursuant to~~ under sections 629.01 to 629.29;

~~(b)~~ (2) a person appealing from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding, ~~after the time for appeal from the judgment has expired and who has not already had a direct appeal of the conviction;~~

~~(c)~~ (3) a person who is entitled to be represented by counsel ~~pursuant to the provisions of~~ under section 609.14, subdivision 2;

~~(d)~~ (4) a minor who is entitled to be represented by counsel ~~pursuant to the provisions of~~ under section 260.155, subdivision 2, if the judge of the juvenile court concerned has requested and received the approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases, and approval of the compensation on a monthly, hourly, or per diem basis to be paid for such services ~~pursuant to~~ under section 260.251, subdivision 2, clause (e); or

~~(e)~~ (5) a person, entitled by law to be represented by counsel, charged with an offense within the trial jurisdiction of a municipal, county, or probate court, if the trial judge or a majority of the trial judges of the court concerned have requested and received approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases and approval of the compensation on a monthly, hourly, or per diem basis to be paid for such services by the county or municipality within the court's jurisdiction.

Sec. 6. Minnesota Statutes 1990, section 611.18, is amended to read:

611.18 [APPOINTMENT OF PUBLIC DEFENDER.]

If it appears to a court that a person requesting the appointment of counsel satisfies the requirements of this chapter, the court shall order the appropriate public defender to represent the person at all further stages of the proceeding through appeal, if any. ~~For those persons a person~~ a person appealing from a conviction, or ~~a person~~ a person pursuing a post conviction proceeding, ~~after the time for appeal has expired and who has not already had a direct appeal of the conviction,~~ the state public defender shall be appointed. For all other persons a person covered by section 611.14, clause (1), a district public defender shall be appointed to represent them that person. If (a) conflicting interests exist, (b) the district public defender for any other reason is unable to act, or (c) the interests of justice require, the state public defender may be ordered to represent a person. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom the defendant had retained, the court may appoint the appropriate public defender to represent the defendant, as provided in this section. Prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent the person unless it is subsequently determined that the person is financially able to obtain counsel. The representation may be made available at the discretion of the public defender, upon the request of the person or someone on the person's behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.

Sec. 7. Minnesota Statutes 1990, section 611.25, subdivision 1, is amended to read:

Subdivision 1. [REPRESENTATION.] ~~The state public defender shall represent, without charge, a defendant or other person appealing from a conviction or pursuing a postconviction proceeding after the time for appeal has expired when the state public defender is directed to do so by a judge of the district court, of the court of appeals or of the supreme court of a felony or gross misdemeanor. The state public defender shall represent, without charge, a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction. The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel. The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed to do so by the supreme court or the court of appeals, except that the state public defender shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award.~~

When requested by a district public defender or appointed counsel, the state public defender may assist the district public defender, appointed counsel, or an organization designated in section 611.216 in the performance of duties, including trial representation in matters involving legal conflicts of interest or other special circumstances, and assistance with legal research and brief preparation. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may, ~~with the court's approval,~~ assign the representation to any district public defender.

Sec. 8. Minnesota Statutes 1990, section 611.26, is amended by adding a subdivision to read:

Subd. 3a. (a) Notwithstanding subdivision 3 or any other law to the contrary, compensation and economic benefit increases for district public defenders and assistant district public defenders under the state board of public defense are considered compensation as defined in subdivision 3. These increases are eligible increases that may be paid from state appropriations for salary supplements for state employees.

(b) Those budgets for district public defender services under the jurisdiction of the state board of public defense shall be eligible for adjustments to their base budgets in the same manner as other state agencies. In making biennial budget base adjustments, the commissioner of finance shall consider the budgets for district public defender services, as allocated by the state board of public defense, in the same manner as other state agencies.

Sec. 9. Minnesota Statutes 1990, section 611.26, subdivision 6, is amended to read:

Subd. 6. The district public defender shall represent, without charge, a defendant charged with a felony or a gross misdemeanor when so directed by the district court. In the second, third, fourth, sixth, and eighth districts only, the district public defender shall also represent a defendant charged with a misdemeanor when so directed by the district court and shall represent a minor in the juvenile court when so directed by the juvenile court.

Sec. 10. Minnesota Statutes 1990, section 611.26, is amended by adding a subdivision to read:

Subd. 9. Notwithstanding any other law to the contrary, district public defenders and assistant district public defenders, and their employees and their dependents, may elect to enroll in the appropriate life insurance, hospital, medical and dental benefits, and optional coverages of their respective host county, as designated by the state board of public defense under section 611.27, subdivision 2, at the time, in the manner, and under conditions of eligibility as

established by the host county for its employees. The host county must provide for payroll deductions to be made in the same manner and under the same conditions as provided for an eligible county employee and the employee's dependents.

Sec. 11. Minnesota Statutes 1990, section 643.29, subdivision 1, is amended to read:

Subdivision 1. ["GOOD CONDUCT" ALLOWANCE.] Any person sentenced for a term to any county jail, workhouse, or correctional work farm, whether the term is part of an executed sentence or as a condition of probation, shall diminish the term of the sentence five days for each month, commencing on the day of arrival, during which the person has not violated any rule or discipline of the place wherein the person is incarcerated and, if required to labor, has labored with diligence and fidelity.

Sec. 12. [APPROPRIATION.]

\$. is appropriated from the general fund to the state board of public defense to be available until June 30, 1993.

Sec. 13. [REPEALER.]

Minnesota Statutes 1990, sections 611.215, subdivision 4; 611.261; 611.28; and 611.29, are repealed.

Sec. 14. [EFFECTIVE DATE.]

Section 2 is effective for taxes levied in 1991 payable in 1992. Section 3 is effective for aids payable in calendar year 1992 and thereafter. Sections 4 to 10 and 13 are effective the day after final enactment.

ARTICLE 2

FEES AND MISCELLANEOUS CHANGES

Section 1. Minnesota Statutes 1990, section 357.24, is amended to read:

357.24 [CRIMINAL CASES.]

Witnesses for the state and for the defense in criminal cases shall receive the same fees for travel and attendance as provided in section 357.22, and judges may, in their discretion, allow like fees to witnesses attending in behalf of any defendant. In addition these witnesses shall receive reasonable expenses actually incurred for meals, loss of wages and child care, not to exceed \$40 per day. ~~In~~

~~courts these witness fees shall be certified and paid in the same manner as jurors. The compensation and reimbursement shall be paid out of the county treasury.~~

Sec. 2. Minnesota Statutes 1990, section 481.10, is amended to read:

481.10 [CONSULTATION WITH PERSONS RESTRAINED.]

All officers or persons having in their custody a person restrained of liberty upon any charge or cause alleged, except in cases where imminent danger of escape exists, shall admit any resident attorney retained by or in behalf of the person restrained, or whom the restrained person may desire to consult, to a private interview at the place of custody. Such custodians, upon request of the person restrained, as soon as practicable, and before other proceedings shall be had, shall notify any attorney residing in the county of the request for a consultation with the attorney. Reasonable telephone access to the attorney shall be provided to the person restrained at no charge to the attorney or to the person restrained. Every officer or person who shall violate any provision of this section shall be guilty of a misdemeanor and, in addition to the punishment prescribed therefor shall forfeit \$100 to the person aggrieved, to be recovered in a civil action.

ARTICLE 3

COURTS

Section 1. Minnesota Statutes 1990, section 275.51, subdivision 3f, is amended to read:

Subd. 3f. [LEVY LIMIT BASE.] (a) The property tax levy limit base for governmental subdivisions for taxes levied in 1988 shall be equal to the total actual levy for taxes payable in 1988 with additions and subtractions as specified in paragraphs (b) and (c).

(b) The amounts to be added to the actual 1988 levy are (1) the amount of local government aid the governmental subdivision was certified to receive in 1988 under sections 477A.011 to 477A.014, (2) its 1988 taconite aids under sections 298.28 and 298.282, and (3) its 1988 wetlands and native prairie reimbursements under Minnesota Statutes 1986, sections 273.115, subdivision 3, and 273.116, subdivision 3.

(c) The amounts to be subtracted from the actual 1988 levy are (1) any special levies claimed for taxes payable in 1988 pursuant to Laws 1987, chapter 268, article 5, section 12, subdivision 4, clauses (1), (2), (3), and (4); and (2) for a governmental subdivision participating in a regional library system receiving grants from the

department of education under section 134.34, the amount levied for taxes payable in 1988 for the operating costs of a public library service.

(d) For taxes levied in 1989 and subsequent years, a governmental subdivision's levy limit base is equal to its adjusted levy limit base for the preceding year, provided that for taxes levied in 1989, the amount of the administrative reimbursement aid received in 1988 shall be added to the base.

(e) For taxes levied by a county in 1989, the levy limit base determined under paragraph (d) shall be reduced by an amount equal to 90 percent of the cost of public defender services for felonies and gross misdemeanors and the costs of law clerks in the county that are assumed by the state during calendar year 1990, less 103 percent of one-half the amount of fees collected by the courts in the county during calendar year 1988. For taxes levied in 1990, the levy limit base determined under paragraph (d) shall first be increased by the product of (1) the amount deducted under this paragraph for taxes levied in 1989 and (2) the adjustments under subdivision 3h, paragraphs (a) and (b) for taxes levied in 1989, and then shall be reduced by an amount equal to the cost of public defender services for felonies and gross misdemeanors and the cost of law clerks in the county that are assumed by the state during calendar year 1991, less the amount of fees collected by the courts in the county during calendar year 1989, computed at the rate of \$30 for civil and probate filings and \$20 for marriage dissolutions.

(f) For taxes levied in 1989 by a county that is located in the eighth judicial district, the levy limit base determined under paragraphs (d) and (e) shall be further reduced by an amount equal to 90 percent of the cost of operation of the trial courts in the county during calendar year 1990 that are assumed by the state and for which an appropriation is provided, less 103 percent of the sum of (1) the remaining one-half of the amount of fees and (2) 100 percent of the amount of fines collected by the courts in the county during calendar year 1988.

(g) By October 15, 1989, the board of public defense shall determine and certify to the commissioner of revenue the pro rata share for each county of the state-financed public defense services described in paragraph (e) during the six-month period beginning July 1, 1990. By October 15, 1989, the supreme court shall determine and certify to the department of revenue for each county the pro rata share for each county of the cost of providing law clerks during the three-month period beginning October 1, 1990, plus, for each county located in the eighth judicial district, the cost of operation of the trial courts during calendar year 1990.

By July 15, 1990, the board of public defense shall determine and certify to the department of revenue the pro rata share for

county of the state-financed public defense services described in paragraph (e) during calendar year 1991. By July 15, 1990, the supreme court shall determine and certify to the department of revenue for each county the pro rata share for each county of the cost of providing law clerks during calendar year 1991 plus, for each county located in the eighth judicial district, the cost of operation of the trial courts during the first six months of 1991.

(h) For taxes levied in a county in 1991, the levy limit base shall be reduced by an amount equal to the cost in the county of court reporters, judicial officers, and district court referees and the expenses of law clerks and court reporters as authorized in sections 484.545, subdivision 3, and 486.05, subdivisions 1 and 1a, as certified by the supreme court pursuant to section 477A.012, subdivision 4.

(i) If a governmental subdivision received an adjustment to its levy limit base for taxes levied in 1988 under section 275.51, subdivision 3j, its levy limit base for taxes levied in 1989 must be reduced by the lesser of (1) the adjustment under section 275.51, subdivision 3j, or (2) the difference between its (i) levy limit for taxes levied in 1988 and its (ii) total actual levy for taxes levied in 1988 minus any special levies claimed for taxes levied in 1988 under section 275.50, subdivision 5.

(j) For taxes levied in 1991, the county's levy limit base shall be reduced by an amount equal to the cost in the county of court administrator's salary and benefits and jury fees as certified to by the supreme court under section 2.

Sec. 2. Minnesota Statutes 1990, section 477A.012, is amended by adding a subdivision to read:

Subd. 7. [AID OFFSET FOR 1992 COURT COSTS.] (a) There shall be deducted from the payment to a county under this section an amount representing the cost to the state for assumption of the cost of court administrator's salary and benefits and jury fees. The amount of the deduction is computed as provided in this subdivision.

(b) By June 30, 1991, the supreme court shall determine and certify to the department of revenue for each county, except counties located in the eighth judicial district, the cost for each county of court administrator's salary and benefits and jury fees during the calendar year beginning on January 1, 1992.

(c) One-half of the amount computed under paragraph (b) for each county shall be deducted from each local government aid payment to the county under section 477A.015 in 1992 and each subsequent year. If the amount computed under paragraph (b) exceeds the amount payable to a county under subdivision 1, the excess shall be deducted from the aid payable to the county under section 273.1398,

subdivision 2, and then, if necessary, from the disparity reduction aid under section 273.1398, subdivision 3.

Sec. 3. Minnesota Statutes 1990, section 480.181, is amended by adding a subdivision to read:

Subd. 5. Whenever a group of court employees is transferred from county to state funding, the provisions of section 480.181 shall apply.

Sec. 4. Minnesota Statutes 1990, section 593.48, is amended to read:

593.48 [COMPENSATION OF JURORS AND TRAVEL REIMBURSEMENT.]

A juror shall be reimbursed for roundtrip travel between the juror's residence and the place of holding court at a rate of ~~15 to 24 cents per mile determined by the supreme court~~, and shall be compensated at a rate of \$15 for each day of required attendance at sessions of the court. Except in the eighth judicial district where the state shall pay directly, the compensation and reimbursement shall be paid out of the county treasury upon receipt of authorization to pay from the jury commissioner. These jury costs shall be reimbursed monthly by the supreme court upon submission of an invoice by the county treasurer. A monthly report of payments to jurors shall be sent to the jury commissioner within two weeks of the end of the month in the form required by the jury commissioner.

Sec. 5. Laws 1989, chapter 335, article 3, section 44, as amended by Laws 1990, chapter 604, article 9, section 13, is amended to read:

Sec. 44. [APPLICATION.]

~~Sections 45 to 54, except the parts of section 54, that by their terms have broader application, 53 apply only in the eighth judicial district for the period from January 1, 1990, to December 31, 1991.~~

~~Those parts of section 54, having broader application, apply statewide for the period from July 1, 1989, to December 31, 1991.~~

Sec. 6. [STUDY.]

The supreme court shall study and report to the legislature by February 1, 1992, the costs of transferring to the state the costs of the court administration offices and guardian ad litem programs statewide and shall develop a detailed budget for those costs.

Sec. 7. [APPROPRIATION.]

\$..... is appropriated from the general fund to the trial courts to be available until June 30, 1993.

Sec. 8. [REPEALER.]

Laws 1989, chapter 335, article 3, section 54, as amended by Laws 1989, First Special Session chapter 1, article 5, section 47, and Laws 1990, chapter 604, article 9, section 14, is repealed.

Sec. 9. [EFFECTIVE DATES.]

Section 2 is effective for aids paid in 1992 and thereafter, if a law providing for the assumption by the state of the costs of court administrator's salary and benefits and jury fees is enacted.

Section 3 is effective the day following final enactment. Section 8 is effective for taxes levied in 1991 payable in 1992, and thereafter."

Delete the title and insert:

"A bill for an act relating to the justice system; making various technical corrections and minor changes to the public defender law; providing for payment of travel fees for defense witnesses; allowing persons in custody reasonable telephone access to their attorneys without charge; providing for certain compensation increases for district public defenders and assistant public defenders; providing who is eligible to be represented by the public defender; making the eighth judicial district court financing pilot project permanent; providing a special levy for certain court costs; providing a levy limit base adjustment for certain court costs; providing for a county aid offset if certain court costs are assumed by the state; requiring the supreme court to study the costs and prepare a budget; appropriating money; amending Minnesota Statutes 1990, sections 275.50, subdivision 5; 275.51, subdivision 3f; 357.24; 477A.012, by adding subdivisions; 480.181, by adding a subdivision; 481.10; 590.05; 593.48; 611.14; 611.18; 611.25, subdivision 1; 611.26, subdivision 6, and by adding subdivisions; 643.29, subdivision 1; and Laws 1989, chapter 335, article 3, section 44, as amended; repealing Minnesota Statutes 1990, sections 611.215, subdivision 4; 611.261; 611.28; 611.29; and Laws 1989, chapter 335, article 3, section 54, as amended."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 718, A bill for an act relating to the state lottery; providing for the distribution of a portion of net proceeds from the state lottery in fiscal years 1992 and 1993 to the housing trust fund account and a head start account; amending Minnesota Statutes 1990, section 349A.10, subdivision 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268.

Reported the same back with the following amendments:

Page 2, delete lines 32 to 36

Page 3, delete lines 1 and 2

Page 3, line 3, delete "account."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 728, A bill for an act relating to drivers' licenses; requiring certain notice on uniform traffic ticket; providing penalty for failure to respond to summons and complaint on uniform traffic ticket; prohibiting issuance of warrant on person failing to pay fine for parking violation; establishing system for collecting unpaid fines; allocating driver's license reinstatement fees; amending Minnesota Statutes 1990, sections 169.99, by adding a subdivision; 171.16, subdivision 3, and by adding subdivisions; 171.20, subdivision 1; and 171.29, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [168.135] [RENEWAL APPLICATIONS; DELINQUENT PARKING CITATIONS.]

Subdivision 1. [APPLICATION; NOTICE.] When a person applies to renew the registration for a motor vehicle, applies for duplicate, special, or personalized license plates, or applies for a change of classification, the registrar or deputy registrar shall check the

computerized records system established under subdivision 2 to determine whether the applicant has been charged with a violation of a law or ordinance regulating the parking of vehicles for which the records collected under section 169.95 indicate a delinquent citation and fine. If a delinquent citation and fine is indicated, the registrar or deputy registrar shall notify the applicant as to the court to which payment of the fine is due.

Subd. 2. [COMPUTERIZED RECORDS SYSTEM; ACCESS.] (a) The registrar shall install, administer, and maintain in the department of public safety an efficient, computerized data base records system dedicated solely as the repository for delinquent parking citation and fine reports. The registrar shall provide and specify equipment and interconnection specifications, programming requirements, and training materials needed to provide courts and deputy registrars access to the department's dedicated computer data base of records on delinquent parking citations and fines.

(b) The system must be designed to allow each court to report and update by electronic communication directly with the system's computer data base those delinquent parking citations and fines that remain owing to the court. The system must be designed to allow access by a deputy registrar to the system upon transmittal of the access code of the deputy registrar, as assigned by the registrar.

(c) On complying with these specifications, providing the requisite data base accessing equipment and programming, and providing the specified interconnection equipment, the registrar shall allow each deputy registrar direct computer inquiry of these records. The system must allow electronic and toll-free telephonic access by deputy registrars as necessary to perform their vehicle registration responsibilities under subdivision 3. The registrar shall not assess a deputy registrar transaction or user costs, fees, or charges for inquiries required or necessary to discharge the duties of a deputy registrar under this section.

(d) Access must include the records required by this section and exclude only those records restricted by governing state or federal data privacy laws.

Subd. 3. [DEPUTY REGISTRARS' RESPONSIBILITIES.] (a) On receiving an application described in subdivision 1, the registrar or a deputy registrar shall access the computerized records system to discover if the applicant has a delinquent parking citation and fine. On gaining access to the system, the deputy registrar shall identify and communicate the license plate number for which the information is requested.

(b) Neither the registrar nor a deputy registrar may receive or process an application described in subdivision 1 if the response from the records system indicates that there is a delinquent citation

and fine arising from a violation of a law or ordinance regulating the parking of vehicles and involving the vehicle for which the license plate was issued. A deputy registrar may rely conclusively upon the response of the records system to the inquiry.

(c) When a delinquent parking citation and fine has been paid or otherwise disposed of to the court's satisfaction, the court shall:

(1) issue the violator a receipt of payment or statement certifying that the delinquent fine has been paid or otherwise disposed of to the court's satisfaction; and

(2) update its listing of outstanding delinquent parking citations and fines to be recorded in the records system established in subdivision 2.

The applicant may reapply after the court's file of delinquent citations and fines has been recorded and updated in the computerized records system. Instead, the applicant may present receipts or the statements certifying that all delinquent fines have been paid or otherwise disposed of to the satisfaction of all applicable courts, to the registrar or a deputy registrar who shall then process the application. A deputy registrar may rely conclusively upon the receipts or certified statements purporting to be that of the court named in the receipt or certification that the fines owed to that court have been paid or otherwise satisfied.

Subd. 4. [NOTICE AND REPORT BY COURT.] At least 15 days before any information on delinquent parking citations and fines is transmitted to the department's computerized records system, the court shall notify by mail to the last known address of the registered owner of the motor vehicle involved in the parking violation, of the nature of the violation, the amount of the fine, where the fine should be paid, and the resulting consequences concerning vehicle registration renewal if the fine is not paid. If the fine is not paid or otherwise disposed of to the satisfaction of the court or if a court appearance has not been scheduled, the court shall transmit the information to the department's computerized records system. The court may impose costs and assess penalties to the defendant to recover any expense incurred by the court in administering the notice and reporting requirements of this section. The costs and penalties are payable to the court.

Sec. 2. [168.331] [PARKING VIOLATION NOTIFICATION PROGRAM; FEE.]

An additional fee of \$1 is imposed on all violations of laws and ordinances regulating the parking of motor vehicles. Courts, violations bureaus, or other entities that collect fines for parking violations shall transmit monthly the proceeds of the fee to the

registrar. The registrar shall deposit the proceeds in the general fund.

Sec. 3. [169.042] [PARKING VIOLATION WARRANTS PROHIBITED.]

A court shall not issue a warrant for the arrest of a person for delinquent parking citations for vehicles registered in Minnesota.

Sec. 4. Minnesota Statutes 1990, section 169.91, subdivision 3, is amended to read:

Subd. 3. [NOTICE TO APPEAR.] When a citation is issued for a parking violation or when a person is arrested for any violation of any law or ordinance relating to motor vehicles, their registration or their operation, or the use of the highways, the issuing or arresting officer shall prepare a written notice to appear in court. This place must be before a judge within the county in which the offense charged is alleged to have been committed who has jurisdiction and is nearest or most accessible with reference to the place of arrest or parking violation. If the offense is a petty misdemeanor, the notice to appear must include a statement that a failure to appear will be considered a plea of guilty and waiver of the right to trial, unless the failure to appear is due to circumstances beyond the person's control. If the offense is for a violation of a law or ordinance regulating the parking of vehicles, a subsequent notice to appear must be mailed to the registered owner of the vehicle.

Sec. 5. Minnesota Statutes 1990, section 169.95, is amended to read:

169.95 [COURTS TO KEEP SEPARATE COURT RECORDS AND REPORTS OF VIOLATIONS AND DELINQUENT FINES.]

Subdivision 1. [RECORDS.] Every court administrator shall keep a full record of every case in which a person is charged with a violation of any law or ordinance, regulating the operation or parking of vehicles on highways.

Subd. 2. [REPORTS OF TRAFFIC VIOLATIONS.] Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provisions of any law or ordinance, regulating the operation of vehicles on highways, except for parking violations, the court administrator of the court in which the conviction was had or bail was forfeited, shall immediately forward to the department of public safety an abstract of the record of the court covering the case in which the person was convicted or forfeited bail. The abstract must be certified by the person required to prepare it to be true and correct.

The abstract must be made upon a form furnished by the department of public safety, and shall include the name and address of the party charged, the driver's license number of the person involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited, and the amount of the fine or forfeiture, as the case may be.

Every court shall also forward a report to the department of public safety reporting the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

Subd. 3. [REPORTS OF DELINQUENT FINES.] Every court administrator shall report delinquent parking citations and fines to the department of public safety's computerized records system established under section 1. The court administrator shall report within 30 days after the date that the payment of a fine is due. The report must be made to the commissioner of public safety as prescribed in section 1 and must contain the following information:

(1) the license plate number of the motor vehicle involved in the violation;

(2) the number of delinquent parking citations and fines; and

(3) the amount of the fine for each citation.

Subd. 4. [JUDICIAL COMPLIANCE.] The failure, refusal, or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in the office and shall be grounds for removal.

Sec. 6. Minnesota Statutes 1990, section 169.99, subdivision 1, is amended to read:

Subdivision 1. [EFFECT; FORM; CONTENT.] (a) Except as provided in subdivision 3, there shall be a uniform ticket issued throughout the state by the police and peace officers or by any other person for violations of this chapter and ordinances in conformity thereto. Such uniform traffic ticket shall be in the form and have the effect of a summons and complaint. Except as provided in paragraph (b), the uniform ticket shall state that if the defendant fails to appear in court in response to the ticket, an arrest warrant may be issued. The uniform traffic ticket shall consist of four parts, on paper sensitized so that copies may be made without the use of carbon paper, as follows:

(1) the complaint, with reverse side for officer's notes for testifying in court, driver's past record, and court's action, printed on white paper;

(2) the abstract of court record for the department of public safety, which shall be a copy of the complaint with the certificate of conviction on the reverse side, printed on yellow paper;

(3) the police record, which shall be a copy of the complaint and of the reverse side of copy (1), printed on pink paper;

(4) the summons, with, on the reverse side, such information as the court may wish to give concerning the traffic violations bureau, and a plea of guilty and waiver, printed on off-white tag stock.

(b) If the offense is a petty misdemeanor, the uniform ticket must state that a failure to appear will be considered a plea of guilty and waiver of the right to trial, unless the failure to appear is due to circumstances beyond the person's control.

(c) The copy of the uniform traffic ticket provided to the violator of a law or ordinance regulating the parking of vehicles must include a notice specifying the consequences regarding vehicle registration that may result if the violator fails to respond to the citation.

Sec. 7. [APPROPRIATION.]

\$469,000 is appropriated from the general fund to the commissioner of public safety for the purposes of sections 1 to 6. This appropriation is available until spent.

The complement of the department of public safety is increased by one position."

Delete the title and insert:

"A bill for an act relating to traffic regulations; motor vehicles; establishing system for the notification, recording, and collection of delinquent fines for parking violations; prohibiting registration of vehicle of owner who has not paid the fine for a parking violation; prohibiting issuance of warrants for parking violations; imposing a fee; appropriating money; amending Minnesota Statutes 1990, sections 169.91, subdivision 3; 169.95; and 169.99, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 168 and 169."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 734, A bill for an act relating to public safety; regulating limousine drivers; adding identification to license plates; providing for limousine driver endorsement on drivers licenses; providing for payment of fees for limousine drivers licenses; requiring the commissioner of public safety to adopt rules relating to limousine permits; appropriating money; amending Minnesota Statutes 1990, sections 168.128, subdivisions 2 and 3; 171.01, by adding a subdivision; 171.02, subdivision 2; 171.10, subdivision 2; 171.13, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 171.

Reported the same back with the following amendments:

Page 2, line 23, delete everything after the headnote and insert "“Limousine” means an unmarked luxury passenger automobile that is not a van or station wagon and has a seating capacity of not more than 12 persons, excluding the driver.”

Page 2, delete line 24

Page 3, line 17, strike “and”

Page 3, line 21, before the period insert “; and

(5) with a limousine endorsement, operating limousines”

Page 3, line 27, reinstate the stricken “and”

Page 3, lines 30 and 31, delete the new language

Page 5, delete lines 5 and 6

Page 5, line 7, delete “[171.3212]” and insert “[221.85]”

Page 5, line 8, before “(a)” insert “Subdivision 1. [REGULATION BY COMMISSIONER.]” and after “of” insert “a company permit”

Page 5, line 9, delete “permits”

Page 5, line 24, delete “operator” and insert “company”

Page 5, line 26, before the period insert “for noncommercial use”

Page 5, delete lines 27 to 34 and insert:

“Subd. 2. [LOCAL REGULATION.] A municipality may by ordinance establish a limousine company permitting authority with jurisdiction over limousine companies. The municipality may fix the initial and renewal fee and the period of duration of a company permit. The maximum fees may not exceed those set by the commissioner in subdivision 1. A company may be licensed by the department of transportation or by a municipality and may operate anywhere in the state with either license.”

Page 6, line 2, delete “8” and insert “7, and \$.... is appropriated from the general fund to the commissioner of transportation for the purposes of section 8,”

Amend the title as follows:

Page 1, line 2, delete “public safety” and insert “transportation”

Page 1, line 6, delete “public” and insert “transportation”

Page 1, line 7, delete “safety” and after the semicolon insert “providing for local regulation;”

Page 1, line 12, delete “171” and insert “221”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 736, A bill for an act relating to alcohol and drug abuse; establishing statewide and local prevention programs; establishing family resource center pilot projects; requiring plans and studies; requiring children to attend school through age 17; establishing school prevention programs; providing for research and evaluation; requiring studies; appropriating money; amending Minnesota Statutes 1990, sections 120.101, subdivisions 5 and 9; 120.105; 123.35, subdivision 8; 124.26, subdivision 1b; 126.031, subdivision 1; 145.924; 254A.16, by adding subdivisions; 254A.17, subdivision 1; and 260.015, subdivision 19; proposing coding for new law in Minnesota Statutes, chapters 144 and 245.

Reported the same back with the following amendments:

Pages 8 to 11, delete “ARTICLE 3”

Delete the title and insert:

"A bill for an act relating to alcohol and drug abuse; establishing statewide and local prevention programs; establishing family resource center pilot projects; requiring plans and studies; appropriating money; amending Minnesota Statutes 1990, sections 145.924; 254A.16, by adding subdivisions; and 254A.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 144 and 245."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 741, A bill for an act relating to education; designating a portion of state head start appropriations for grants to establish new early childhood education programs; amending Minnesota Statutes 1990, section 268.914.

Reported the same back with the following amendments:

Page 2, line 20, delete "local head" and insert "serve eligible children in home-based or center-based program options not already existing in local communities. The commissioner of jobs and training shall designate an existing head start grantee to receive the grant and administer the program."

Page 2, delete lines 21 to 25

Page 2, line 26, delete the paragraph coding and delete "(b)" and after "program" insert "option"

Page 2, line 28, delete "establish a program" and insert "coordinate or co-locate the services"

Page 3, line 2, delete "(c)" and insert "(b)"

Page 3, line 3, strike "this" and after "paragraph" insert "(a)"

Delete the title and insert:

"A bill for an act relating to education; designating a portion of state head start appropriations for grants to expand head start

program options; amending Minnesota Statutes 1990, section 268.914.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 747, A bill for an act relating to state lands; offering an alternative to bond or deposit requirements on contracts for cutting timber; proposing coding for new law in Minnesota Statutes, chapter 90.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [90.162] [ALTERNATIVE TO BOND OR DEPOSIT REQUIREMENTS.]

In lieu of the bond or cash deposit required by section 90.161 or 90.173, a purchaser of state timber may, at the time of the bid approval and upon payment by the purchaser to the commissioner of 25 percent of the appraised value under section 90.14, elect in writing on a form prescribed by the attorney general to prepay the purchase price for any designated cutting block identified on the permit before the date the purchaser enters upon the land to begin harvesting the timber. The commissioner shall not be required to apply the advance payment to the purchase price or to any nonfinal payment.

Sec. 2. Minnesota Statutes 1990, section 90.173, is amended to read:

90.173 [PURCHASER'S OR ASSIGNEE'S CASH DEPOSIT IN LIEU OF BOND.]

(a) In lieu of filing the bond required by section 90.161 or 90.171, as security for the issuance or assignment of a timber permit the person required to file the bond may deposit with the state treasurer cash, a certified check, a cashier's check, a personal check, a postal bank, or express money order, assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate or an irrevocable bank letter of credit, in the same amount as would be required for a bond. If securities listed in

this section are deposited, the par value of the securities shall be not less than the amount required for the timber sale bond, and the person required to file the timber sale bond shall submit an agreement authorizing the commissioner to sell or otherwise take possession of the security in the event of default under the timber sale. All of the conditions of the timber sale bond shall equally apply to the deposit with the state treasurer. In the event of a default the state may take from the deposit the sum of money to which it is entitled; the remainder, if any, shall be returned to the person making the deposit and shall bear interest at the rate determined pursuant to section 549.09 if not returned within 30 days from the date of the default. Sums of money as may be required by the state treasurer to carry out the terms and provisions of this section are appropriated from the general fund to the state treasurer for these purposes. When cash is deposited for a bond, it shall be applied to the amount due when a statement is prepared and transmitted to the permit holder pursuant to section 90.181. Any balance due to the state shall be shown on the statement and shall be paid as provided in section 90.181. Any amount of the deposit in excess of the amount determined to be due pursuant to section 90.181 shall be returned to the permit holder when a final statement is transmitted pursuant to that section. All or part of a cash bond may be withheld from application to an amount due on a nonfinal statement if it appears that the total amount due on the permit will exceed the bid price.

(b) If an irrevocable bank letter of credit is provided as security under paragraph (a), at the written request of the permittee the state shall annually allow the amount of the bank letter of credit to be reduced by an amount proportionate to the value of timber that has been harvested and for which the state has received payment under the timber permit. The remaining amount of the bank letter of credit after a reduction under this paragraph must not be less than the value of the timber remaining to be harvested under the timber permit.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment. Section 1 applies to timber sale contracts entered into 30 days after the effective date of that section."

Delete the title and insert:

"A bill for an act relating to natural resources; offering an alternative to bond or deposit requirements on contracts for cutting timber; allowing reduction in value of letters of credit given as security for timber permits; amending Minnesota Statutes 1990, section 90.173; proposing coding for new law in Minnesota Statutes, chapter 90."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 766, A bill for an act relating to crime; sentencing; clarifying and revising the intensive community supervision program; amending Minnesota Statutes 1990, sections 244.05, subdivision 6; 244.12; 244.13; 244.14; and 244.15.

Reported the same back with the following amendments:

Page 2, after line 1, insert:

"Sec. 2. Minnesota Statutes 1990, section 244.09, subdivision 2, is amended to read:

Subd. 2. The sentencing guidelines commission shall consist of the following:

- (1) the chief justice of the supreme court or a designee;
- (2) one judge of the court of appeals, appointed by the chief justice of the supreme court;
- (3) one district court judge appointed by the chief justice of the supreme court;
- (4) one public defender appointed by the governor upon recommendation of the state public defender;
- (5) one county attorney appointed by the governor upon recommendation of the board of ~~governors~~ directors of the Minnesota county attorneys council association;
- (6) the commissioner of corrections or a designee;
- (7) one peace officer as defined in section 626.84 appointed by the governor;
- (8) one probation officer or parole officer appointed by the governor; and
- (9) three public members appointed by the governor, one of whom shall be a victim of a crime defined as a felony.

When an appointing authority selects individuals for membership on the commission, the authority shall make reasonable efforts to appoint qualified members of protected groups, as defined in section 43A.02, subdivision 33.

One of the members shall be designated by the governor as chair of the commission."

Page 3, after line 17, insert:

"After July 1, 1994, the commissioner shall award grants so that at least one-half of the money appropriated for programs by this section is awarded to community corrections act counties in each year."

Page 3, after line 24, insert:

"An intensive supervised release agent must have qualifications equal to those for a state corrections agent."

Page 6, line 35, delete "5" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the first semicolon insert "244.09, subdivision 2,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 774, A bill for an act relating to children; child protection and placement; establishing an office of ombudsperson for families of color; authorizing additional placement reviews for children of color; amending Minnesota Statutes 1990, sections 257.071, subdivision 1a; and 257.352, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 257.

Reported the same back with the following amendments:

Page 1, line 20, delete "an Indian child" and insert "a child from a family of color" and delete "non-Indian"

Page 1, line 21, before the comma insert "of a different racial or ethnic background"

Page 1, line 22, delete "shall" and insert "each 30 days thereafter for the first six months to"

Page 1, line 27, delete "serve" and insert "operate independently but under the auspices of"

Page 2, line 1, delete "with"

Page 2, line 5, delete "committee" and insert "board"

Page 2, line 7, delete "committee established under section 11" and insert "board"

Page 2, line 13, delete "must be"

Page 2, line 14, delete "sensitive to" and insert "knowledgeable about"

Page 3, line 11, before the comma insert "or legal guardian"

Page 4, line 4, delete "cultural sensitivity and diversity training of"

Page 4, line 5, delete "is"

Page 4, line 6, delete "provided" and insert "are trained in cultural diversity"

Page 4, delete lines 18 and 19

Page 4, line 20, delete "(2)" and insert "(1)"

Page 4, line 22, delete "(3)" and insert "(2)"

Page 4, line 24, delete "(4)" and insert "(3)"

Page 4, line 32, delete "(5)" and insert "(4)"

Page 4, line 33, delete "(6)" and insert "(5)" and delete "at any time" and insert "during normal business hours"

Page 4, line 35, delete "(7)" and insert "(6)"

Page 5, line 8, delete "committee" and insert "board"

Page 6, line 21, before "groups" insert "advisory board and to the"

Page 7, line 7, delete "COMMITTEE" and insert "BOARD"

Page 7, line 9, delete "committee" and insert "board"

Page 7, line 11, delete "committee" and insert "board"

Page 7, line 14, after the period insert "Each council shall appoint four members to the board." and delete "committee" and insert "board"

Page 7, line 21, delete "committee" and insert "board"

Page 7, line 24, delete "committee" and insert "board"

Page 7, line 33, delete "committee" and insert "board"

Page 7, line 34, delete "COMPENSATION,"

Page 7, line 35, delete "compensation,"

Page 7, line 36, delete "committee" and insert "board"

Page 8, after line 23, insert:

"Sec. 13. [APPROPRIATIONS.]

(a) \$..... is appropriated from the general fund to the Indian Affairs Council for the biennium ending June 30, 1993, for the purposes of sections 2 to 11.

(b) \$..... is appropriated from the general fund to the Spanish-speaking Affairs Council for the biennium ending June 30, 1993, for the purposes of sections 2 to 11.

(c) \$..... is appropriated from the general fund to the Council of Black Minnesotans for the biennium ending June 30, 1993, for the purposes of sections 2 to 11.

(d) \$..... is appropriated from the general fund to the Council on Asian-Pacific Minnesotans for the biennium ending June 30, 1993, for the purposes of sections 2 to 11."

Amend the title as follows:

Page 1, line 5, after the semicolon insert "appropriating money;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 786, A bill for an act relating to contracts; providing for enforcement of certain contracts; making technical changes; correcting inconsistencies; clarifying certain provisions; amending Minnesota Statutes 1990, section 325E.37.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 325E.37, is amended to read:

325E.37 [TERMINATION OF SALES REPRESENTATIVES.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meaning given them.

(b) “Good cause” means failure by the sales representative to substantially comply with the material and reasonable requirements imposed by a material breach of one or more provisions of a written sales representative agreement governing the relationship with the manufacturer, wholesaler, assembler, or importer, including or in absence of a written agreement, failure by the sales representative to substantially comply with the material and reasonable requirements imposed by the manufacturer, wholesaler, assembler, or importer. Good cause includes, but not limited to:

- (1) the bankruptcy or insolvency of the sales representative;
- (2) assignment for the benefit of creditors or similar disposition of the assets of the sales representative’s business;
- (3) the voluntary abandonment of the business by the sales representative as determined by a totality of the circumstances;
- (4) conviction or a plea of guilty or no contest to a charge of violating any law relating to the sales representative’s business; or
- (5) any act ~~by or conduct~~ of the sales representative which materially impairs the good will associated with the manufacturer’s,

wholesaler's, assembler's, or importer's trademark, trade name, service mark, logotype, or other commercial symbol; or

(6) failure to forward customer payments to the manufacturer, wholesaler, assembler, or importer.

(c) "Person" means a natural person, but also includes a partnership, corporation, and all other entities.

(d) "Sales representative" means a person, other than an employee, who contracts with a principal to solicit wholesale orders and who is compensated, in whole or in part, by commission, but does not include a person who places orders or purchases exclusively for the person's own account for resale.

Sales representative does not include a person who:

(1) is an employee of the principal;

(2) places orders or purchases for the person's own account for resale;

(3) holds the goods on a consignment basis for the principal's account for resale; or

(4) distributes, sells, or offers the goods, other than samples, to end users, not for resale.

(d) (e) "Sales representative agreement" means a contract or agreement, either express or implied, whether oral or written, for a definite or indefinite period, between a sales representative and another person or persons, whereby a sales representative is granted the right to distribute, represent, sell, or offer for sale a manufacturer's, wholesaler's, assembler's, or importer's goods by use of the latter's trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics, and in which there exists a community of interest between the parties in the marketing of the goods or services at wholesale, retail, by lease, agreement, or otherwise. "Wholesale orders" means the solicitation of orders for goods by persons in the distribution chain for ultimate sale at retail.

Subd. 2. [TERMINATION OF AGREEMENT.] (a) A manufacturer, wholesaler, assembler, or importer may not terminate a sales representative agreement unless the person has good cause and:

(1) that person has given written notice setting forth all the reasons reason(s) for the termination at least 90 days in advance of termination; and

(2) the recipient of the notice fails to correct the reasons stated for termination in the notice within 60 days of receipt of the notice.

(b) A notice of termination is effective immediately upon receipt where the alleged grounds for termination are: the reasons set forth in subdivision 1, paragraph (b), clauses (1) to (6), hereof

(1) voluntary abandonment of the relationship by the sales representative;

(2) the conviction of the sales representative of an offense directly related to the business conducted pursuant to the sales representative agreement; or

(3) material impairment of the good will associated with the manufacturer's, assembler's, or importer's trade name, trademark, service mark, logotype, or other commercial symbol.

Subd. 3. [RENEWAL OF AGREEMENTS.] Unless the failure to renew a sales representative agreement is for good cause, and the sales representative has failed to correct reasons for termination as required by subdivision 2, no person may fail to renew a sales representative agreement unless the sales representative has been given written notice of the intention not to renew at least 90 days in advance of the expiration of the agreement. For purposes of this subdivision, a sales representative agreement of indefinite duration shall be treated as if it were for a definite duration expiring 180 days after the giving of written notice of intention not to continue the agreement.

Subd. 4. [RIGHTS UPON TERMINATION.] If a sales representative is paid by commission under a sales representative agreement and the agreement is terminated, the representative is entitled to be paid for all sales ~~made and orders to creditworthy customers made~~ in the representative's territory as to which the representative would have been entitled to commissions pursuant to the provisions of the sales representative agreement, provided that the goods purchased are actually shipped prior to the date of termination of the agreement or the end of the notification period, whichever is later, regardless of whether the goods or services have actually been delivered to the purchaser. The payments of commissions are due when the goods or services are delivered or at the date of termination, whichever occurs first. For sales as to which the representative would have been entitled to commissions pursuant to the sales representative agreement and for which the goods purchased have not been actually shipped prior to the later of the date of termination or the end of the notification period, the sales representative shall be paid commissions earned on such sale. Payment of commissions due the sales representative shall be paid in accordance with the terms of the sales representative agreement or, if not specified in

the agreement, payments of commissions due the sales representative shall be paid in accordance with section 181.145.

Subd. 5. [ARBITRATION.] (a) The sole remedy for a sales representative against a manufacturer, wholesaler, assembler, or importer who has allegedly violated any provision of this section is to submit the matter to arbitration. In the alternative, at the employee's sales representative's option, the employee sales representative may bring the employee's sales representative's common law claims in a court of law. In the event the parties do not agree to an arbitrator within 30 days after the sales representative demands arbitration in a writing delivered to the principal, either party may request the appointment of an arbitrator from the American Arbitration Association. Each party to a sales representative agreement shall be bound by the arbitration. In the event that the American Arbitration Association declines to appoint an arbitrator, the arbitration shall proceed under chapter 572. The cost of an arbitration hearing must be borne equally by both parties. Except as provided in paragraph (c), the arbitration proceeding is to be governed by the uniform arbitration act, sections 572.08 to 572.30.

(b) The arbitrator may provide any of the following remedies:

(1) sustainment of the termination of the sales representative agreement;

(2) reinstatement of the sales representative agreement;

(3) payment of commissions due under subdivision 4;

(4) reasonable attorneys' fees and costs to a prevailing sales representative;

(5) reasonable attorneys' fees and costs to a prevailing manufacturer, wholesaler, assembler, or importer, if the arbitrator finds the complaint was frivolous, unreasonable, or without foundation; or

(6) the full amount of the arbitrator's fees and expenses if the arbitrator finds that the sales representative's resort to arbitration or the manufacturer's, wholesaler's, assembler's, or importer's defense in arbitration was vexatious and lacking in good faith.

(c) Notwithstanding any provision of the uniform arbitration act to the contrary, the decision of any arbitration hearing under this subdivision is final and binding nonbinding on the sales representative and the manufacturer, wholesaler, assembler, or importer, unless otherwise agreed by the parties in writing. Any party upon application may remove the decision to district court for a trial de novo. If an application to remove a decision is not filed in the district court within 30 days after the date the decision is received by the

parties, then the district court shall, upon application of a party, issue an order confirming the decision. A written decision issued by an arbitrator, and any written findings upon which the decision is based, are admissible as nonbinding evidence in any subsequent legal action and are not subject to further foundation requirements.

Subd. 6. [SCOPE; LIMITATIONS.] (a) This section applies to a sales representative who, during some part of the period of the sales representative agreement:

(1) is a resident of Minnesota or maintains that person's principal place of business in Minnesota; or

(2) whose geographical territory specified in the sales representative agreement includes part or all of Minnesota.

(b) To be effective, any demand for arbitration under subdivision 5 must be made in writing and delivered to the principal on or before 365 days after the effective date of the termination of the agreement.

Sec. 2. [APPLICATION.]

Section 1 applies to an agreement entered into or renewed on or after the effective date of this act."

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 806, A bill for an act relating to retirement; St. Paul teachers retirement fund association; special postretirement adjustment for certain pre-1978 retirees.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 833, A bill for an act relating to economic development; regulating the use of tax-exempt revenue bonds; amending Minne-

sota Statutes 1990, sections 474A.02, subdivisions 1, 2b, 7, 8, 19, and by adding subdivisions; 474A.04, subdivision 1a; 474A.047, subdivisions 1 and 3; 474A.061, subdivisions 1, 2a, 2b, and 2c; 474A.091, subdivisions 3 and 5; 474A.131, by adding a subdivision; 474A.15; 474A.16; and 474A.17; proposing coding for new law in Minnesota Statutes, chapters 462A and 462C; repealing Minnesota Statutes 1990, sections 474A.048; and 474A.081, subdivisions 1, 2, and 4.

Reported the same back with the following amendments:

Page 7, lines 28 and 29, strike "August" and insert "July"

Page 9, line 36, strike "August" and insert "July"

Page 10, line 2, strike "August" and insert "July"

Page 11, line 10, strike "90 percent of"

Page 12, lines 16, 17 and 31, strike "August" and insert "July"

Page 13, line 19, strike "August" and insert "July"

Page 14, line 5, strike "August" and insert "July"

Page 14, after line 14, insert:

"Sec. 18. Minnesota Statutes 1990, section 474A.061, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL DEPOSIT.] An issuer which has received an allocation under this section may retain any unused portion of the allocation after the first Tuesday in ~~September~~ August only if the issuer has submitted to the department before the first Tuesday in ~~September~~ August a letter stating its intent to issue obligations pursuant to the allocation before the end of the calendar year or within the time period permitted by federal tax law and a deposit in addition to that provided under subdivision 1, equal to one percent of the amount of allocation to be retained. The Minnesota housing finance agency may retain an unused portion of an allocation after the first Tuesday in ~~September~~ August without submitting an additional deposit.

Sec. 19. Minnesota Statutes 1990, section 474A.061, subdivision 4, is amended to read:

Subd. 4. [RETURN OF ALLOCATION; DEPOSIT REFUND.] (a) If an issuer that receives an allocation under this section determines that it will not issue obligations equal to all or a portion of the allocation received under this section within 90 days of allocation or

within the time period permitted by federal tax law, whichever is less, the issuer must notify the department. If the issuer notifies the department or the 90-day period since allocation has expired prior to the last Monday in ~~August~~ July, the amount of allocation is canceled and returned for reallocation through the pool from which it was originally allocated. If the issuer notifies the department or the 90-day period since allocation has expired on or after the last Monday in ~~August~~ July, the amount of allocation is canceled and returned for reallocation through the unified pool. If the issuer notifies the department after the last Monday in November, the amount of allocation is canceled and returned for reallocation to the Minnesota housing finance agency.

(b) An issuer that returns for reallocation all or a portion of an allocation received under this section within 90 days of allocation shall receive within 30 days a refund equal to:

(1) one-half of the application deposit for the amount of bonding authority returned within 30 days of receiving allocation;

(2) one-fourth of the application deposit for the amount of bonding authority returned between 31 and 60 days of receiving allocation; and

(3) one-eighth of the application deposit for the amount of bonding authority returned between 61 and 90 days of receiving allocation.

No refund shall be available for allocations returned 90 or more days after receiving the allocation. This subdivision does not apply to the Minnesota housing finance agency.

Sec. 20. Minnesota Statutes 1990, section 474A.091, subdivision 1, is amended to read:

Subdivision 1. [UNIFIED POOL AMOUNT.] On the day after the last Monday in ~~August~~ July any bonding authority remaining unallocated from the manufacturing pool, the housing pool, and the public facilities pool is transferred to the unified pool and must be reallocated as provided in this section.

Sec. 21. Minnesota Statutes 1990, section 474A.091, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] An issuer may apply for an allocation under this section by submitting to the department an application on forms provided by the department accompanied by (1) a preliminary resolution, (2) a statement of bond counsel that the proposed issue of obligations requires an allocation under this chapter, (3) the type of qualified bonds to be issued, (4) an application deposit in the amount of two percent of the requested allocation, and (5) a public

purpose scoring worksheet for small issue applications. The issuer must pay the application deposit by check. An entitlement issuer may not apply for an allocation for public facility bonds, residential rental project bonds, or mortgage bonds under this section unless it has either permanently issued bonds equal to the amount of its entitlement allocation for the current year plus any amount carried forward from previous years or returned for reallocation all of its unused entitlement allocation. For purposes of this subdivision, its entitlement allocation includes an amount obtained under section 474A.04, subdivision 6.

The Minnesota housing finance agency may not apply for an allocation for mortgage bonds under this section until after the last Monday in ~~September~~ August. Notwithstanding the restrictions imposed on unified pool allocations after ~~October~~ September 1 under subdivision 3, paragraph (c)(2), the Minnesota housing finance agency may be awarded allocations for mortgage bonds from the unified pool after ~~October~~ September 1. The Minnesota housing finance agency may apply for and receive an allocation under this section without submitting an application deposit."

Page 14, lines 20 and 36, strike "September" and insert "August"

Page 14, line 26, strike "October" and insert "September"

Page 15, lines 17 and 23, strike "October" and insert "September"

Page 16, line 5, strike "October" and insert "September"

Renumber the remaining sections in sequence

Amend the title as follows:

Page 1, line 7, delete "and" and after "2c" insert ", 3, and 4"

Page 1, line 8, after "subdivisions" insert "1, 2,"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 878, A bill for an act relating to certain utility customers; providing a cold weather shutoff rule for municipal utilities and

cooperative electric associations; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 882, A bill for an act relating to traffic regulations; increasing criminal and civil penalties for littering; amending Minnesota Statutes 1990, sections 169.42, subdivision 5; and 169.421, subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 883, A bill for an act relating to the state agricultural society; providing some building and contracting exceptions; regulating real estate transactions; amending Minnesota Statutes 1990, sections 37.02 and 37.19.

Reported the same back with the following amendments:

Page 2, after line 23, insert:

"Sec. 3. Minnesota Statutes 1990, section 375.79, is amended to read:

375.79 [EXHIBITS AT STATE FAIR.]

A county board, for the purpose of assisting to design, construct, and maintain an exhibit of the products of the county, practices, or public concerns of the county or state, or that assists in promoting, advertising, improving, or developing the economic, agricultural, or natural resources of the county or state, or protecting or improving the public health or the environment of the county or state at the Minnesota state fair, may appropriate out of the general revenue fund of the county, not more than \$1,000, not including money received by the county as premiums or prizes at the state fair for that year \$2,000.

~~All money derived from premiums or prizes for the county exhibit at the state fair shall be paid into the treasury of the county.~~

Sec. 4. |REPEALER. |

Minnesota Statutes 1990, sections 375.80; 375.81; and 375.82, are repealed."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 4, after the semicolon insert "authorizing appropriations by counties for certain exhibits and repealing related procedural law;"

Page 1, delete line 5 and insert "1990, sections 37.02; 37.19; and 375.79; repealing Minnesota Statutes 1990, sections 375.80; 375.81; and 375.82."

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 886, A bill for an act relating to retirement; authorizing investment related postretirement adjustments for eligible members of the St. Paul police and firefighters relief associations; amending Minnesota Statutes 1990, sections 69.031, subdivision 5; 69.77, subdivision 2b; 356.216; and 423A.01, subdivision 2; and Laws 1989, chapter 319, article 19, sections 6 and 7, subdivisions 1, and 4, as amended.

Reported the same back with the following amendments:

Page 11, lines 34 to 36, delete the new language and reinstate the stricken language

Page 12, lines 2 and 3, delete the new language and reinstate the stricken language

Page 12, line 30, strike "of one percent"

Page 13, line 1, strike "of one percent"

Page 13, line 9, after "state" insert "amortization or supplementary amortization"

Page 13, line 10, after "year" insert "under section 423A.02 for the current calendar year"

Page 13, lines 16, 18, 20, and 21, delete the new language and reinstate the stricken language

Page 14, line 2, after the period insert "In addition to the provisions of subdivision 1 and this subdivision that require that the time weighted total rate of return earned by the fund in the most recent fiscal year exceeds by two percent the actual percentage increase in the current monthly salary of a top grade patrol officer or a top grade firefighter in the most recent fiscal year, a relief association in a city of the first class with a population of more than 200,000 but less than 300,000 may pay an annual postretirement payment only if the percent of assets to accrued liability equals or exceeds amounts determined as follows:

(1) The relief association shall certify the percent of assets to accrued liability, based on the actuarial valuation for calendar year 1990, and subtract this percent from 100 percent.

(2) The relief association shall divide the remainder in clause (1) by 19.

(3) For calculations made in 1992, the relief association shall add to the base percent in clause (1), the amount calculated under clause (2).

(4) For calculations made in every year after 1992, the relief association shall add to the amount from the previous year, the amount calculated under clause (2)."

Page 14, line 9, after the period insert "Sections 1 to 7 are not severable. However, a resolution by the St. Paul city council granting approval pursuant to section 645.021 may apply sections 1 to 7 to either a police fund or to a fire fund or both."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 890, A bill for an act relating to solid waste; setting supplementary recycling goals for counties; requiring mandatory participation in recycling programs in cities with 5,000 or more population; prohibiting the use of lead, cadmium, mercury, and chromium in packaging material, dye, paint, and fungicides; setting a date certain for cities to require licenses and volume or weight-based fees for solid waste collection; placing a five-year moratorium on new solid waste incinerators; amending Minnesota Statutes 1990, sections 115A.551, by adding a subdivision; 115A.93, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Page 1, line 25, delete "40" and insert "30"

Page 2, line 17, before "chromium" insert "hexavalent"

Page 3, after line 10, insert:

"Sec. 7. [LANDFILL MORATORIUM.]

Until July 1, 1994, no person may begin construction or begin operation of a new mixed municipal solid waste disposal facility, except for a facility in the metropolitan area for the disposal of ash from mixed municipal solid waste resource recovery facilities that incinerate waste. Until July 1, 1994, the pollution control agency may not permit the expansion of capacity of any existing disposal facility in the metropolitan area.

Sec. 8. [DAKOTA COUNTY; RESOURCE RECOVERY REIMBURSEMENT.]

\$5,500,000 is hereby appropriated from the general fund to Dakota county in order to reimburse Dakota county for costs incurred to implement a resource recovery facility prohibited by this chapter.

Amend the title as follows:

Page 1, line 10, after the semicolon insert "appropriating money;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 922, A bill for an act relating to crimes; imposing a duty to investigate and render aid when a person is injured in a shooting accident; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [609.662] [SHOOTING VICTIM; DUTY TO RENDER AID.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given.

(b) “Shooting accident” is an incident in which a person suffers bodily harm or death as a result of the intentional or unintentional discharge of a firearm.

(c) “Reasonable assistance” means aid appropriate to the circumstances, and includes obtaining or attempting to obtain assistance from a conservation or law enforcement officer, or from medical personnel.

Subd. 2. [DUTY TO RENDER AID.] (a) A person who discharges a firearm and knows or has reason to know that the discharge has caused bodily harm to another person, shall:

(1) immediately investigate the extent of the person’s injuries; and

(2) unless the injuries are minor, render immediate reasonable assistance to the injured person.

(b) A person who violates this subdivision is guilty of a crime and may be sentenced as follows:

(1) if the injured person suffered death or great bodily harm as a result of the discharge, to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both;

(2) if the injured person suffered substantial bodily harm as a result of the discharge, to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both;

(3) otherwise, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 3. [DUTY OF WITNESS.] (a) A person who witnesses the discharge of a firearm and knows or has reason to know that the discharge caused bodily harm to a person shall:

(1) immediately investigate the extent of the injuries; and

(2) unless the injuries are minor, render immediate reasonable assistance to the injured person.

(b) A person who violates this subdivision is guilty of a crime and may be sentenced as follows:

(1) if the defendant was a companion of the person who discharged the firearm at the time of the discharge, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both;

(2) otherwise, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

Subd. 4. [DEFENSE.] It is an affirmative defense to a charge under this section if the defendant proves by a preponderance of the evidence that the defendant failed to investigate or render assistance as required under this section because the defendant reasonably perceived that these actions could not be taken without a significant risk of bodily harm to the defendant or others.

Subd. 5. [PUBLICATION BY DEPARTMENT OF NATURAL RESOURCES.] The commissioner of natural resources shall include a summary of this section in the summary of the fish and game laws published under section 97A.051, subdivision 2.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1991, and applies to crimes committed on or after that date."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 925, A bill for an act relating to taxation; changing the special levy for the cost of certain regional library services; amending Minnesota Statutes 1990, section 275.50, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 134.342, subdivision 2, is amended to read:

Subd. 2. [DETERMINATION OF LEVY LIMITATION.] The levy limitation for a regional library system is equal to the sum of the total maximum amount allowable for operating regional library services for all member cities, towns, and counties within the region subject to the levy limitation under section 275.50, subdivision 5, clause (o). If a member city or town of a regional library system is not subject to the levy limitations under sections 275.50 to 275.56, the commissioner of revenue shall determine a levy limitation for the purposes of this section as if the member were subject to the provisions of section 275.50, subdivision 5, clause (o). The commissioner of revenue shall determine the total maximum amount allowable for the regional library system and shall certify the total amount to the regional library board and to the commissioner of education by August 1 of the levy year. If an unaffiliated city library has joined the regional public library system, the commissioner of revenue shall increase the total maximum amount by two percent."

Delete the title and insert:

"A bill for an act relating to taxation; changing the levy limitation for certain regional public library systems; amending Minnesota Statutes 1990, section 134.342, subdivision 2."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 930, A bill for an act relating to the governor; creating a

division of science and technology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 116O.05, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] (a) The primary duties of the corporation shall include:

(1) applied research; and

(2) technology transfer and early stage funding to small manufacturers.

(b) The corporation shall also:

(1) establish programs, activities, and policies that provide technology transfer and applied research and development assistance to individuals, sole proprietorships, partnerships, corporations, other business entities, and nonprofit organizations in the state that are primarily new and existing small and medium-sized businesses in greater Minnesota;

(2) provide or provide for technology-related assistance to individuals, sole proprietorships, partnerships, corporations, other business entities, and nonprofit organizations;

(3) provide financial assistance under section 116O.06 to assist the development of new products, services, or production processes or to assist in bringing new products or services to the marketplace;

(4) provide or provide for research services including on-site research and testing of production techniques and product quality;

(5) establish and operate regional research institutes as provided for in section 116O.08;

(6) make matching research grants for applied research and development to public and private post-secondary education institutes as provided for in section 116O.11;

(7) enter into contracts for establishing formal relationships with public or private research institutes or facilities;

(8) establish the agricultural utilization research institute under section 1160.09; and

(9) not duplicate existing services or activities provided by other public and private organizations but shall build on the existing educational, business, and economic development infrastructure.

Sec. 2. [1160.071] |SCIENCE AND TECHNOLOGY.]

Subdivision 1. |GOVERNOR'S ADVISOR ON SCIENCE AND TECHNOLOGY.] The chair of the board of directors of the Minnesota Technology Development Corporation shall serve as the science and technology advisor to the governor.

Subd. 2. |DUTIES.] The corporation shall:

(1) prepare and deliver to the legislature every January 15 a science and technology annual report that shall contain:

(i) a list of the scientifically and technologically related research and development projects and development activities funded by a grant or loan of state money that provides significant promise for the development of job-creating businesses; and

(ii) an analysis of the efficacy and completeness of a decentralized research peer review process, with special emphasis on whether or not scientifically and technologically related research and development projects in Minnesota have or will result in creating scientifically and technologically related jobs;

(2) keep a current roster of technology intensive businesses in the state;

(3) collect and disseminate information on financial, technical, marketing, management, and other services available to technology intensive small and emerging businesses, including potential sources of debt and equity capital;

(4) review the technological development potential of various regions of the state and cooperate with and make recommendations to the legislature, state agencies, local governments, local technology development agencies, the federal government, private businesses, and individuals for the realization of the development potential; and

(5) sponsor and conduct conferences and studies, collect and disseminate information, and issue periodic reports relating to scientifically and technologically related research and development and education in the state and represent the state at appropriate interstate and national conferences.

Subd. 3. [PEER REVIEW PLANS.] A state agency, board, commission, authority, institution, or other entity that allocates state money by a grant, loan, or contract for scientifically and technologically related research shall establish a peer review system to evaluate the research. The corporation shall recommend guidelines for establishing effective peer review. An agency, board, commission, authority, or institution that funds scientifically and technologically related research shall, at least biennially, present to the corporation or to ad hoc committees a review and evaluation of the peer review process used in that organization.

Subd. 4. [AUTHORITY TO PERFORM REQUESTED EVALUATIONS.] The governor, speaker of the house of representatives, house of representatives minority leader, senate majority leader, senate minority leader, chair of the house of representatives appropriations committee, chair of the senate finance committee, a director, or a member of the legislature considering the introduction or approval of legislation containing funding for scientifically and technologically related research and development may request the corporation to evaluate a loan or grant made or to be made or the proposed legislation for funding scientifically and technologically related research and development to determine (1) whether it complies with the guidelines required by subdivision 3; (2) whether it is technically feasible; and (3) for development proposals, whether the proposal appears to have the potential for economic development. Ad hoc committees may be appointed by the corporation.

Sec. 3. Minnesota Statutes 1990, section 1160.09, subdivision 3, is amended to read:

Subd. 3. [STAFF.] ~~The corporation board of directors shall provide hire staff to for the agricultural utilization research institute and assist in carrying out the duties of the agricultural utilization research institute.~~ Persons employed by the agricultural utilization research institute are not state employees and may participate in state retirement, deferred compensation, insurance, or other plans that apply to state employees generally and are not subject to regulation by the state ethical practices board.

Sec. 4. Minnesota Statutes 1990, section 1160.09, is amended by adding a subdivision to read:

Subd. 6. [BYLAWS.] The board of directors shall adopt bylaws necessary for the conduct of the business of the institute consistent with this section. The corporation must publish bylaws and amendments to the bylaws in the State Register.

Sec. 5. Minnesota Statutes 1990, section 1160.09, is amended by adding a subdivision to read:

Subd. 7. [PLACE OF BUSINESS.] The board shall locate and maintain the institute's place of business within the state.

Sec. 6. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 8. [CHAIR.] The board shall annually elect from among its members a chair and other officers necessary for the performance of its duties.

Sec. 7. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 9. [MEETINGS.] The board shall meet at least twice each year and may hold additional meetings upon giving notice in accordance with the bylaws of the institute. Board meetings are subject to section 471.705.

Sec. 8. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 10. [CONFLICT OF INTEREST.] A director, employee, or officer of the institute may not participate in or vote on a decision of the board relating to an organization in which the director has either a direct or indirect financial interest.

Sec. 9. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 11. [NO BENEFIT TO PRIVATE INDIVIDUALS OR CORPORATIONS.] This institute shall not afford pecuniary gain, incidental or otherwise, to any private individual, firm, or corporation, except the payment of reasonable fees for goods and services rendered and approved in accordance with the bylaws of the corporation, and no part of the net income or net earning of the institute shall, directly or indirectly, be distributable to or otherwise inure to the benefit of any individual.

Sec. 10. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 12. [FUNDS.] The institute may accept and use gifts, grants, or contributions from any source. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of and invest or reinvest the money, securities, or other property given or bequeathed to it. The principal of these funds, the income from them, and all other revenues received by it from any nonstate source must be placed in the depositories the board determines and are subject to expenditure for

the board's purposes. Expenditures of more than \$25,000 must be approved by the full board.

Sec. 11. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 13. [ACCOUNTS; AUDITS.] The institute may establish funds and accounts that it finds convenient. The board shall provide for and pay the cost of an independent annual audit of its official books and records by the legislative auditor subject to sections 3.971 and 3.972. A copy of this audit shall be filed with the secretary of state.

For purposes of this section, "institute" means the agricultural research institute established under section 1.

Sec. 12. [116O.16] [ALLOCATION OF LOTTERY PROCEEDS.]

The corporation must allocate a portion of annual lottery proceeds received under section 349A.10, subdivision 5, as follows:

(1) \$4,000,000 to the agricultural utilization institute; and

(2) \$1,200,000 to the natural resource research institute.

Sec. 13. [FUNDING FOR TECHNOLOGY PROGRAMS.]

The corporation must allocate out of corporation funds \$200,000 for the purposes of section 2, \$1,360,000 to the Minnesota Project Innovation Incorporated, and \$1,000,000 to the Minnesota Project Outreach Corporation, to be available for the biennium ending June 30, 1993.

Sec. 14. [INSTRUCTION TO REVISOR.]

The revisor of statutes is instructed to change the term "Greater Minnesota Corporation" and similar terms to "Minnesota Technical Development Center" and similar terms in Minnesota Statutes and Minnesota Rules."

Delete the title and insert:

"A bill for an act relating to economic development; changing the focus of the Greater Minnesota Corporation; requiring the chair of the board of directors to act as science advisor to the governor; changing the duties of the agricultural research utilization institute; providing for an audit; changing the name of the Greater Minnesota Corporation; amending Minnesota Statutes 1990, sections 116O.05, subdivision 2; and 116O.09, subdivision 3, and by

adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116O.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 932, A bill for an act relating to corrections; extending female offender programs to include juveniles adjudicated delinquent; encouraging counties and agencies to develop and implement female offender programs; amending Minnesota Statutes 1990, sections 241.70; 241.71; 241.72; and 241.73.

Reported the same back with the following amendments:

Page 3, line 7, before the period insert “adopted under sections 14.22 to 14.28”

Page 3, line 15, after the period insert “An agency seeking funding for a program to serve female offenders on probation in a community corrections act county shall obtain the endorsement of the county corrections authority before submitting a grant-in-aid application or proposal.”

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 937, A bill for an act relating to education; allowing the Wayzata school district to conduct a referendum before November 1991.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 943, A bill for an act relating to elections; allowing school meetings on certain election days; amending Minnesota Statutes 1990, section 204C.03, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 11, delete "general" and insert "regularly scheduled"

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 954, A bill for an act relating to retirement; public employees retirement association; granting the equivalent of two months maternity leave to a certain St. Louis county employee.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 961, A bill for an act relating to agriculture; extending the farmer-lender mediation act; providing for the assessment of mediation fees; appropriating money; amending Laws 1986, chapter 398, article 1, section 18, as amended; proposing coding for new law in Minnesota Statutes, chapter 583.

Reported the same back with the following amendments:

Page 1, delete sections 1 and 2

Page 1, line 26, delete "Sec. 3." and insert "Section 1."

Page 2, delete section 4

Delete the title and insert:

“A bill for an act relating to agriculture; appropriating money for the farmer-lender mediation program.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 962, A bill for an act relating to human services; requiring the commissioner to develop specialized residential treatment services for children with emotional disturbances for whom there are no appropriate services available in Minnesota; establishing a commission on specialized children's mental health resources; amending Minnesota Statutes 1990, section 245.4882, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 27, delete “COMMISSION” and insert “JOINT COMMITTEE”

Page 2, lines 2, 8, 15, 20, 22, and 24, delete “commission” and insert “joint committee”

Page 2, line 12, after “the” insert “joint”

Page 2, line 21, delete “commission's” and insert “joint committee's”

Amend the title as follows:

Page 1, line 6, delete “commission” and insert “committee”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 999, A bill for an act relating to waters; exempting

certain proceedings by the board of water and soil resources from the administrative procedure act; authorizing appeals to the court of appeals; amending Minnesota Statutes 1990, sections 103B.345, subdivisions 2 and 4; 103D.105, subdivision 1; and 103D.111.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 103B.345, subdivision 2, is amended to read:

Subd. 2. [PETITION FOR HEARING.] A county or other local unit of government may petition for a ~~contested case~~ hearing by the board under this section if:

(1) the interpretation and implementation of a comprehensive water plan is challenged by a local unit of government aggrieved by the plan;

(2) two or more counties disagree about the apportionment of the costs of a project implementing a comprehensive water plan; or

(3) a county and another local unit of government disagree about a change in a local water and related land resources plan or official control recommended by the county under section 103B.325.

Sec. 2. Minnesota Statutes 1990, section 103B.345, subdivision 4, is amended to read:

Subd. 4. [HEARING.] If the aggrieved county or other local unit of government files a petition for a hearing, a hearing must be conducted by the ~~state office of administrative hearings under the contested case procedure of chapter 14 board~~ within 60 days of the request. The subject of the hearing may not extend to questions concerning the need for a comprehensive water plan. ~~In the report of the administrative law judge, the fees of the office of administrative hearings and transcript fees must be equally apportioned among the parties to the proceeding. Within 60 days after receiving the report of the administrative law judge the close of the hearing, the board shall, by resolution containing findings of fact and conclusions of law, make a final decision with respect to the issue before it.~~

Sec. 3. Minnesota Statutes 1990, section 103D.105, subdivision 1, is amended to read:

Subdivision 1. [PROCEDURE.] (a) A rulemaking hearing must be conducted under chapter 14.

(b) A hearing ~~must be conducted as a contested case under chapter 14 if the hearing is:~~

(1) in a proceeding to establish or terminate a watershed district;
or

~~(2) of an appeal under section 103D.535 must be conducted informally as a public information hearing by the board, or referred by the board to the office of administrative hearings.~~

(e) Notwithstanding chapter 14, other hearings under this chapter, ~~except hearings under paragraphs (a) and (b),~~ shall be conducted by the board under this section. The board may refer the hearing to one or more members of the board or an administrative law judge to hear evidence and make findings of fact and report them to the board.

Sec. 4. Minnesota Statutes 1990, section 103D.111, is amended to read:

103D.111 [APPEAL OF BOARD ORDERS.]

Subdivision 1. [REVIEW OF ESTABLISHMENT AND TERMINATION DECISIONS.] In a proceeding to establish or terminate a watershed district where the board elected not to refer the proceeding to the office of administrative hearings, a local unit of government or 25 or more residents within the area affected by the proceeding may, prior to judicial appeal of the board's decision, demand a contested case hearing to be conducted by the office of administrative hearings. In the report of the administrative law judge, the fees of the office of administrative hearings and transcript fees may be apportioned among the parties and the board. Apportionment must be based on the degree to which the parties and the board prevailed, or caused unnecessary delay or expense. Following receipt of the report of the administrative law judge, the board shall make a final decision in accordance with chapter 14.

Subd. 2. [APPEALS OF FINAL BOARD DECISIONS.] A party that is aggrieved by the final decision made by the order of the board may appeal the order decision to the district court of appeals in the manner provided by sections 14.63 to 14.69."

Amend the title as follows:

Page 1, line 4, after "authorizing" insert "a petition for a hearing and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1000, A bill for an act relating to farm safety; authorizing a program for training youth in the safe operation of farm equipment; establishing a farm injuries surveillance system; requiring a farm safety specialist; providing for a pilot project of comprehensive farm safety audits; requiring certain safety equipment on farm tractors at time of sale; establishing a research center for agricultural health and safety; requiring certain studies and reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 17; 137; and 325F.

Reported the same back with the following amendments:

Page 2, line 3, after "payments" insert "of \$25 per student"

Page 2, delete section 2

Page 2, line 13, after "Minnesota" insert "legislature finds that because the extension service has unique opportunities for delivering health and safety messages to farm families, the" and delete "must" and insert "is urged to"

Page 3, line 16, before the period, insert ", if the tractor was originally equipped with lights"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete "system;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1008, A bill for an act relating to vocational rehabilitation; establishing grant programs for special employability and supported education services for persons with serious and persistent mental illness; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 268A.

Reported the same back with the following amendments:

Page 1, delete line 11

Page 1, line 12, delete "SERVICES.]"

Page 1, delete lines 23 to 26

Page 2, delete lines 1 to 13

Amend the title as follows:

Page 1, line 3, delete "and supported"

Page 1, line 4, delete "education"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1009, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing nonpark use of a portion of Interstate park; authorizing the sale of certain deleted lands.

Reported the same back with the following amendments:

Page 2, line 21, delete "area is" and insert "areas are"

Page 2, line 22, after "park:" insert:

"(a)"

Page 3, after line 8, insert:

“(b) That part of Government Lot 1 of Section 15, Township 56 North, Range 7 West, described as follows: Beginning at the water line of Lake Superior on the north and south line between Government Lots 1 and 2 of said Section 15; thence North 5 degrees West 7 chains; thence North 61 degrees East 3 chains and 57 links; thence North 47 degrees East 3 chains and 25 links; thence South 30 degrees East to the water line of Lake Superior; thence westerly along said water line to the point of beginning.

(c) The following described area, to be known as the Palisade Valley Unit, also is added to Tettegouche state park: The West Half of Section 16; the South Half, the South Half of the Northwest Quarter, the South Half of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 17; the South Half, the South Half of the Northeast Quarter, the South Half of the Northwest Quarter and the Northwest Quarter of the Northwest Quarter of Section 18; the West Half and the Northeast Quarter of Section 19; the Northwest Quarter of the Northwest Quarter of Section 20; the Northwest Quarter of Section 30; all in Township 56 North, Range 7 West. All of Sections 13, 24 and 25; Government Lot 6 of Section 12; the East Half of the Northeast Quarter and the East Half of the Southeast Quarter of Section 26; all in Township 56 North, Range 8 West.

Notwithstanding the provisions of section 85.012, subdivision 1, tax-forfeited land located within the Palisade Valley Unit is not withdrawn from sale and transferred from the custody of the county board. The commissioner shall manage the unit as a recreational state park as provided in section 86A.05, subdivision 3, but without major new development such as roads or campgrounds, other than hiking trails and backpack only campsites. In addition to other activities authorized within Tettegouche state park, the following activities are permitted in the Palisade Valley Unit: (a) public hunting, trapping, and fishing; (b) the continued leasing of hunting cabins on tax-forfeited land, but not for more than 40 years after the effective date of this section; (c) the continued use of snowmobiles and all-terrain vehicles on roads and designated trails existing at the time of enactment of this section, including but not limited to, existing routes to Bear and Bean lakes. The commissioner shall promulgate rules for the Palisade Valley Unit that are consistent with this section.

As to all privately owned land added to Tettegouche state park pursuant to additions authorized by this act, the commissioner shall annually pay to Lake county, \$3 per acre, in the same manner and for the same purposes as required under sections 477A.11 to 477A.14 to be paid to a county for acquired natural resources land administered by the commissioner.

The commissioner must establish an advisory committee to provide advice in regard to the planning, development, and operation of Tettegouche state park."

Page 3, after line 21, insert:

"Sec. 3. [FORT SNELLING STATE PARK; USE AND OCCUPANCY OF CERTAIN AREAS FOR NONPARK PURPOSES; EXCLUSION FROM PARK.]

Notwithstanding the provisions of Minnesota Statutes, chapters 85 and 86A, or any other law to the contrary, the commissioner of natural resources, if authorized by the federal government, without penalty, may authorize the United States army or the Minnesota department of military affairs to use, occupy, and maintain without charge by the state, but at no expense to the commissioner, that portion of Fort Snelling state park that is designated in the official records and drawings of the former Veterans Administration Hospital Reserve as "Area J," and being that part of the property conveyed to the state of Minnesota by the United States of America on August 17, 1971, lying east of Taylor Avenue, which contains 35.38 acres, more or less, together with that portion of land conveyed by the same deed that lies west of Taylor Avenue and is commonly referred to as Officers Row, and which contains 10.5 acres, more or less. The use, occupancy, and maintenance may be conditioned upon such terms as the commissioner may prescribe."

Page 3, line 23, delete "3" and insert "4"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 1014, A bill for an act relating to military affairs; appropriating money to pay a local assessment against a state armory in the city of Anoka.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1025, A bill for an act relating to retirement; eliminating the additional employer contribution to the teachers retirement association on behalf of employees participating in the individual retirement account plan; amending Minnesota Statutes 1990, section 354B.04, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 354B.04, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] The employer of persons in covered employment who participate in the plan shall make an employer contribution to the plan in an amount equal to the amount prescribed by section 354.42, subdivision 3, ~~and~~. The employer shall continue to make an additional employer contribution to the teachers retirement association in an amount equal to the amount prescribed by section 354.42, subdivision 5, for persons hired prior to July 1, 1989.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for the first payroll period beginning after July 1, 1991.”

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1027, A bill for an act relating to human services; the Minnesota equal access to employment opportunities for persons with severe disabilities act; providing for equal employment opportunities for persons with severe disabilities; establishing rights; appropriating money; amending Minnesota Statutes 1990, sections 43A.191, subdivision 2; 120.183; 252.40; 268A.08, subdivision 2; and 268A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16B and 120.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1031, A bill for an act relating to human services; providing for clarification and changes in law relating to child support enforcement; amending Minnesota Statutes 1990, sections 257.57, subdivision 2; 270A.04, subdivision 2; 270A.08, subdivision 2; 518.551, subdivision 5, and by adding subdivisions; and 518.64.

Reported the same back with the following amendments:

Page 1, line 25, strike "is not in the" and delete "best"

Page 1, line 26, strike "interest of" and delete "the child or"

Page 6, lines 4, 6, 7, and 10, after "earnings" insert "and income"

Page 6, line 5, delete "In all cases" and insert "When there is a prehearing conference"

Page 6, line 19, after "court" insert "or in accordance with paragraph (c)" and delete "This" and insert "Credible"

Page 6, lines 20 and 21, after "recent" insert "earnings and"

Page 6, after line 23, insert:

"(c) If the court finds that a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of imputed income. Imputed income means the estimated earning ability of a parent based on the parent's prior earnings history, education, and job skills, and on availability of jobs within the community for an individual with the parent's qualifications. For a parent with no previous job history and no higher education or advanced training or who has made reasonable efforts and cannot find suitable employment, the court may take judicial notice of estimated earning ability based on full-time employment of 40 hours per week at the federal minimum wage or the Minnesota minimum wage, whichever is higher. If the parent is physically or mentally incapacitated, it shall be presumed that the parent is not voluntarily unemployed or underemployed."

Page 8, line 22, delete "payments are"

Page 8, delete line 23

Page 8, line 24, delete "enforcement" and insert "public assistance is being furnished or the county attorney is the attorney of record"

Page 10, line 22, delete the second "the" and insert "a"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1045, A bill for an act relating to state government; authorizing a study to develop models for STARS regions; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1129, A bill for an act relating to agriculture; regulating genetically engineered plants, pesticides, fertilizers, soil amendments, and plant amendments; imposing a penalty; amending Minnesota Statutes 1990, sections 18B.01, by adding subdivisions; 18C.005, by adding subdivisions; 18C.421; 18C.425, subdivision 6, and by adding a subdivision; 18D.01, subdivisions 1 and 9; 18D.301, subdivisions 1 and 2; 18D.325, subdivisions 1 and 2; 18D.331, subdivisions 1, 2, and 3; proposing coding for new law in Minnesota Statutes, chapters 18B and 18C; proposing coding for new law as Minnesota Statutes, chapter 18F.

Reported the same back with the following amendments:

Page 1, line 29, delete everything after the first "the" and insert "introduction of new genetic material to an organism or the regrouping of an organism's genes using techniques or technology designed by humans. This does not include selective breeding, hybridization, or nondirected mutagenesis."

Page 2, delete lines 1 and 2

Page 2, line 16, delete “UNREASONABLE” and insert “MATERIAL”

Page 2, line 17, delete “unreasonable” and insert “material”

Page 2, line 18, delete “unreasonable” and insert “material”

Page 2, line 36, delete “unreasonable” and insert “material”

Page 3, line 11, delete “unreasonable” and insert “material”

Page 3, line 14, delete “issuance of a permit is not in the public interest or that”

Page 3, line 16, delete “unreasonable” and insert “material”

Page 4, line 5, delete everything after “for” and insert “environmental review subject to the provisions of”

Page 4, line 6, delete everything before “chapter” and after “116D” insert “and rules adopted under it” and after the period insert “The rules must also include provisions requiring concurrent permit review for proposed releases that would require more than one permit under chapter 18B, 18C, or 18F.”

Page 4, line 17, delete “substance, or mixture of substances or organisms”

Page 5, line 15, delete “unreasonable” and insert “material”

Page 5, line 28, delete “unreasonable” and insert “material”

Page 5, line 31, delete everything after “that”

Page 5, line 32, delete “in the public interest or that”

Page 5, line 34, delete “unreasonable” and insert “material”

Page 8, line 17, delete “unreasonable” and insert “material”

Page 8, line 33, delete “unreasonable” and insert “material”

Page 9, line 1, delete everything after “that”

Page 9, line 2, delete “public interest or that”

Page 9, line 5, delete “unreasonable” and insert “material”

Page 9, delete section 18

Page 11, delete section 20

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1132, A bill for an act relating to natural resources; providing for enforcement of sanctions for hunting while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1990, section 97B.065; proposing coding for new law in Minnesota Statutes, chapter 97B.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1147, A bill for an act relating to public employment; transferring certain state employees from the unclassified to the classified service; requiring rules for evaluating the performance of arbitrators; establishing deadlines for certain steps in the arbitration process; establishing a procedure for setting the dates for meetings of arbitration panels; amending Minnesota Statutes 1990, sections 11A.07, subdivision 4; 43A.08, subdivisions 1, 1a, and by adding a subdivision; 43A.18, subdivision 4; 43A.37, subdivision 1; 116K.04, subdivision 5; 136A.03; 179A.05, subdivision 6; 179A.16, subdivisions 4, 6, and 7; and 349A.02, subdivision 4; repealing Minnesota Statutes 1990, section 352D.02, subdivision 1b.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSFER OF UNCLASSIFIED POSITIONS

Section 1. Minnesota Statutes 1990, section 16B.88, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION CENTER FOR VOLUNTEER PROGRAMS.] There is created in the office of the commissioner the office on volunteer services, hereafter referred to as "the office." The office shall be under the supervision and administration of an executive director to be appointed by the commissioner and hereinafter referred to as "director." ~~The director shall remain in the unclassified service.~~ The office shall operate as a state information center for volunteer programs and needed services that could be delivered by volunteer programs. Any person or public or private agency may request information on the availability of volunteer programs relating to specific services and may report to the director whenever a volunteer program is needed or desired.

Sec. 2. Minnesota Statutes 1990, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities ~~for the following agencies~~ may designate additional unclassified positions according to this subdivision: the departments of administration; agriculture; commerce; corrections; jobs and training; education; employee relations; trade and economic development; finance; gaming; health; human rights; labor and industry; natural resources; office of administrative hearings; public safety; public service; human services; revenue; transportation; and veterans affairs; the housing finance, state planning, and pollution control agencies; the state lottery division; the state board of investment; the office of waste management; the offices of the attorney general, secretary of state, state auditor, and state treasurer; the state board of technical colleges; the higher education coordinating board; the Minnesota center for arts education; and the Minnesota zoological board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(1) the designation of the position would not be contrary to other law relating specifically to that agency;

(2) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(3) the duties of the position would involve significant discretion

and substantial involvement in the development, interpretation, and implementation of agency policy;

(4) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(5) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with the governor and the agency head, or the employing constitutional officer;

(6) the position would be at the level of division or bureau director or assistant to the agency head; and

(7) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 3. Minnesota Statutes 1990, section 43A.08, is amended by adding a subdivision to read:

Subd. 4. [LENGTH OF SERVICE FOR STUDENT WORKERS.] A person may not be employed as a student worker in the unclassified service under subdivision 1 for more than 36 months. Employment at a school that a student attends is not counted for purposes of this limit.

Sec. 4. Minnesota Statutes 1990, section 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision must be set by appointing authorities within the limits of compensation plans that have been approved by the commissioner before becoming effective. Compensation plans established under paragraphs (b), (c), and (d) must be approved by the legislature and the legislative commission on employee relations under subdivision 2 before becoming effective.

(a) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer must be determined by the governor, lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer, respectively.

(b) Total compensation for unclassified positions pursuant to under section 43A.08, subdivision 1, clause (i), in the state universities and the community colleges not covered by a collective

bargaining agreement must be determined by the state university board and the state board for community colleges, respectively.

(c) Total compensation for classified administrative law judges in the office of administrative hearings must be determined by the chief administrative law judge.

(d) Total compensation for unclassified positions not covered by a collective bargaining agreement in the higher education coordinating board and in the state board of technical colleges must be determined by the higher education coordinating board and the state board of technical colleges, respectively.

Sec. 5. Minnesota Statutes 1990, section 116K.04, subdivision 5, is amended to read:

Subd. 5. (1) The land management information center is established to foster integration of environmental information and provide services in computer mapping and graphics, environmental analysis, and small systems development.

(2) The commissioner shall periodically compile studies of land use and natural resources on the basis of county, regional, and other political subdivisions.

(3) The commissioner shall charge fees to clients for information products and services. Fees shall be deposited in the state treasury and credited to the land management information center revolving account. Money in the account is appropriated to the state planning agency for operation of the land management information system, including the cost of all services, supplies, materials, labor, and equipment, as well as the portion of the general support costs and statewide indirect costs of the agency that is attributable to the land management information system. The commissioner may require a state agency to make advance payments to the revolving account sufficient to cover the agency's estimated obligation for a period of 60 days or more. If the revolving account is abolished or liquidated, the total net profit from operations ~~shall~~ must be distributed to the various funds from which purchases were made. The amount to be distributed to each fund ~~shall~~ must bear to the net profit the same ratio as the total purchases from each fund bears 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. ~~Employees paid from this account are in the unclassified service.~~

Sec. 6. Minnesota Statutes 1990, section 144A.52, subdivision 1, is amended to read:

Subdivision 1. The office of health facility complaints is hereby

created in the department of health. The office shall be headed by a director appointed by the state commissioner of health. ~~The director shall report to and serve at the pleasure of the state commissioner of health.~~

The commissioner of health shall provide the office of health facility complaints with office space, administrative services and secretarial and clerical assistance.

Sec. 7. Minnesota Statutes 1990, section 196.23, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT OF SECTION.] The commissioner shall establish an Agent Orange information and assistance section in the department of veterans affairs. The section shall be headed by a director ~~who shall serve in the unclassified service.~~ The commissioner shall provide the director with office space, administrative services, and clerical support.

Sec. 8. Minnesota Statutes 1990, section 240A.02, subdivision 3, is amended to read:

Subd. 3. [STAFF.] The commission shall appoint an executive director, who may hire other employees authorized by the commission. The executive director ~~and any other employees are~~ is in the unclassified service under section 43A.08.

Sec. 9. Minnesota Statutes 1990, section 241.01, subdivision 3a, is amended to read:

Subd. 3a. [COMMISSIONER, POWERS AND DUTIES.] The commissioner of corrections has the following powers and duties:

(a) To accept persons committed to the commissioner by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the department of corrections and to prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or outside the facility. Inmates shall not exercise custodial functions or have authority over other inmates. Inmates may serve on the board of directors or hold an executive position subordinate to correctional staff in any corporation, private industry or educational program located on the grounds of, or conducted within, a state correctional facility with written permission from the chief executive officer of the facility.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel the commissioner deems necessary to discharge the functions of the department, including a chief executive officer for each facility under the commissioner's control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause, and two internal affairs officers for security who shall be in the unclassified civil service.

(h) To define the duties of these employees and to delegate to them any of the commissioner's powers, duties and responsibilities, subject to the commissioner's control and the conditions the commissioner prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the department of corrections. This report shall be submitted to the governor and the state legislature commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

Sec. 10. Minnesota Statutes 1990, section 241.43, subdivision 1, is amended to read:

Subdivision 1. The ombudsman may select, appoint, and compensate out of available funds such assistants and employees as deemed necessary to discharge responsibilities. ~~All employees, except the secretarial and clerical staff, shall serve at the pleasure of the ombudsman in the unclassified service.~~ The ombudsman and full-time staff shall be members of the Minnesota state retirement association.

Sec. 11. Minnesota Statutes 1990, section 241.43, subdivision 2, is amended to read:

Subd. 2. The ombudsman shall designate ~~an assistant to be the a~~ deputy ombudsman in the unclassified service.

Sec. 12. Minnesota Statutes 1990, section 299A.30, subdivision 1, is amended to read:

Subdivision 1. [OFFICE; ASSISTANT COMMISSIONER.] The office of drug policy is an office in the department of public safety headed by an assistant commissioner appointed by the commissioner to serve in the unclassified service. The assistant commissioner may appoint other employees ~~in the unclassified service.~~ The assistant commissioner shall coordinate the activities of drug program agencies and serve as staff to the drug abuse prevention resource council.

Sec. 13. Minnesota Statutes 1990, section 349A.02, subdivision 4, is amended to read:

Subd. 4. [EMPLOYEES; CLASSIFICATION.] The director may appoint other personnel as ~~are necessary to operate the state lottery. Employees of the division who are not professional employees as defined in section 170A.03, subdivision 13, and employees whose primary responsibilities are in data processing and accounting, are in the classified service. All other employees of the division are in the unclassified service.~~ At least one position in the division must be an attorney position and the director ~~must~~ shall employ in that position an attorney to perform legal services for the division.

Sec. 14. Minnesota Statutes 1990, section 446A.03, subdivision 5, is amended to read:

Subd. 5. [EXECUTIVE DIRECTOR.] The commissioner shall employ, with the concurrence of the authority, an executive director. The director shall perform duties that the authority may require in carrying out its responsibilities. ~~The executive director's position is in the unclassified service.~~

Sec. 15. Laws 1984, chapter 654, article 2, section 152, subdivision 3, is amended to read:

Subd. 3. [POWERS OF COMMISSION.] (a) [GENERAL.] The commission shall have all powers necessary or convenient to discharge the duties imposed by law, including those specified in this section.

(b) [ACTIONS.] The commission may sue and be sued and shall is a public body within the meaning of chapter 562.

(c) [EMPLOYEES; CONTRACTS FOR SERVICES.] The commissioner of energy and economic development may employ persons and

contract for services necessary to carry out the functions of the commission. Employees are in the unclassified service and members of the Minnesota State Retirement System.

(d) [RESEARCH.] The commission may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its functions.

Sec. 16. Laws 1987, chapter 386, article 1, section 11, is amended to read:

[RURAL DEVELOPMENT BOARD COMPLEMENT.]

The approved complement of the rural development board is six and one-half positions, with six positions in the unclassified service and one-half position in the classified service, one of which is an executive director position.

Sec. 17. [UNCLASSIFIED POSITIONS IN DEPARTMENT OF NATURAL RESOURCES.]

Notwithstanding any other law to the contrary, positions in the department of natural resources established under Minnesota Statutes, sections 84.025, subdivision 9 and 84.95, are transferred to the classified service. Incumbents of positions that are transferred to the classified service on the effective date of this section must be moved to the classified service without examination and begin to serve a probationary period in the class.

Sec. 18. [UNCLASSIFIED POSITIONS IN THE COMMUNITY COLLEGE AND STATE UNIVERSITY SYSTEMS.]

The commissioner of employee relations, with the chancellors of the state university and community college systems, shall develop criteria that determine the placement of professional and managerial positions in the classified or unclassified civil service under Minnesota Statutes, section 43A.08, subdivision 1, clause (i). The commissioner shall consider criteria that recognize the unique educational functions of each system. The commissioner shall report to the legislative commission on employee relations by December 1, 1991, on the criteria that have been established and any reassignments of positions that have been required.

Sec. 19. [IMPLEMENTATION PLAN.]

The commissioner of employee relations shall, based on a report by the legislative commission on employee relations entitled "The Use of the Unclassified State Civil Service for Non-Managerial Positions," develop an implementation plan to transfer positions

that do not meet the criteria in Minnesota Statutes, section 43A.08, subdivision 1a or 2a, to the classified service. The commissioner must consult with affected appointing authorities, exclusive representatives, and unrepresented employees in preparing the implementation plan. The implementation plan must include, but is not limited to, unclassified positions in the state board of investment and the higher education coordinating board. The plan must include recommendations regarding the impact of the plan on incumbents of positions that would be transferred to the classified service. The implementation plan must be submitted to the legislative commission on employee relations by December 15, 1991.

Sec. 20. [STUDY OF UNCLASSIFIED POSITIONS.]

The attorney general, with the commissioner of employee relations and affected unclassified employees, shall develop criteria that determine the placement of legal assistant positions in the classified or unclassified civil service under Minnesota Statutes, section 43A.08, subdivision 1, clause (k). The attorney general and the commissioner shall report to the legislative commission on employee relations by December 15, 1991, on the criteria that have been established and any reassignment of positions that may be required.

Sec. 21. [CLASSIFICATION OF POSITIONS.]

Subdivision 1. [TRADE AND ECONOMIC DEVELOPMENT.] Notwithstanding Laws 1984, chapter 654, article 2, section 15 or any other law to the contrary, the positions associated with the following functions in the department of trade and economic development that do not meet the criteria set in Minnesota Statutes, section 43A.08, subdivision 1a or 2a, are in the classified service:

(1) coordination of economic development assistance in the high technology industries of medical biotechnology and software development;

(2) manufacturing growth council;

(3) convention facilities commission;

(4) recycling and environmental programs; and

(5) coordination of projects involving foreign business.

Subd. 2. [TRADE OFFICE.] Notwithstanding Laws 1984, chapter 654, article 3, section 3 or any other law to the contrary, positions associated with the Minnesota trade office that do not meet the criteria set in Minnesota Statutes, section 43A.08, subdivision 1a or 2a, are in the classified service.

Subd. 3. [ADMINISTRATION.] Notwithstanding any law to the contrary, a position in the department of administration originally created for the director of the cable communications board must be placed in the classified service.

Sec. 22. [TRANSFER OF UNCLASSIFIED POSITIONS TO THE CLASSIFIED SERVICE.]

The commissioner shall transfer unclassified positions described in sections 1 and 5 to 18 that do not meet the criteria set in Minnesota Statutes, section 43A.08, subdivision 1a or 2a, to the classified service. Incumbents of positions that are transferred to the classified service on the effective date of this section must be moved to the classified service without examination and begin to serve a probationary period in the class.

Sec. 23. [RETIREMENT PLANS.]

A person who on the day before the effective date of this article is a participant in the state unclassified employees retirement program and whose position is placed in the classified service under this article, may elect to maintain membership in the unclassified program as long as the person holds the position or a position in a higher class in the same agency. When an unclassified position that entitles a person to participate in the unclassified retirement program is placed in the classified service, the commissioner of employee relations shall send written notice to the incumbent of the position, and to the director of the Minnesota state retirement system. The notice must state the incumbent's option under this section. A person eligible to maintain membership in the unclassified plan must notify the executive director of the state retirement system of the person's election to maintain membership in the unclassified plan within 60 days of the date on which the commissioner sends the notice stating that the position has been placed in the classified service. A person who does not send notice is deemed to have waived the right to remain in the unclassified plan.

Sec. 24. [REPEALER.]

Minnesota Statutes 1990, sections 116J.615, subdivision 3; and 352D.02, subdivision 1b, are repealed.

ARTICLE 2

INTEREST ARBITRATION

Section 1. Minnesota Statutes 1990, section 179A.05, subdivision 6, is amended to read:

Subd. 6. [ADMINISTRATION OF ARBITRATOR ROSTER.] The

board shall maintain a list of names of arbitrators qualified by experience and training in the field of labor management negotiations and arbitration. Names on the list may be selected and removed at any time by a majority of the board. In maintaining the list the board shall, to the maximum extent possible, select persons from varying geographical areas of the state. The board shall adopt rules under chapter 14 governing the administration of the arbitration roster, including rules establishing standards for evaluating the performance of arbitrators. The standards must include, at a minimum, the acceptability of arbitrators to the parties and the arbitrators' management of their cases, including their promptness in holding hearings and issuing awards.

Sec. 2. Minnesota Statutes 1990, section 179A.16, subdivision 4, is amended to read:

Subd. 4. [CONSTRUCTION OF ARBITRATION PANEL.] The parties may select persons who are members of the arbitration roster maintained by the board to act as the arbitration panel in their dispute by mutual agreement. In the event of a mutual agreement on the members of the arbitration panel, the commissioner shall advise the board in writing of the selection of the panel members, and the persons selected shall serve as the arbitration panel. If the parties have not mutually agreed upon the panel members by the time the commissioner certifies the matter to the board, the board shall provide the parties to the interest arbitration a list of seven arbitrators. The board shall mail the list of arbitrators to the parties within five working days. The parties shall alternately strike names from the list of arbitrators until only a single arbitrator remains, unless the parties request and mutually agree to utilize a panel of three arbitrators. If the parties are unable to agree on who shall strike the first name, the question must be decided by the flip of a coin. The arbitrator or arbitrators remaining after the striking procedure constitute the arbitration panel.

Sec. 3. Minnesota Statutes 1990, section 179A.16, subdivision 6, is amended to read:

Subd. 6. [POWERS OF THE PANEL.] If the parties are unable to agree on a prompt, mutually acceptable date for an arbitration panel to meet, the panel may propose a series of dates on which to meet. The parties shall alternately strike dates until a single date remains. The hearing must be held on that date.

The arbitration panel may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates to any matter involved in any dispute before it. The panel may administer oaths and affidavits and may examine witnesses. Attendance of witnesses and the production of evidence may be required from any place in the state at any hearing. However, the panel's meeting shall be held in the county where the principal

administrative offices of the employer are located, unless another location is selected by agreement of the parties. In case of refusal to obey a subpoena issued under this section, the district court of the state for the county where the proceeding is pending or where the person who refuses to obey is found, or resides, or transacts business shall, on application of the panel, have jurisdiction to issue an order requiring the person to appear before the panel, to produce evidence, or to give testimony. Failure to obey the order may be punished by the court as a contempt.

Sec. 4. Minnesota Statutes 1990, section 179A.16, subdivision 7, is amended to read:

Subd. 7. [DECISION BY THE PANEL.] The panel's order shall be issued by a majority vote of its members. The order shall resolve the issues in dispute between the parties as submitted by the board. For principals and assistant principals, the panel shall be restricted to selecting between the final offers of the parties on each impasse item. For other employees, if the parties agree in writing, the panel shall be restricted to selecting between the final offers of the parties on each impasse item, or the final offer of one or the other parties in its entirety. In considering a dispute and issuing its order, the panel shall consider the statutory rights and obligations of public employers to efficiently manage and conduct their operations within the legal limitations surrounding the financing of these operations. The panel's decision and order shall be final and binding on all parties.

The panel shall render its order within ~~ten~~ 30 days from the date that all arbitration proceedings have concluded. ~~However, the panel must issue its order by the last date the employer is required by statute, charter, ordinance, or resolution to submit its tax levy or budget or certify its taxes voted to the appropriate public officer, agency, public body or office, or by November 1, whichever date is earlier. This deadline may be extended only with the approval of the chair of the board. The board shall adopt rules establishing criteria to be followed in determining whether an extension should be granted. The panel's order shall must be for the period stated in the order, except that orders determining contracts for teacher units shall be are effective to the end of the contract period determined by section 179A.20.~~

The panel shall send its decision and orders to the board, the commissioner, the appropriate representative of the public employer, and the employees. If any issues submitted to arbitration are settled voluntarily before the arbitrator issues a decision, the arbitrator shall report the settlement to the board and the commissioner.

The parties may at any time prior to or after issuance of an order of the arbitration panel, agree upon terms and conditions of employment regardless of the terms and conditions of employment deter-

mined by the order. The parties shall, if so agreeing, execute a written contract or memorandum of contract.

ARTICLE 3 RATIFICATIONS

Section 1. [RATIFICATIONS.]

Subdivision 1. [MANAGERIAL PLAN.] The commissioner of employee relations' amendments to the plan for managerial employees, approved by the legislative commission on employee relations September 12, 1990, are ratified.

Subd. 2. [COMMISSIONER'S PLAN.] The commissioner of employee relations' amendments to the commissioner's plan for unrepresented employees, approved by the legislative commission on employee relations September 12, 1990, are ratified.

Subd. 3. [CHANCELLOR; TECHNICAL COLLEGE SYSTEM.] The salary for the chancellor of the technical college system, approved by the legislative commission on employee relations September 12, 1990, is ratified.

Subd. 4. [CHANCELLOR; STATE UNIVERSITY SYSTEM.] The salary for the chancellor of the state university system, approved by the legislative commission on employee relations September 12, 1990, is ratified.

Subd. 5. [UNREPRESENTED EMPLOYEES; STATE UNIVERSITY SYSTEM.] The amendments to the plan for unrepresented employees of the state university system, as approved by the department of employee relations and by the legislative commission on employee relations September 12, 1990, are ratified.

Subd. 6. [UNCLASSIFIED EMPLOYEES; HIGHER EDUCATION COORDINATING BOARD.] The amendments to the plan for unclassified employees of the higher education coordinating board, as approved by the department of employee relations and the legislative commission on employee relations September 12, 1990, are ratified.

Subd. 7. [ADMINISTRATIVE LAW JUDGES; OFFICE OF ADMINISTRATIVE HEARINGS.] The commissioner of employee relations' amendments to the plan for administrative law judges in the office of administrative hearings, approved by the legislative commission on employee relations September 12, 1990, are ratified.

Subd. 8. [AGENCY HEADS.] The salary plan for certain positions listed in Minnesota Statutes, section 15A.081, approved by the

legislative commission on employee relations September 12, 1990, is ratified.

Subd. 9. [ADMINISTRATIVE LAW JUDGES; OFFICE OF ADMINISTRATIVE HEARINGS.] The commissioner of employee relations' amendments to the plans for administrative law judges in the office of administrative hearings, approved by the legislative commission on employee relations on March 22, 1991, are ratified.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public employment; transferring certain state employees from the unclassified to the classified service; requiring rules for evaluating the performance of arbitrators; establishing deadlines for certain steps in the arbitration process; establishing a procedure for setting the dates for meetings of arbitration panels; amending Minnesota Statutes 1990, sections 16B.88, subdivision 1; 43A.08, subdivision 1a, and by adding a subdivision; 43A.18, subdivision 4; 116K.04, subdivision 5; 144A.52, subdivision 1; 179A.05, subdivision 6; 179A.16, subdivisions 4, 6, and 7; 196.23, subdivision 1; 240A.02, subdivision 3; 241.01, subdivision 3a; 241.43, subdivisions 1 and 2; 299A.30, subdivision 1; 349A.02, subdivision 4; 446A.03, subdivision 5; Laws 1984, chapter 654, article 2, section 152, subdivision 3; and Laws 1987, chapter 386, article 1, section 11; repealing Minnesota Statutes 1990, sections 116J.615, subdivision 3; and 352D.02, subdivision 1b."

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1177, A bill for an act relating to human services; exempting intermediate care facilities for persons with mental retardation or related conditions from certain additional state human services rules.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [ADVISORY COUNCIL.]

By June 15, 1991, the commissioner of human services shall convene an advisory council to examine the rules governing facilities certified as intermediate care facilities for persons with mental retardation or related conditions under Code of Federal Regulations, title 42, parts 431, 435, 442, and 483. The council shall examine the following rules: Minnesota Rules, parts 9525.0215; 9525.0225; 9525.0235; 9525.0243; 9525.0245; 9525.0255; 9525.0265; 9525.0275; 9525.0285; 9525.0295; 9525.0305; 9525.0315; 9525.0325; 9525.0335; 9525.0345; and 9525.0355. The commissioner shall submit to the legislature, by January 1, 1992, a plan for simplification of rules and regulations governing services to persons with developmental disabilities and related conditions. The plan must provide recommendations and draft legislation. The commissioner shall submit to the legislature an initial interim report by August 15, 1991, and a second interim report by October 15, 1991.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to human services; establishing an advisory council; requiring a plan to simplify rules and regulations governing services to persons with developmental disabilities and related conditions.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1179, A bill for an act relating to metropolitan government; providing for an advisory task force on metropolitan planning and development; directing the metropolitan council to conduct a study.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [FULLY DEVELOPED AREA; STUDY.]

The metropolitan council must conduct a study of the development patterns and needs in the council-defined fully developed area. The council must direct its staff to:

(1) examine both the development patterns and the migration patterns in the fully developed area that have occurred in the last 20 years with special attention to household composition;

(2) compare the relative public costs of redevelopment in the fully developed area with the costs of development within the council-defined developing area. This work should include, but is not limited to, transportation and transit, wastewater treatment, public safety services, housing, and education;

(3) examine the changing demographics of the fully developed area and other areas within the metropolitan region, and make projections regarding the economic and social condition of the fully developed area;

(4) examine the anticipated effects of a light rail transit system, a new major airport, and/or expansion of the existing major airport on the economic and social condition of the fully developed area; and

(5) recommend changes that would encourage the economic and social strengthening of the fully developed area.

In conducting its study, the council must use, along with other information, any available data from the 1990 census. The council must present its findings to the legislature by February 15, 1994. The council must also present interim briefings to the legislature on work in progress at least annually between the effective date of this act and the completion of the study.

Sec. 2. [APPLICATION.]

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to metropolitan government; directing the metropolitan council to conduct a study."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1194, A bill for an act relating to retirement; adding a surviving spouse to the board of trustees of the Minneapolis police relief association; amending Laws 1965, chapter 493, section 3, as amended.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1197, A bill for an act relating to commerce; franchises; regulating assignments, transfers, and sales; amending Minnesota Statutes 1990, section 80C.14, subdivision 5.

Reported the same back with the following amendments:

Page 1, after line 20, insert:

“Sec. 2. [PURPOSE.]

The purpose of section 1 is to elaborate upon the fundamental policy of the state of Minnesota which ensures that Minnesota residents are able to assign, transfer, or sell franchises free from unreasonable restrictions imposed by franchisors.”

Re-number the remaining section in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 1199, A bill for an act relating to motor vehicles; authorizing the registrar of motor vehicles to prorate the original registration on groups of passenger motor vehicles presented to St. Paul by a lessor; amending Minnesota Statutes 1990, section 168.017, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 1, before the period insert “, or at such other locations as the registrar may designate”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1201, A bill for an act relating to local government; permitting police and fire civil service commissions to expand certified lists in certain circumstances; amending Minnesota Statutes 1990, sections 419.06; and 420.07.

Reported the same back with the following amendments:

Page 2, line 34, delete “The rules of the commission may provide that”

Page 3, line 7, delete “lists” and insert “list”

Page 3, line 9, after the period insert “These expanded certification procedures apply only to positions to be filled from the public and do not apply to promotional appointments.”

Page 4, line 24, delete “The rules of the commission may provide that”

Page 4, line 33, delete “lists” and insert “list”

Page 4, line 35, after the period insert “These expanded certification procedures apply only to positions to be filled from the public and do not apply to promotional appointments.”

Page 5, after line 3, insert:

“Sec. 3. EFFECTIVE DATE.”

Sections 1 and 2 are effective the day following final enactment.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 1223, A bill for an act relating to taxation; allocating revenue from motor vehicle excise tax; proposing an amendment to the Minnesota Constitution, article XIV, to dedicate proceeds of a tax on the purchase price of a motor vehicle to highway and transit purposes; amending Minnesota Statutes 1990, section 297B.09.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [CONSTITUTIONAL AMENDMENT PROPOSED.]

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a new article XIV, section 12, will read:

Sec. 12. The proceeds of a tax levied on the purchase price of motor vehicles must be distributed as follows:

(1) for the biennium ending June 30, 1995, at least 26.25 percent to the highway user tax distribution fund and at least 8.75 percent to a fund exclusively for public transit assistance;

(2) for the biennium ending June 30, 1997, at least 30 percent to the highway user tax distribution fund and at least 10 percent to a fund exclusively for public transit assistance;

(3) for the biennium ending June 30, 1999, at least 33.75 percent to the highway user tax distribution fund and at least 11.25 percent to a fund exclusively for public transit assistance;

(4) for the biennium ending June 30, 2001 and thereafter, at least 37.5 percent to the highway user tax distribution fund and at least 12.5 percent to a fund exclusively for public transit assistance.

Sec. 2. [SUBMISSION TO VOTERS.]

The proposed amendment must be submitted to the people at the 1992 general election. The question submitted must be:

“Shall the Minnesota Constitution be amended to dedicate at a minimum over an eight-year period, from 35 percent to 50 percent of the proceeds from a tax on the purchase price of motor vehicles to

the highway user tax distribution fund and a fund exclusively for public transit assistance?

Yes

No

Sec. 3. Minnesota Statutes 1990, section 297B.09, is amended to read:

297B.09 [ALLOCATION OF REVENUE.]

~~Subdivision 1. [GENERAL FUND SHARE.]~~ (a) Money collected and received under this chapter must be deposited in the state treasury and credited to the general fund. The amounts collected and received shall be credited as provided in this ~~subdivision section~~, and transferred from the general fund on July 15 and January 15 of each fiscal year. The commissioner of finance must make each transfer based upon the actual receipts of the preceding six calendar months and include the interest earned during that six-month period. The commissioner of finance may establish a quarterly or other schedule providing for more frequent payments to the transit assistance fund if the commissioner determines it is necessary or desirable to provide for the cash flow needs of the recipients of money from the transit assistance fund. Money transferred to the highway user tax distribution fund and the transit assistance fund under paragraphs (b) to (f) must be apportioned as follows: 75 percent must be transferred to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund, and the remaining 25 percent of the money must be transferred to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the regional transit board.

(b) ~~Twenty-five~~ Thirty percent of the money collected and received under this chapter after June 30, ~~1990~~ 1991, and before July 1, ~~1991~~ 1993, must be transferred to the highway user tax distribution fund and the transit assistance fund ~~for apportionment as follows: 75 percent must be transferred to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund, and the remaining 25 percent of the money must be transferred to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the regional transit board.~~

(c) ~~Five~~ Thirty-five percent of the money collected and received under this chapter after June 30, ~~1989~~ 1993, and before July 1, ~~1991~~ 1995, must be transferred as follows: ~~75 percent must be transferred to the trunk highway user tax distribution fund and 25 percent must be transferred to the transit assistance fund.~~

(d) ~~Thirty~~ Forty percent of the money collected and received under

this chapter after June 30, ~~1991~~ 1995, and before July 1, 1997, must be transferred as follows: 75 percent must be transferred to the trunk highway user tax distribution fund and 25 percent must be transferred to the transit assistance fund.

(e) Forty-five percent of the money collected and received under this chapter after June 30, 1997, and before July 1, 1999, must be transferred to the highway user tax distribution fund and the transit assistance fund.

(f) Fifty percent of the money collected and received under this chapter after June 30, 1999, must be transferred to the highway user tax distribution fund and the transit assistance fund.

(g) ~~The distributions under this subdivision paragraphs (b) to (f) to the highway user tax distribution fund until June 30, 1991, and to the trunk highway fund thereafter, must be reduced by the amount necessary to fund the appropriation under section 41A.09, subdivision 1. For the fiscal years ending June 30, 1988, and June 30, 1989, The commissioner of finance, before making the transfers required on July 15 and January 15 of each year, shall estimate the amount required to fund the appropriation under section 41A.09, subdivision 1, for the six-month period for which the transfer is being made. The commissioner shall then reduce the amount transferred to the highway user tax distribution fund by the amount of that estimate. The commissioner shall reduce the estimate for any six-month period by the amount by which the estimate for the previous six-month period exceeded the amount needed to fund the appropriation under section 41A.09, subdivision 1, for that previous six-month period. If at any time during a six-month period in these fiscal years the amount of reduction in the transfer to the highway user tax distribution fund is insufficient to fund the appropriation under section 41A.09, subdivision 1 for that period, the commissioner shall transfer to the general fund from the highway user tax distribution fund an additional amount sufficient to fund the appropriation for that period, but the additional amount so transferred to the general fund in a six-month period may not exceed the amount transferred to the highway user tax distribution fund for that six-month period.~~

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective July 1, 1991."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1238, A bill for an act relating to restitution; requiring offenders who have been court-ordered to pay restitution to provide affidavits of financial disclosure to investigating correctional agencies; amending Minnesota Statutes 1990, section 611A.04, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1240, A bill for an act relating to human services; establishing requirements for home care services and preadmission screenings; clarifying requirements for alternative care; providing for alternative care programs; establishing a senior agenda for independent living; amending Minnesota Statutes 1990, sections 144A.31; 144A.45, subdivision 2; 144A.46, subdivision 2; 256B.04, subdivision 16; 256B.0625, subdivision 7, and by adding subdivisions; 256B.0627; 256B.093; 256B.64; 256D.44, by adding a subdivision; and Laws 1988, chapter 689, article 2, section 256, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 256 and 256B; repealing Minnesota Statutes 1990, sections 144A.31, subdivisions 2 and 3; 256B.0625, subdivisions 6 and 19; 256B.0627, subdivision 3; and 256B.71, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 144A.31, is amended to read:

144A.31 [INTERAGENCY BOARD FOR QUALITY ASSURANCE LONG-TERM CARE PLANNING COMMITTEE.]

Subdivision 1. [INTERAGENCY BOARD LONG-TERM CARE PLANNING COMMITTEE.] The commissioners of health and human services shall establish, by July 1, 1983, an interagency ~~board~~ committee of managerial employees of their respective departments who are knowledgeable and employed in the areas of long-term care, geriatric care, community services for the elderly, long-term care facility inspection, or quality of care assurance. The number of interagency ~~board~~ committee members shall not exceed ~~eight~~ twelve; ~~three~~ four members each to represent the commissioners of

health and human services and one member each to represent the commissioners of state planning and housing finance, finance, and the chair of the Minnesota board on aging. The board shall identify long-term care issues requiring coordinated interagency policies and shall conduct analyses, coordinate policy development, and make recommendations to the commissioners for effective implementation of these policies. The commissioner of human services and the commissioner of health or their designees shall annually alternate chairing and convening the board committee. The board committee may utilize the expertise and time of other individuals employed by either each department as needed. The board committee may recommend that the commissioners contract for services as needed. The board committee shall meet as often as necessary to accomplish its duties, but at least quarterly. The board committee shall establish procedures, including public hearings, for allowing regular opportunities for input from residents, nursing homes consumers of long-term care services, advocates, trade associations, facility administrators, county agency administrators, and other interested persons.

Subd. 2. [INSPECTIONS.] No later than January 1, 1988, the board shall develop and recommend implementation and enforcement of an effective system to ensure quality of care in each nursing home in the state. Quality of care includes evaluating, using the resident's care plan, whether the resident's ability to function is optimized and should not be measured solely by the number or amount of services provided.

The board shall assist the commissioner of health in developing methods to ensure that inspections and reinspections of nursing homes are conducted with a frequency and in a manner calculated to most effectively and appropriately fulfill its quality assurance responsibilities and achieve the greatest benefit to nursing home residents. The board shall identify and recommend criteria and methods for identifying those nursing homes that present the most serious concerns with respect to resident health, treatment, comfort, safety, and well-being. The commissioner of health shall require a higher frequency and extent of inspections with respect to those nursing homes that present the most serious concerns with respect to resident health, treatment, comfort, safety, and well-being. These concerns include but are not limited to: complaints about care, safety, or rights; situations where previous inspections or reinspections have resulted in correction orders related to care, safety, or rights; instances of frequent change in administration in excess of normal turnover rates; and situations where persons involved in ownership or administration of the nursing home have been convicted of engaging in criminal activity. A nursing home that presents none of these concerns or any other concern or condition recommended by the board and established by the commissioner that poses a risk to resident care, safety, or rights shall be inspected

once every two years for compliance with key requirements as determined by the board.

The board shall develop and recommend to the commissioners mechanisms beyond the inspection process to protect resident care, safety, and rights, including but not limited to coordination with the office of health facility complaints and the nursing home ombudsman program.

Subd. 3. [METHODS FOR DETERMINING RESIDENT CARE NEEDS.] The board shall develop and recommend to the commissioners definitions for levels of care and methods for determining resident care needs for implementation on July 1, 1985, in order to adjust payments for resident care based on the mix of resident needs in a nursing home. The methods for determining resident care needs shall include assessments of ability to perform activities of daily living and assessments of medical and therapeutic needs.

Subd. 2a. [PLANNING AND COORDINATION.] The interagency committee shall identify long-term care issues requiring coordinated interagency policies and shall conduct analyses, coordinate policy development, and make recommendations to the commissioners for effective implementation of these policies. The committee shall refine state long-term goals, establish performance indicators, and develop other methods or measures to evaluate program performance, including client outcomes. The committee shall review the effectiveness of programs in meeting their objectives.

Subd. 2b. [GOALS OF THE COMMITTEE.] The long-term goals of the committee are:

(1) to achieve a broad awareness and use of low-cost home care and other residential alternatives to nursing homes;

(2) to develop a statewide system of information and assistance to enable easy access to long-term care services;

(3) to develop sufficient alternatives to nursing homes to serve the increased number of people needing long-term care; and

(4) to maintain the moratorium on new construction of nursing home beds and to lower the percentage of elderly served in institutional settings.

These goals are designed to create a new community-based care paradigm for long-term care in Minnesota in order to maximize independence of the older adult population, and to ensure cost-effective use of financial and human resources.

Subd. 4. [ENFORCEMENT.] The board committee shall develop

and recommend for implementation effective methods of enforcing quality of care standards. The board committee shall develop and monitor, and the commissioner of human services shall implement, a resident relocation plan that instructs a county in which a nursing home or certified boarding care home is located of procedures to ensure that the needs of residents in nursing homes or certified boarding care homes about to be closed are met. The duties of a county under the relocation plan also apply when residents are to be discharged from a nursing home or certified boarding care home as a result of a change in certification, closure, or loss or termination of the facility's medical assistance provider agreement. The resident relocation plans and county duties required in this subdivision apply to the voluntary or involuntary closure, or reduction in services or size of, an intermediate care facility for the mentally retarded. The relocation plan for intermediate care facilities for the mentally retarded must conform to Minnesota Rules, parts 4655.6810 to 4655.6830, 9525.0015 to 9525.0165, and 9546.0010 to 9546.0060, or their successors. The commissioners of health and human services may waive a portion of existing rules that the commissioners determine does not apply to persons with mental retardation or related conditions. The county shall ensure appropriate placement of residents in licensed and certified facilities or other alternative care such as home health care and foster care placement. In preparing for relocation, the board committee shall ensure that residents and their families or guardians are involved in planning the relocation.

Subd. 5. [REPORTS.] The board committee shall prepare a biennial report and the commissioners of health and human services shall deliver this report to the legislature no later than January 15, 1984, on the board's proposals and progress on implementation of the methods beginning January 31, 1993, listing progress, achievements, and current goals and objectives as required under subdivision 2. The commissioners shall recommend changes in or additions to legislation necessary or desirable to fulfill their responsibilities. The board shall prepare an annual report and the commissioners shall deliver this report annually to the legislature, beginning in January 1985, on the implementation of the provisions of this section.

Subd. 6. [DATA.] The interagency board may committee shall have access to data from the commissioners of health, human services, and public safety housing finance, and state planning for carrying out its duties under this section. The commissioner of health and the commissioner of human services may each have access to data on persons, including data on vendors of services, from the other to carry out the purposes of this section. If the interagency board committee, the commissioner of health, or the commissioner of human services receives data on persons, including data on vendors of services, that is collected, maintained, used or disseminated in an investigation, authorized by statute and relating to enforcement of

rules or law, the board committee or the commissioner shall not disclose that information except:

- (a) pursuant to section 13.05;
- (b) pursuant to statute or valid court order; or
- (c) to a party named in a civil or criminal proceeding, administrative or judicial, for preparation of defense.

Data described in this subdivision is classified as public data upon its submission to an administrative law judge or court in an administrative or judicial proceeding.

Subd. 7. [LONG-TERM CARE RESEARCH AND DATABASE.] The interagency long-term care planning committee shall collect and analyze state and national long-term care data and research, including relevant health data and information and research relating to long-term care and social needs, service utilization, costs, and client outcomes. The committee shall make recommendations to state agencies and other public and private agencies for methods of improving coordination of existing data, develop data needed for long-term care research, and promote new research activities. Research and data activities must be designed to:

(1) improve the validity and reliability of existing data and research information;

(2) identify sources of funding and potential uses of funding sources;

(3) evaluate the effectiveness and client outcomes of existing programs; and

(4) identify and plan for future changes in the number, level, and type of services needed by seniors.

Sec. 2. [256.9751] [CONGREGATE HOUSING SERVICES PROJECTS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them.

(a) [CONGREGATE HOUSING.] "Congregate housing" means federally or locally subsidized housing, designed for the elderly, consisting of private apartments and common areas which can be used for activities and for serving meals.

(b) [CONGREGATE HOUSING SERVICES PROJECTS.] "Congregate housing services project" means a project in which services

are or could be made available to older persons who live in subsidized housing and which helps delay or prevent nursing home placement. To be considered a congregate housing services project, a project must have: (1) an on-site coordinator, and (2) a plan for providing a minimum of one meal per day, for each elderly participant, seven days a week, and for making referrals for other services, including but not limited to housekeeping, laundry, transportation, personal care, and check systems for ensuring the resident's personal safety.

(c) [ON-SITE COORDINATOR.] "On-site coordinator" means a person who works on-site in a building or buildings and who serves as a contact for older persons who need services, support, and assistance in order to delay or prevent nursing home placement.

(d) [CONGREGATE HOUSING SERVICES PROJECT PARTICIPANTS OR PROJECT PARTICIPANTS.] "Congregate housing services project participants" or "project participants" means elderly persons, who are currently residents of, or who are applying for residence in housing sites, and who need support services to remain independent.

Subd. 2. [ADVISORY COMMITTEE.] An advisory committee shall be appointed to advise the Minnesota board on aging on the development and implementation of the congregate housing services projects. The advisory committee shall review procedures and provide advice and technical assistance to the Minnesota board on aging regarding the grant program established under this section. The advisory committee shall consist of not more than 15 people appointed by the Minnesota board on aging, and shall be comprised of representatives from public and nonprofit service and housing providers and consumers from all areas of the state. Members of the advisory committee shall not be compensated for service.

Subd. 3. [GRANT PROGRAM.] The Minnesota board on aging shall establish a congregate housing services grant program which will enable communities to provide on-site coordinators to serve as a contact for older persons who need services and support, and assistance to access services in order to delay or prevent nursing home placement. The board on aging is exempt from the rulemaking requirements of chapter 14 in developing, implementing, and administering this grant program.

Subd. 4. [USE OF GRANT FUNDS.] Grant funds shall be used to develop and fund on-site coordinator positions. Grant funds shall not be used to duplicate existing funds, to modify buildings, or to purchase equipment.

Subd. 5. [GRANT ELIGIBILITY.] A public or nonprofit agency or housing unit may apply for funds to provide a coordinator for congregate housing services to an identified population of frail

elderly persons in a subsidized multi-unit apartment building or buildings in a community. The board shall give preference to applicants that meet the requirements of this section, and that have a common dining site. Local match may be required. State money received may also be used to match federal money allocated for congregate housing services. Grants shall be awarded to urban and rural sites.

Subd. 6. [GRANT APPLICATIONS.] The Minnesota board on aging shall request proposals for grants and shall specify the information and criteria required. Grant applications shall include:

(1) documentation of the need for congregate services so the residents can remain independent;

(2) a description of the resources, such as social services and health services, that will be available in the community to provide the necessary support services;

(3) a description of the target population, as defined in subdivision 1, paragraph (d);

(4) a performance plan that includes written performance objectives, outcomes, timelines, and the procedure the grantee will use to document and measure success in meeting the objectives; and

(5) letters of support from appropriate public and private agencies and organizations, such as area agencies on aging and county human service departments that demonstrate an intent to work with and coordinate with the agency requesting a grant.

Subd. 7. [REPORT.] By January 1, 1993, the Minnesota board on aging shall submit a report to the legislature evaluating the programs. The report must document the project costs and outcomes that helped delay or prevent nursing home placement. The report must describe steps taken for quality assurance and must also include recommendations based on the project findings.

Sec. 3. Minnesota Statutes 1990, section 256B.04, subdivision 16, is amended to read:

Subd. 16. [PERSONAL CARE SERVICES.] (a) The commissioner shall adopt permanent rules to implement, administer, and operate personal care services. The rules must incorporate the standards and requirements adopted by the commissioner of health under section 144A.45 which are applicable to the provision of personal care. Notwithstanding any contrary language in this paragraph, the commissioner of human services and the commissioner of health shall jointly promulgate rules to be applied to the licensure of personal care services provided under the medical assistance pro-

gram. The rules shall consider standards for personal care services that are based on the World Institute on Disability's recommendations regarding personal care services. These rules shall at a minimum consider the standards and requirements adopted by the commissioner of health under section 144A.45, which the commissioner of human services determines are applicable to the provision of personal care services, in addition to other standards or modifications which the commissioner of human services determines are appropriate.

The commissioner of human services shall establish an advisory group including personal care consumers and providers to provide advice regarding which standards or modifications should be adopted. The advisory group membership must include not less than 15 members, of which at least 51 percent must be consumers of personal care services.

The commissioner of human services may contract with the commissioner of health to enforce the jointly promulgated licensure rules for personal care service providers.

Prior to final promulgation of the joint rule the commissioner of human services shall report preliminary findings along with any comments of the advisory group and a plan for monitoring and enforcement by the department of health to the legislature by February 15, 1992.

Limits on the extent of personal care services that may be provided to an individual must be based on the cost-effectiveness of the services in relation to the costs of inpatient hospital care, nursing home care, and other available types of care. The rules must provide, at a minimum:

(1) that agencies be selected to contract with or employ and train staff to provide and supervise the provision of personal care services;

(2) that agencies employ or contract with a qualified applicant that a qualified recipient proposes to the agency as the recipient's choice of assistant;

(3) that agencies bill the medical assistance program for a personal care service by a personal care assistant and supervision by the registered nurse supervising the personal care assistant;

(4) that agencies establish a grievance mechanism; and

(5) that agencies have a quality assurance program.

(b) For personal care assistants under contract with an agency under paragraph (a), the provision of training and supervision by

the agency does not create an employment relationship. The commissioner may waive the requirement for the provision of personal care services through an agency in a particular county, when there are less than two agencies providing services in that county.

Sec. 4. Minnesota Statutes 1990, section 256B.0625, is amended by adding a subdivision to read:

Subd. 6a. [HOME HEALTH SERVICES.] Home health services are those services specified in Minnesota Rules, part 9505.0290. Medical assistance covers home health services at a recipient's home residence. Medical assistance does not cover home health services at a hospital, nursing facility, intermediate care facility, or a health care facility licensed by the commissioner of health, unless the commissioner has prior authorized skilled nurse visits for less than 90 days for a resident at an intermediate care facility for persons with mental retardation, to prevent an admission to a hospital or nursing facility. Home health services must be provided by a Medicare certified home health agency. All nursing and home health aide services must be provided according to section 256B.0627.

Sec. 5. Minnesota Statutes 1990, section 256B.0625, subdivision 7, is amended to read:

Subd. 7. [PRIVATE DUTY NURSING.] Medical assistance covers private duty nursing services in a recipient's home. Recipients who are authorized to receive private duty nursing services in their home may use approved hours outside of the home during hours when normal life activities take them outside of their home and when, without the provision of private duty nursing, their health and safety would be jeopardized. Medical assistance does not cover private duty nursing services at a hospital, nursing facility, intermediate care facility, or a health care facility licensed by the commissioner of health, except as authorized in section 256B.64 for ventilator dependent recipients in hospitals. Total hours of service and payment allowed for services outside the home cannot exceed that which is otherwise allowed in an in-home setting according to section 256B.0627. All private duty nursing services must be provided according to the limits established under section 256B.0627. Private duty nursing services may not be reimbursed if the nurse is the spouse of the recipient or the parent or foster care provider of a recipient who is under age 18, or the recipient's legal guardian.

Sec. 6. Minnesota Statutes 1990, section 256B.0625, is amended by adding a subdivision to read:

Subd. 19a. [PERSONAL CARE SERVICES.] Medical assistance covers personal care services in a recipient's home. Recipients who can direct their own care, or persons who cannot direct their own

care when accompanied by the responsible party, may use approved hours outside the home when normal life activities take them outside the home and when, without the provision of personal care, their health and safety would be jeopardized. Medical assistance does not cover personal care services at a hospital, nursing facility, intermediate care facility or a health care facility licensed by the commissioner of health, except as authorized in section 256B.64 for ventilator dependent recipients in hospitals. Total hours of service and payment allowed for services outside the home cannot exceed that which is otherwise allowed for personal care services in an in-home setting according to section 256B.0627. All personal care services must be provided according to section 256B.0627. Personal care services may not be reimbursed if the personal care assistant is the spouse of the recipient or the parent of a recipient under age 18, the responsible party, the foster care provider of a recipient who cannot direct their own care or the recipient's legal guardian. Parents of adult children, adult children of the recipient or adult siblings of the recipient may be reimbursed for personal care services if they are granted a waiver under section 256B.0627.

Sec. 7. Minnesota Statutes 1990, section 256B.0627, is amended to read:

256B.0627 [COVERED SERVICE; HOME CARE SERVICES.]

Subdivision 1. [DEFINITION.] "Home care services" means a medically necessary health service, determined by the commissioner as medically necessary, that is ordered by a physician and documented in a care plan of care that is reviewed and revised as medically necessary by the physician at least once every 60 days. Home care services include personal care and nursing supervision of personal care services which is reviewed and revised as medically necessary by the physician at least once every 365 days for the provision of home health services, or private duty nursing, or at least once every 365 days for personal care. Home care services are provided to the recipient at the recipient's residence that is a place other than a hospital or long-term care facility or as specified in section 256B.0625. "Medically necessary" has the meaning given in Minnesota Rules, parts 9505.0170 to 9505.0475. "Care plan" means a written description of the services needed which shall include a detailed description of the covered home care services, who is providing the services, frequency of those services, and duration of those services. The care plan shall also include expected outcomes and goals including expected date of goal accomplishment.

Subd. 2. [SERVICES COVERED.] Home care services covered under this section include:

- (1) nursing services under section 256B.0625, subdivision 6a;

(2) private duty nursing services under section 256B.0625, subdivision 7;

(3) home health aide services under section 256B.0625, subdivision 6a;

(4) personal care services under section 256B.0625, subdivision 19a; and

(5) nursing supervision of personal care services under section 256B.0625, subdivision 19a.

~~Subd. 3. [PRIVATE DUTY NURSING SERVICES; WHO MAY PROVIDE.] Private duty nursing services may be provided by a registered nurse or licensed practical nurse who is not the recipient's spouse, legal guardian, or parent of a minor child.~~

Subd. 4. [PERSONAL CARE SERVICES.] (a) Personal care services may be provided by a qualified individual who is not the recipient's spouse, legal guardian, or parent of a minor child.

(b) The personal care services that are eligible for payment are the following:

- (1) bowel and bladder care;
- (2) skin care to maintain the health of the skin;
- (3) range of motion exercises;
- (4) respiratory assistance;
- (5) transfers;
- (6) bathing, grooming, and hairwashing necessary for personal hygiene;
- (7) turning and positioning;
- (8) assistance with furnishing medication that is normally self-administered;
- (9) application and maintenance of prosthetics and orthotics;
- (10) cleaning medical equipment;
- (11) dressing or undressing;
- (12) assistance with food, nutrition, and diet activities;

(13) accompanying a recipient to obtain medical diagnosis or treatment;

(14) services provided for the recipient's personal health and safety;

(15) helping the recipient to complete daily living skills such as personal and oral hygiene and medication schedules;

(15) supervision and observation that are medically necessary because of the recipient's diagnosis or disability; and

(16) incidental household services that are an integral part of a personal care service described in clauses (1) to (15).

~~(e)~~ (b) The personal care services that are not eligible for payment are the following:

(1) personal care services that are not in the care plan of care developed by the supervising registered nurse in consultation with the personal care assistants and the recipient or family the responsible party directing the care of the recipient;

(2) services that are not supervised by the registered nurse;

(3) services provided by the recipient's spouse, legal guardian, or parent of a minor child, or foster care provider of a recipient who cannot direct their own care;

(4) sterile procedures; and

(5) injections of fluids into veins, muscles, or skin;

(6) services provided by parents of adult children, adult children or adult siblings unless these relatives meet one of the following hardship criteria and the commissioner waives this requirement:

(i) the relative resigns from a full-time job to provide personal care for the recipient;

(ii) the relative goes from a full-time to a part-time job with less compensation to provide personal care for the recipient;

(iii) the relative takes a leave of absence without pay to provide personal care for the recipient;

(iv) the relative incurs substantial expenses by providing personal care for the recipient; or

(v) because of labor conditions, the relative is needed in order to provide an adequate number of qualified personal care assistants to meet the medical needs of the recipient;

(7) homemaker services that are not an integral part of a personal care services; and

(8) home maintenance, or chore services.

Subd. 5. [LIMITATION ON PAYMENTS.] Medical assistance payments for home care services shall be limited according to paragraphs (a) to (e).

(a) [~~EXEMPTION FROM PAYMENT LIMITATIONS.~~] The level, or the number of hours or visits of a specific service, of home health care services to a recipient that began before and is continued without increase on or after December 1987, shall be exempt from the payment limitations of this section, as long as the services are medically necessary.

(b) [~~LEVEL I HOME CARE.~~] For all new cases after December 1987, medically necessary home care services up to \$800 may be provided in a calendar month.

If the services in the recipient's home care plan will exceed the \$800 threshold for 30 days or less, the medically necessary services may be provided. A recipient may receive the following amounts of home care services during a calendar year:

(1) a total of six visits, health promotions or health assessments from a nurse under section 256B.0625, subdivision 6a;

(2) a total of 48 visits from a home health aide under section 256B.0625, subdivision 6a; and

(3) a total of ten hours of nursing supervision under section 256B.0625, subdivision 7 or 19a.

All home care services above these limits must receive the commissioner's prior authorization, except when:

(1) the home care services were required to treat an emergency medical condition, that if not immediately treated, could cause a recipient serious physical or mental disability, continuation of severe pain, or death. The provider must request prior authorization no later than five working days after giving the initial service. The provider must be able to substantiate the emergency by documentation such as reports, notes, and admission or discharge histories;

(2) the home care services were provided on or after the date on which the recipient's eligibility began, but before the date on which the recipient was notified that the case was opened. Authorization will be considered if the request is submitted by the provider within 20 working days of the date the recipient was notified that the case was opened; or

(3) a third party payor for home care services has denied or adjusted a payment. Authorization requests must be submitted by the provider within 20 working days of the notice of denial or adjustment. A copy of the notice must be included with the request.

Retroactive authorization requests will be evaluated according to the same criteria applied to prior authorization requests. Implementation of this provision shall begin no later than October 1, 1991.

(c) [LEVEL II HOME CARE.] If the services in the recipient's home care plan exceed \$800 for more than 30 days, a public health nurse from the local preadmission screening team shall determine the recipient's maximum level of home care according to this paragraph. The home care provider shall conduct an assessment and complete a care plan using forms specified by the commissioner. For the recipient to receive, or continue to receive, home care services, the provider must submit evidence necessary for the commissioner to determine the medical necessity of the home care services. The provider shall submit to the commissioner the assessment, the care plan, and other information necessary to determine medical necessity such as diagnostic or testing information, social or medical histories, and hospital or facility discharge summaries.

(1) The public health nurse from the local preadmission screening team shall base the determination of the recipient's maximum level of care on the need and eligibility of the recipient for one of the following placements commissioner, or the commissioner's designee, shall review the assessment, the care plan, and any additional information that is submitted. The commissioner shall prior authorize home care services as follows:

(i) residential facility for persons with mental retardation or related conditions operated under section 256B-501;

(ii) inpatient hospital care for a ventilator-dependent recipient. "Ventilator dependent" means an individual who receives mechanical ventilation for life support at least six hours per day and is expected to or has been dependent for at least 30 consecutive days; or

(iii) all other recipients not appropriate for one of the above placements.

(2) If the recipient is eligible under clause (1)(i), the monthly medical assistance reimbursement for home care services shall not exceed the total monthly statewide average payment rate for residential facilities for children or adults with mental retardation or related conditions as appropriate for the recipient's age and level of self-preservation as determined according to Minnesota Rules, parts 9553.0010 to 9553.0080.

(i) All home health services provided by a nurse or a home health aide that exceed the limits established in paragraph (b) shall be prior authorized by the commissioner or the commissioner's designee. Prior authorization shall be based on medical necessity and cost effectiveness when compared with other care options.

(ii) All personal care services shall be prior authorized by the commissioner or the commissioner's designee except for the limits on supervision established in paragraph (b). The amount of personal care services authorized shall be based on the recipient's case mix classification according to section 256B.0911, except that a child may not be found to be dependent in an activity of daily living if because of the child's age an adult would either perform the activity for the child or assist the child with the activity and the amount of assistance needed is similar to the assistance appropriate for a typical child of the same age. Based on medical necessity, the commissioner may authorize

(1) up to two times the average number of direct care hours provided in nursing facilities for the recipient's case mix level; or

(2) up to three times the average number of direct care hours provided in nursing facilities for recipients who have complex medical needs; or

(3) up to 50 percent of the reimbursement for care provided in a regional treatment center for recipients who have complex behaviors.

The number of direct care hours shall be determined according to annual cost reports which are submitted to the department by nursing facilities each year. The average number of direct care hours, as established by May 1, shall be incorporated into the home care limits on July 1 each year.

The case mix level shall be determined by the commissioner or the commissioner's designee based on information submitted to the commissioner by the personal care provider on forms specified by the commissioner. The forms shall be a combination of current assessment tools developed under sections 256B.0911 and 256B.501 with an addition for seizure activity that will assess the frequency and severity of seizure activity and with adjustments and additions to reflect the needs and conditions of children and non-elderly adults

who need home care. The commissioner shall use the advisory group established in section 256B.04, subdivision 16, to develop the new assessment tools.

A recipient shall qualify as having complex medical needs if they require:

(1) daily tube feedings;

(2) daily parenteral therapy;

(3) wound or decubiti care;

(4) postural drainage, percussion, nebulizer treatments, suctioning, tracheotomy care, oxygen, mechanical ventilation;

(5) catheterization; or

(6) ostomy care.

A recipient shall qualify as having complex behavior if they exhibit on a daily basis the following:

(1) self-injurious behavior;

(2) unusual or repetitive habits;

(3) withdrawal behavior;

(4) hurtful to others;

(5) socially or offensive behavior;

(6) destruction of property; or

(7) needs constant supervision one to one for self preservation.

The complex behaviors in clauses (1) to (7) have the meanings developed under section 256B.501.

(iii) All private duty nursing services shall be prior authorized by the commissioner or the commissioner's designee. Prior authorization for private duty nursing services shall be based on medical necessity and cost effectiveness when compared with alternative care options. The commissioner may authorize medically necessary private duty nursing services when:

(1) the recipient requires more individual and continuous care than can be provided during a nurse visit; or

(2) the cares are outside of the scope of services that can be provided by a home health aide or personal care assistant.

The commissioner may authorize up to 16 hours per day of private duty nursing services.

(3) (iv) If the recipient is eligible under clause (1)(ii) ventilator dependent, the monthly medical assistance reimbursement authorization for home care services shall not exceed the monthly cost of care at the highest cost hospital designated as a long-term hospital under the Medicare program. For purposes of this clause, home care services means all services provided in the home that would be included in the payment for care at the long-term hospital. "Ventilator dependent" means an individual who receives mechanical ventilation for life support at least six hours per day and is expected to or has been dependent for at least 30 consecutive days.

(4) If the recipient is not eligible under either clause (1)(i) or (1)(ii), the monthly medical assistance reimbursement for home care services shall not exceed the total monthly statewide average payment for the case mix classification most appropriate to the recipient. The case mix classification is established under section 256B.431.

(5) The determination of the recipient's maximum level of home care by the public health nurse is called a home care cost assessment. The home care cost assessment must be requested by the home care provider before the end of the first 30 days of provided service and must be conducted by the public health nurse within ten working days following request.

(6) A home care provider shall request a new home care cost assessment when the needs of the individual have changed enough to require that a revised care plan be implemented that will increase costs beyond what was approved by the previous home care cost assessment and the change is anticipated to last for more than 30 days. The home care provider must request the home care cost assessment before the end of the first 30 days of provided service. Whenever a home care cost assessment is completed, the public health nurse that completes the home care cost assessment, in consultation with the home care provider, The commissioner or the commissioner's designee shall determine the time period for which a home care cost assessment prior authorization shall remain valid. If the recipient continues to require home care services beyond the limited duration of the home care cost assessment prior authorization, the home care provider must request a reassessment through the home care cost assessment new prior authorization through the process described above. Under no circumstances shall a home care cost assessment prior authorization be valid for more than 12 months.

(7) Reimbursement for the home care cost assessment shall be made through the Medicaid administrative authority. The state shall pay the nonfederal share. The commissioner or the commissioner's designee shall determine the medical necessity of home care services, the level of caregiver according to subdivision 2, and the institutional comparison according to subdivision 5, and the amount, scope, and duration of home care services reimbursable by medical assistance, based on the assessment, the care plan, the recipient's age, the recipient's medical condition, and diagnosis or disability. The commissioner may publish additional criteria for determining medical necessity according to section 256B.04.

(d) ~~[LEVEL III HOME CARE.]~~ If the home care provider determines that the recipient's needs exceed the amount approved for the appropriate level of care as determined in paragraph (e), the home care provider may refer the case to the department for a level III determination. Based on the client needs, physician orders, diagnosis, condition, and plan of care, the department may give prior approval for care that exceeds level II described in paragraph (e). The amount approved shall not exceed the maximum cost for the appropriate level of care as determined in paragraph (e), clause (1), which will be the maximum ICF/MR rate for intermediate care facilities for persons with mental retardation or related conditions, or the maximum nursing home case mix payment, or the highest hospital cost for the state.

The department has 30 days from receipt of the request to complete the level III determination prior authorization, during which time it may approve the higher level while reviewing the case a temporary level of home care service. Authorization under this authority for a temporary level of home care services is limited to the time specified by the commissioner.

Case reviews or approval of home care services in levels II and III may result in assignment of a case manager.

(e) ~~(d)~~ [PRIOR APPROVAL AUTHORIZATION REQUIRED IN FOSTER CARE SETTING.] Any Home care service services provided in an adult or child foster care setting must receive prior approval authorization by the department according to the limits established in paragraph (b).

The commissioner may not authorize:

(1) home care services that are the responsibility of the foster care provider under the terms of the foster care placement agreement and administrative rules;

(2) personal care services when the foster care license holder is also the personal care provider or personal care assistant unless the recipient can direct the recipient's own care;

(3) personal care services when the responsible party is an employee of, or under contract with, or has any direct or indirect financial relationship with the personal care provider or personal care assistant;

(4) home care services when the number of foster care residents is greater than four; or

(5) home care services when combined with foster care payments, less an amount for room, board, clothing and personal needs, that exceed the total amount that medical assistance would pay for the recipient's care in a medical institution.

Subd. 6. [RECOVERY OF EXCESSIVE PAYMENTS.] The commissioner shall seek monetary recovery from providers of payments made for services which exceed the limits established in this section.

Sec. 8. [256B.0628] [PRIOR AUTHORIZATION AND REVIEW OF HOME CARE SERVICES.]

Subdivision 1. [STATE COORDINATION.] The commissioner shall supervise the coordination of the prior authorization and review of home care services that are reimbursed by medical assistance.

Subd. 2. [CONTRACTOR DUTIES.] (a) The commissioner may contract with qualified registered nurses, or qualified agencies, to provide home care prior authorization and review services for medical assistance recipients who are receiving home care services.

(b) Reimbursement for the prior authorization function shall be made through the medical assistance administrative authority. The state shall pay the nonfederal share. The contractor must:

(1) assess the recipient's individual need for services required to be cared for safely in the community;

(2) assure that a care plan that meets the recipient's needs is developed by the appropriate agency or individual;

(3) assure cost-effectiveness of medical assistance home care services;

(4) recommend to the commissioner the approval or denial of the use of medical assistance funds to pay for home care services when home care services exceed thresholds established by the commissioner under Minnesota Rules, parts 9505.0170 to 9505.0475;

(5) reassess the recipient's need for and level of home care services at a frequency determined by the commissioner; and

(6) conduct on-site assessments when determined necessary by the commissioner.

(c) In addition, the contractor may be requested by the commissioner to:

(1) review care plans and reimbursement data for utilization of services that exceed community-based standards for home care, inappropriate home care services, home care services that do not meet quality of care standards, or unauthorized services and make appropriate referrals to the commissioner or other appropriate entities based on the findings;

(2) assist the recipient in obtaining services necessary to allow the recipient to remain safely in or return to the community;

(3) coordinate home care services with other medical assistance services under section 256B.0625;

(4) assist the recipient with problems related to the provision of home care services; and

(5) assure the quality of home care services.

(d) For the purposes of this section, "home care services" means medical assistance services defined under section 256B.0625, subdivisions 6a, 7, and 19a.

Sec. 9. [256B.0911] [NURSING HOME PREADMISSION SCREENING.]

Subdivision 1. [PURPOSE AND GOAL.] The purpose of the preadmission screening program is to prevent or delay certified nursing facility placements by assessing applicants and residents and offering cost-effective alternatives appropriate for the person's needs. Further, the goal of the program is to contain costs associated with unnecessary certified nursing facility admissions. The commissioners of human services and health shall seek to maximize use of available federal and state funds and establish the broadest program possible within the funding available.

Subd. 2. [PERSONS REQUIRED TO BE SCREENED; EXEMPTIONS.] All applicants to Medicaid certified nursing facilities must be screened prior to admission, regardless of income, assets, or funding sources, except the following:

(1) patients who, having entered acute care facilities from certified nursing facilities, are returning to a certified nursing facility;

(2) residents transferred from other certified nursing facilities;

(3) individuals whose length of stay is expected to be 30 days or less based on a physician's certification, if the facility notifies the screening team prior to admission and provides an update to the screening team on the 30th day after admission;

(4) individuals who have a contractual right to have their nursing facility care paid for indefinitely by the veteran's administration; or

(5) individuals who are screened by another state within three months before admission to a certified nursing facility.

Regardless of the exemptions in clauses (2) to (4), persons who have a diagnosis or possible diagnosis of mental illness, mental retardation, or a related condition must be screened before admission unless the admission prior to screening is authorized by the local mental health authority or the local developmental disabilities case manager.

Persons transferred from an acute care facility to a certified nursing facility may be admitted to the nursing facility before screening, if authorized by the screening team; however, the person must be screened within ten working days after the admission.

Other persons who are not applicants to nursing facilities must be screened if a request is made for a screening.

Subd. 3. [PERSONS RESPONSIBLE FOR CONDUCTING THE PREADMISSION SCREENING.] (a) A local screening team shall be established by the county agency and the county public health nursing service of the local board of health. Each local screening team shall be composed of a social worker and a public health nurse from their respective county agencies. Two or more counties may collaborate to establish a joint local screening team or teams.

(b) Both members of the team must conduct the screening. However, individuals who are being transferred from an acute care facility to a certified nursing facility may be screened by only one member of the screening team in consultation with the other member.

(c) In assessing a person's needs, each screening team shall have a physician available for consultation and shall consider the assessment of the individual's attending physician, if any. The individual's physician shall be included on the screening team if the physician chooses to participate. Other personnel may be included on the team as deemed appropriate by the county agencies.

If a person who has been screened must be reassessed to assign a case mix classification because admission to a nursing facility occurs later than the time allowed by rule following the initial

screening and assessment, the reassessment may be completed by the public health nurse member of the screening team.

Subd. 4. [RESPONSIBILITIES OF THE COUNTY AGENCY AND THE SCREENING TEAM.] (a) The county agency shall:

(1) provide information and education to the general public regarding availability of the preadmission screening program;

(2) accept referrals from individuals, families, human service and health professionals, and hospital and nursing facility personnel;

(3) assess the health, psychological, and social needs of referred individuals and identify services needed to maintain these persons in the least restrictive environments;

(4) assess active treatment needs in cooperation with:

(i) a qualified mental health professional for persons with a primary or secondary diagnosis of mental illness; and

(ii) a qualified mental retardation professional for persons with a primary or secondary diagnosis of mental retardation or related conditions. For purposes of this clause, a qualified mental retardation professional must meet the standards for a qualified mental retardation professional in Code of Federal Regulations, title 42, section 483.430;

(5) make recommendations for individuals screened regarding cost-effective community services which are available to the individual;

(6) develop an individual's community care plan and provide follow-up services as needed; and

(7) prepare and submit reports that may be required by the commissioner of human services.

The county agency may determine in cooperation with the local board of health that the public health nursing agency of the local board of health is the lead agency which is responsible for all of the activities above except clause (4).

(b) The screening team shall document that the most cost-effective alternatives available were offered to the individual or the individual's legal representative.

The screening shall be conducted within ten working days after the date of referral or, for those approved for transfer from an acute care facility to a certified nursing facility, within ten working days

after admission to the nursing facility. For persons who are eligible for medical assistance or who would be eligible within 180 days of admission to a nursing facility and who are screened after nursing facility admission, the nursing facility must include one or both of the screening team members in the discharge planning process for those individuals who the team has determined have discharge potential. The screening team must ensure a smooth transition and follow-up for the individual's return to the community.

Local screening teams shall cooperate with other public and private agencies in the community, in order to offer a variety of cost-effective services to the disabled and elderly. The screening team shall encourage the use of volunteers from families, religious organizations, social clubs, and similar civic and service organizations to provide services.

Subd. 5. [SIMPLIFICATION OF FORMS.] The commissioner shall minimize the number of forms required in the preadmission screening process and shall limit the screening document to items necessary for care plan approval, reimbursement, program planning, evaluation, and policy development.

Subd. 6. [REIMBURSEMENT FOR PREADMISSION SCREENING.] (a) The total screening cost for each county must be paid monthly by certified nursing facilities in the county. The monthly amount to be paid by each nursing facility for each fiscal year must be determined by dividing the county's estimate of the total annual cost of screenings allowed in the county for the following rate year by 12 to determine the monthly cost estimate and allocating the monthly cost estimate to each nursing facility based on the number of licensed beds in the nursing facility.

(b) The rate allowed for a screening where two team members are present shall be the actual costs up to \$195. The rate allowed for a screening where only one team member is present shall be the actual costs up to \$117. Annually on July 1, the commissioner shall adjust the rate up to the percentage change forecast in the fourth quarter of the prior calendar year by the Home Health Agency Market Basket of Operating Costs, unless otherwise adjusted by statute. The Home Health Agency Market Basket of Operating Costs is published by Data Resources, Inc.

(c) The monthly cost estimate for each certified nursing facility must be submitted to the nursing facility and the state by the county no later than February 15 of each year for inclusion in the nursing facility's payment rate on the following rate year. The commissioner shall include the reported annual estimated cost of screenings for each nursing facility as an operating cost of that nursing facility in accordance with section 256B.431, subdivision 2b, paragraph (g).

(d) If in more than ten percent of the total number of screenings

performed by a county in a fiscal year for all individuals regardless of payment source, the screening timelines were not met because a county was late in screening the individual, the county is solely responsible for paying the cost of those delayed screenings that exceed ten percent.

(e) Notwithstanding section 256B.0641, overpayments attributable to payment of the screening costs under the medical assistance program may not be recovered from a facility.

(f) The commissioner of human services shall amend the Minnesota medical assistance plan to include reimbursement for the local screening teams.

Subd. 7. [REIMBURSEMENT FOR CERTIFIED NURSING FACILITIES.] Medical assistance reimbursement for nursing facilities shall be authorized for a medical assistance recipient only if a preadmission screening has been conducted or the local county agency has authorized an exemption. Medical assistance reimbursement for nursing facilities shall not be provided for any recipient who the local screening team has determined does not meet the level of care criteria for nursing facility placement.

An individual has a choice and makes the final decision between nursing facility placement and community placement after the screening team's recommendation. However, the local county mental health authority or the local mental retardation authority under Public Law Numbers 100-203 and 101-508 may prohibit admission to a nursing facility, if the individual does not meet the nursing facility level of care criteria or does need active treatment as defined in Public Law Numbers 100-203 and 101-508.

Appeals from the screening team's recommendation or the county agency's final decision shall be made according to section 256.045, subdivision 3.

Sec. 10. [256B.0913] [ALTERNATIVE CARE PROGRAM.]

Subdivision 1. [PURPOSE AND GOALS.] The purpose of the alternative care program is to provide funding for or access to home and community-based services for frail elderly persons, in order to limit unnecessary nursing facility placements. The program is designed to support frail elderly persons in their desire to remain in the community as independently and as long as possible and to support informal caregivers in their efforts to provide care for frail elderly people. Further, the goals of the program are:

(1) to contain medical assistance expenditures by providing care in the community at a cost the same or less than nursing facility costs; and

(2) to maintain the moratorium on new construction of nursing home beds.

Subd. 2. [ELIGIBILITY FOR SERVICES.] Alternative care services are available to all frail older Minnesotans. This includes:

(1) persons who are receiving medical assistance and served under the medical assistance program or the Medicaid waiver program;

(2) persons who would be eligible for medical assistance within 180 days of admission to a nursing facility and served under subdivisions 4 to 13; and

(3) persons who are paying for their services out-of-pocket.

Subd. 3. [ELIGIBILITY FOR FUNDING FOR SERVICES FOR MEDICAL ASSISTANCE RECIPIENTS.] Funding for services for persons who are eligible for medical assistance is available under section 256B.0627, governing home care services, or 256B.0915, governing the Medicaid waiver for home and community-based services.

Subd. 4. [ELIGIBILITY FOR FUNDING FOR SERVICES FOR NONMEDICAL ASSISTANCE RECIPIENTS.] (a) Funding for services under the alternative care program is available to persons who meet the following criteria:

(1) the person has been screened by the county screening team or, if previously screened and served under the alternative care program, assessed by the local county social worker or public health nurse;

(2) the person is age 65 or older;

(3) the person would be eligible for medical assistance within 180 days of admission to a nursing facility;

(4) the screening team would recommend nursing facility admission or continued stay for the person if alternative care services were not available;

(5) the person needs services that are not available at that time in the county through other county, state, or federal funding sources; and

(6) the cost of the alternative care services funded by the program for this person does not exceed 80 percent of the total average medical assistance payment for nursing facility care at the individual's case mix classification.

(b) Individuals who meet the criteria in paragraph (a) and who have been approved for alternative care funding, are called 180-day eligible clients.

(c) The average payment for nursing facility care shall be the statewide monthly average nursing facility rate effective July 1 of the fiscal year in which the cost is incurred, less the statewide average monthly income of nursing facility residents who are age 65 or older, and who are medical assistance recipients in the month of March of the previous fiscal year. The monthly limit for an individual alternative care client shall be 80 percent of the statewide average medical assistance payment rate of the case mix resident class to which the 180-day eligible client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059. This monthly limit does not prohibit the 180-day eligible client from paying for additional services needed or desired.

(d) In determining the total costs of alternative care services for one month, the costs of all services funded by the alternative care program, including supplies and equipment, must be included.

(e) Alternative care funding under this subdivision is not available for a person who is a medical assistance recipient or who would be eligible for medical assistance without a spend-down if the person applied, unless authorized by the commissioner.

(f) Alternative care funding is not available for a person who resides in a licensed nursing home or board and care home.

Subd. 5. [SERVICES COVERED UNDER ALTERNATIVE CARE.] (a) Alternative care funding may be used for payment of costs of:

- (1) adult foster care;
- (2) adult day care;
- (3) home health aide;
- (4) homemaker services;
- (5) personal care;
- (6) case management;
- (7) respite care;
- (8) assisted living; and
- (9) care-related supplies and equipment.

(b) The county agency may use up to ten percent of the annual allocation of alternative care funding for payment of costs of meals delivered to the home, transportation, skilled nursing, companion services, nutrition services, and training for direct informal caregivers. These services must comply with applicable standards or rules. The commissioner shall review the cost of the added services to ensure that the county's average cost per client does not increase more than the approved inflation rate over the previous fiscal year due to the addition of these services. The commissioner shall determine the impact on alternative care costs of allowing these additional services to be provided and shall report the findings to the legislature by February 15, 1993, including any recommendations regarding provision of the additional services.

(c) The county agency must ensure that the funds are used only to supplement and not supplant services available through other public assistance or services programs.

(d) These services must be provided by a licensed home care agency, a home health agency certified for reimbursement under Titles XVIII and XIX of the Social Security Act, or by persons employed by or contracted with the county agency or the public health nursing agency of the local board of health.

(e) The adult foster care rate shall be considered a difficulty of care payment and shall not include room and board.

(f) Personal care services may be provided by a personal care provider organization. A county agency may contract with a relative of the client to provide personal care services, but must ensure nursing supervision. Covered personal care services defined in section 256B.0627, subdivision 4, must meet applicable standards in Minnesota Rules, part 9505.0335.

(g) Costs for supplies and equipment that exceed \$150 per item per month must have prior approval from the commissioner.

(h) For the purposes of this section, "assisted living" refers to supportive services provided by a single vendor to two or more alternative care grant clients who reside in the same apartment building of ten or more units. These services may include care coordination, the costs of preparing one or more nutritionally balanced meals per day, general oversight, and other supportive services which the vendor is licensed to provide according to sections 144A.43 to 144A.49, and which would otherwise be available to individual alternative care grant clients. Reimbursement from the lead agency shall be made to the vendor as a monthly capitated rate negotiated with the county agency. The capitated rate shall not exceed the state share of the average monthly medical assistance nursing facility payment rate of the case mix resident class to which the 180-day eligible client would be assigned under Minnesota

Rules, parts 9549.0050 to 9549.0059. The capitated rate may not cover rent and direct food costs. A person's eligibility to reside in the building must not be contingent on the person's acceptance or use of the assisted living services. Assisted living services as defined in this section shall not be authorized in boarding and lodging establishments licensed according to sections 157.01 to 157.031.

(i) For purposes of this section, companion services are defined as nonmedical care, supervision and oversight, provided to a functionally impaired adult. Companions may assist the individual with such tasks as meal preparation, laundry and shopping, but do not perform these activities as discrete services. The provision of companion services does not entail hands-on medical care. Providers may also perform light housekeeping tasks which are incidental to the care and supervision of the recipient. This service must be approved by the case manager as part of the care plan. Companion services must be provided by individuals or nonprofit organizations who are under contract with the local agency to provide the service. Any person related to the waiver recipient by blood, marriage or adoption cannot be reimbursed under this service. Persons providing companion services will be monitored by the case manager.

(j) For purposes of this section, training for direct informal caregivers is defined as a classroom or home course of instruction which may include: transfer and lifting skills, nutrition, personal and physical cares, home safety in a home environment, stress reduction and management, behavioral management, long-term care decision making, care coordination and family dynamics. The training is provided to an informal unpaid caregiver of a 180-day eligible client which enables the caregiver to deliver care in a home setting with high levels of quality. The training must be approved by the case manager as part of the individual care plan. Individuals, agencies, and educational facilities which provide caregiver training and education will be monitored by the case manager.

Subd. 6. [ALTERNATIVE CARE PROGRAM ADMINISTRATION.] The alternative care program is administered by the county agency. This agency is the lead agency responsible for the local administration of the alternative care program as described in this section. However, it may contract with the public health nursing service to be the lead agency.

Subd. 7. [CASE MANAGEMENT.] The lead agency shall appoint a social worker from the county agency or a registered nurse from the county public health nursing service of the local board of health to be the case manager for any person receiving services funded by the alternative care program. The case manager must ensure the health and safety of the individual client and is responsible for the cost effectiveness of the alternative care individual care plan.

Subd. 8. [REQUIREMENTS FOR INDIVIDUAL CARE PLAN.]

The case manager shall ensure that a plan of care is developed and implemented for each 180-day eligible client and that a client's service needs and eligibility are reassessed at least every six months. The plan shall include any services prescribed by the individual's attending physician as necessary and follow-up services as necessary. In developing the individual's care plan, the case manager shall include the use of volunteers from families and neighbors, religious organizations, social clubs, and civic and service organizations to support the formal home care services. The lead agency shall provide documentation to the commissioner verifying that the individual's alternative care is not available at that time through any other public assistance or service program. The lead agency shall provide documentation in each individual's plan of care and to the commissioner that the most cost-effective alternatives available have been offered to the individual and that the individual was free to choose among available qualified providers, both public and private.

Subd. 9. [CONTRACTING PROVISIONS FOR PROVIDERS.] The lead agency shall document to the commissioner that the agency made reasonable efforts to inform potential providers of the anticipated need for services under the alternative care program, including a minimum of 14 days' written advance notice of the opportunity to be selected as a service provider and an annual public meeting with providers to explain and review the criteria for selection. The lead agency shall also document to the commissioner that the agency allowed potential providers an opportunity to be selected to contract with the county agency. Funds reimbursed to counties under this subdivision are subject to audit by the commissioner for fiscal and utilization control.

The lead agency must select providers for contracts or agreements using the following criteria and other criteria established by the county:

- (1) the need for the particular services offered by the provider;
- (2) the population to be served, including the number of clients, the length of time services will be provided, and the medical condition of clients;
- (3) the geographic area to be served;
- (4) quality assurance methods, including appropriate licensure, certification, or standards, and supervision of employees when needed;
- (5) rates for each service and unit of service exclusive of county administrative costs;

(6) evaluation of services previously delivered by the provider; and

(7) contract or agreement conditions, including billing requirements, cancellation, and indemnification.

The county must evaluate its own agency services under the criteria established for other providers. The county shall provide a written statement of the reasons for not selecting providers.

Subd. 10. [ALLOCATION FORMULA.] (a) The alternative care appropriation for fiscal years 1992 and beyond shall cover only 180-day eligible clients.

(b) Prior to July 1 of each year, the commissioner shall allocate to county agencies the state funds available for alternative care for persons eligible under subdivision 2. The allocation for fiscal year 1992 shall be calculated using a base that is adjusted to exclude the medical assistance share of alternative care expenditures. The adjusted base is calculated by multiplying each county's allocation for fiscal year 1991 by the percentage of county alternative care expenditures for 180-day eligible clients. The percentage is determined based on expenditures for services rendered from April 1, 1990, through March 31, 1991, to the extent claims have been submitted by June 1, 1991.

(c) If the county expenditures for 180-day eligible clients are 95 percent or more of its adjusted base allocation, the allocation for the next fiscal year is 100 percent of the adjusted base, plus inflation to the extent that inflation is included in the state budget.

(d) If the county expenditures for 180-day eligible clients are less than 95 percent of its adjusted base allocation, the allocation for the next fiscal year is the adjusted base allocation less the amount of unspent funds below the 95 percent level.

(e) A county under paragraph (d) may receive an increased allocation if annualized service costs for the month of May for 180-day eligible clients are greater than the allocation otherwise determined. A county may apply for this increase by reporting projected expenditures for May to the commissioner by June 1. The amount of the allocation shall not exceed the amount calculated in paragraph (c). The projected expenditures for May must be based on actual 180-day eligible client caseload and the individual cost of clients' care plans. If a county does not report its expenditures for May, the amount in paragraph (d) shall be used.

(f) Calculations for paragraphs (c) and (d) are to be made as follows: for each county, the determination of expenditures shall be based on payments for services rendered from April 1 through

March 31 in the base year, to the extent that claims have been submitted by June 1 of that year.

Subd. 11. [TARGETED FUNDING.] (a) The purpose of targeted funding is to make additional money available to counties with the greatest need. Targeted funds are not intended to be distributed equitably among all counties, but rather, allocated to those with long-term care strategies that meet state goals.

(b) The funds available for targeted funding shall be the total appropriation for each fiscal year minus county allocations determined under subdivision 9 as adjusted for any inflation increases provided in appropriations for the biennium.

(c) Of the remaining targeted funds:

(1) 20 percent shall be reserved for special projects as described in section 256B.0917;

(2) 60 percent shall be reserved to supplement the alternative care grants program and shall be distributed to counties that apply for them according to the following criteria:

(i) Counties shall be ranked from high to low according to their need for long-term care services by multiplying the statewide utilization rate of licensed nursing homes and boarding care homes times the projected numerical change in the county's population 85 years old and over for the period 1990 to 2000, and then dividing by the number of licensed nursing home and boarding care home beds in the county. For the purposes of this section, population counts and projections shall be based on the state demographer's data and the count of licensed nursing home beds and boarding care home beds shall be the count found in the most recently published edition of the health care facilities directory of the department of health. For the purposes of this section, "utilization rate" means the proportion of persons 65 years of age and older in a county who are residing in a licensed nursing home or boarding care home according to the most recent information available from the department of health.

(ii) The projected number of additional nursing home and boarding care home beds that would be needed in each county in the absence of an alternative care program shall be calculated by multiplying the utilization rate times the projected numerical change in the county's population 85 years of age and older for the period 1990 to 2000.

(iii) All targeted funds available under this clause shall be allocated to counties by multiplying one-eighth times the number of beds projected in item (ii) times the statewide average cost of one alternative care grant client for the most recent full year for which

complete cost data is available, beginning with the top-ranked county as found in item (i) and continuing down the list of counties in rank order until the funds are exhausted; and

(3) 20 percent shall be distributed to counties that propose innovative, cost-effective projects to divert community residents from nursing home placement or to relocate nursing home residents to community living. Projects must contribute to the state's overall goals and objectives for long-term care.

(d) Counties that would receive targeted funds according to paragraph (c), clause (2), must demonstrate to the commissioner's satisfaction that the funds would be appropriately spent by showing how the funds would be used to further the state's alternative care goals as described in subdivision 1, and that the county has the administrative and service delivery capability to use them. If the commissioner does not approve a county's application for targeted funds, the funds shall be reallocated to the next ranking county according to paragraph (c), clause (2), that has not yet received funds. Counties that receive such reallocated funds must comply with this section.

(e) The commissioner shall request applications by June 1 each year, for county agencies to apply for targeted funds. The counties selected for targeted funds shall be notified of the amount of their additional funding by August 1 of each year. Targeted funds allocated to a county agency in one year shall be treated as part of the county's base allocation for that year in determining allocations for subsequent years. No reallocations between counties shall be made.

(f) The allocation for each year after fiscal year 1992 shall be determined using the previous fiscal year's allocation, including any targeted funds, as the base and then applying the criteria under subdivision 9, paragraphs (c) to (f), to the current year's expenditures.

Subd. 12. [CLIENT PREMIUMS.] A premium is required for all 180-day eligible clients. The commissioner shall establish a premium schedule based on the client's income and assets, to help pay for the cost of participating in the program. The schedule is not subject to chapter 14. The commissioner shall publish the schedule and any later changes in the State Register and allow a period of 20 working days from the publication date for interested persons to comment before adopting the schedule in final form.

Subd. 13. [COUNTY ALTERNATIVE CARE BIENNIAL PLAN.] The commissioner shall establish by rule, in accordance with chapter 14, procedures for the submittal and approval of a biennial county plan for the administration of the alternative care program and the coordination with other planning processes for the older

adult. In addition to the procedures in rule, this county biennial plan shall also include:

(1) information on the administration of the preadmission screening program;

(2) information on the administration of the home and community-based services waiver under section 256B.0915;

(3) an application for targeted funds under subdivision 10; and

(4) an optional notice of intent to apply to participate in the long-term care projects under section 256B.0917.

Subd. 14. [REIMBURSEMENT AND RATE ADJUSTMENTS.] Reimbursement for expenditures for the alternative care services shall be through the invoice processing procedures of the department's Medicaid management information system (MMIS), only with the approval of the client's case manager. To receive reimbursement, the county or vendor must submit invoices within 90 days following the month of service. The county agency and its vendors under contract shall not be reimbursed for services which exceed the county allocation.

The commissioner shall reduce the county's reimbursement by the amount of the premium due from each individual as reported by the preadmission screening team at the case opening and by the case manager at each six-month reassessment.

Beginning July 1, 1991, the state will reimburse counties, up to the limits of state appropriations, according to the payment schedule in section 256.025 for the county share of costs incurred under this subdivision on or after January 1, 1991, for individuals who would be eligible for medical assistance within 180 days of admission to a nursing home.

Annually on July 1, the commissioner must adjust the rates allowed for alternative care services by the forecasted percentage change in the Home Health Agency Market Basket of Operating Costs, for the fiscal year beginning July 1, compared to the previous fiscal year, unless otherwise adjusted by statute. The Home Health Agency Market Basket of Operating Costs is published by Data Resources, Inc. The forecast to be used is the one published for the calendar quarter beginning January 1, six months prior to the beginning of the fiscal year for which rates are set.

Sec. 11. [256B.0915] [MEDICAID WAIVER FOR HOME AND COMMUNITY-BASED SERVICES.]

Subdivision 1. [AUTHORITY.] The commissioner is authorized to

apply for a home and community-based services waiver for the elderly, authorized under section 1915(c) of the Social Security Act, in order to obtain federal financial participation to expand the availability of services for persons who are eligible for medical assistance. The commissioner may apply for additional waivers or pursue other federal financial participation which is advantageous to the state for funding home care services for the frail elderly who are eligible for medical assistance. The provision of waived services to medical assistance recipients must comply with the criteria approved in the waiver.

Subd. 2. [SPOUSAL IMPOVERISHMENT POLICIES.] The commissioner shall seek to amend the federal waiver and the medical assistance state plan to allow spousal impoverishment criteria as authorized in Code of Federal Regulations, title 42, section 435.726(1924), and as implemented in sections 256B.0575, 256B.058, and 256B.059 to be applied to persons who are served on the home and community-based services waiver.

Subd. 3. [LIMITS OF CASES, RATES, REIMBURSEMENT, AND FORECASTING.] (a) The number of medical assistance waiver recipients that a county may serve must be allocated according to the number of medical assistance waiver cases open on July 1 of each fiscal year. Additional recipients may be served with the approval of the commissioner.

(b) The monthly limit for the cost of waived services to an individual waiver client shall be the statewide average payment rate of the case mix resident class to which the waiver client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059. The statewide average payment rate is calculated by determining the statewide monthly average nursing home rate effective July 1 of the fiscal year in which the cost is incurred, less the statewide average monthly income of nursing home residents who are age 65 or older, and who are medical assistance recipients in the month of March of the previous state fiscal year.

(c) The following costs must be included in determining the total monthly costs for the waiver client:

(1) cost of all waived services, including extended medical supplies and equipment; and

(2) cost of skilled nursing, home health aide, and personal care services reimbursable by medical assistance.

Medical assistance funding for skilled nursing services, home health aide, and personal care services for waiver recipients must be approved by the case manager and included in the individual care plan.

(d) Expenditures for extended medical supplies and equipment that cost over \$150 per month must have the commissioner's prior approval.

(e) Annually on July 1, the commissioner must adjust the rates allowed for services by the forecasted percentage change in the Home Health Agency Market Basket of Operating Costs, for the fiscal year beginning July 1, compared to the previous fiscal year, unless otherwise adjusted by statute. The Home Health Agency Market Basket of Operating Costs is published by Data Resources, Inc. The forecast to be used is the one published for the calendar quarter beginning January 1, six months prior to the beginning of the fiscal year for which rates are set.

(f) Reimbursement for the medical assistance recipients under the approved waiver shall be made from the medical assistance account through the invoice processing procedures of the department's Medicaid management information system (MMIS), only with the approval of the client's case manager. The budget for the state share of the Medicaid expenditures shall be forecasted with the medical assistance budget, and shall be consistent with the approved waiver.

(g) Beginning July 1, 1991, the state shall reimburse counties according to the payment schedule in section 256.025 for the county share of costs incurred under this subdivision on or after January 1, 1991, for individuals who are receiving medical assistance.

Sec. 12. [256B.0917] [SENIORS AGENDA FOR INDEPENDENT LIVING (SAIL) PROJECTS FOR A NEW LONG-TERM CARE STRATEGY.]

Subdivision 1. [PURPOSE, MISSION, GOALS, AND OBJECTIVES.] (a) The purpose of implementing SAIL projects under this section is to demonstrate a new cooperative strategy for the long-term care system in the state of Minnesota. The projects are part of the initial biennial plan for a 20-year strategy. The mission of the 20-year strategy is to create a new community-based care paradigm for long-term care in Minnesota in order to maximize independence of the older adult population, and to ensure cost-effective use of financial and human resources. The goals for the 20-year strategy are to:

(1) achieve a broad awareness and use of low-cost home care and other residential alternatives to nursing homes;

(2) develop a statewide system of information and assistance to enable easy access to long-term care services;

(3) develop sufficient alternatives to nursing homes to serve the increased number of people needing long-term care; and

(4) maintain the moratorium on new construction of nursing home beds and to lower the percentage of elderly served in institutional settings.

(b) The objective for the fiscal years 1992 and 1993 biennial plan is to implement at least four but not more than six projects in anticipation of a statewide program. These projects will begin the process of implementing: (1) a coordinated planning and administrative process; (2) a refocused function of the preadmission screening program; (3) the development of additional home, community, and residential alternatives to nursing homes; (4) a program to support the informal caregivers for elderly persons; and (5) programs to strengthen the use of volunteers. This is done in conjunction with an expanded role of the interagency long-term care planning committee as described in section 144A.31. The services offered through these projects will be available to those who have their own funds to pay for services, as well as to persons who are eligible for medical assistance and to persons who are 180-day eligible clients to the extent authorized in this section.

Subd. 2. [DESIGN OF SAIL PROJECTS; LOCAL LONG-TERM CARE COORDINATING TEAM.] (a) The commissioner of human services shall establish SAIL projects in four to six counties or groups of counties to demonstrate the feasibility and cost-effectiveness of a local long-term care strategy that is consistent with the state's long-term care goals identified in subdivision 1. The commissioner shall publish a notice in the State Register announcing the availability of project funding and giving instructions for making an application. The instructions for the application shall identify the amount of funding available for project components.

(b) To be selected for the project, the county social service agencies, public health nursing service agencies, local boards of health, and the area agencies on aging in a geographic area must establish a local long-term care coordinating team which is responsible for:

(1) developing a local long-term care strategy consistent with state goals and objectives;

(2) submitting an application to be selected as a project;

(3) coordinating planning for funds to provide services to elderly persons, including funds received under Title III of the Social Security Act, Community Social Services Act, Title XX of the Social Security Act and the Local Public Health Act;

(4) ensuring efficient services provision and nonduplication of funding; and

(5) designating a local lead agency and cooperating agencies to implement the local strategy. For purposes of this section, the local lead agency shall be a county agency, a public health nursing service under the local board of health, or an area agency on aging. The lead agency receives and manages the project funds from the state and is responsible for the implementation of the local strategy. If selected as a project, the local long-term care coordinating team must evaluate the success of the local long-term care strategy in meeting state measures of performance and results as established in the contract.

(c) The local long-term care coordinating team may include in its membership other units of government which provide funding for services to the frail elderly. The team must cooperate with consumers and other public and private agencies, including nursing homes, in the geographic area in order to develop and offer a variety of cost-effective services to the elderly and their caregivers.

(d) The local long-term care coordinating team shall apply to be selected as a project. Once the team is selected as a project, the commissioner of human services shall contract with the lead agency for the project and shall provide additional administrative funds for implementing the provisions of the contract, within the appropriation available for this purpose.

(e) Projects shall be selected according to the following conditions.

(1) No project may be selected unless it demonstrates that:

(i) the objectives of the local project will help to achieve the state's long-term care goals as defined in subdivision 1;

(ii) in the case of a project submitted jointly by several counties, all of the participating counties are contiguous;

(iii) there is a designated local lead agency that is empowered to make contracts with the state and local vendors on behalf of all participants;

(iv) the project proposal demonstrates that the local cooperating agencies have the ability to perform the project as described and that the implementation of the project has a reasonable chance of achieving its objectives;

(v) the project will serve an area that covers at least five counties or contains at least 2,500 persons who are 85 years of age or older, according to the projections of the state demographer or the census if the data is more recent; and

(vi) the local coordinating team documents efforts of cooperation

with consumers and other agencies and organizations, both public and private, in planning for service delivery.

(2) If only two projects are selected, at least one of them must be from a metropolitan statistical area as determined by the United States Census Bureau; if three or four projects are selected, at least one but not more than two projects must be from a metropolitan statistical area; and if more than four projects are selected, at least two but not more than three projects must be from a metropolitan statistical area.

(3) Counties or groups of counties that submit a proposal for a project shall be assigned to types defined by institutional utilization rate and population growth rate in the following manner:

(i) Each county or group of counties shall be measured by the utilization rate of nursing homes and boarding care homes and by the projected growth rate of its population aged 85 and over between 1990 and 2000. For the purposes of this section, "utilization rate" means the proportion of the seniors aged 65 or older in the county or group of counties who reside in a licensed nursing home or boarding care home as determined by the most recent census of residents available from the department of health and the population estimates of the state demographer or the census, whichever is more recent. The "projected growth rate" is the rate of change in the county or group of counties of the population group aged 85 or older between 1990 and 2000 according to the projections of the state demographer.

(ii) The institutional utilization rate of a county or group of counties shall be converted to a category by assigning a "high utilization" category if the rate is above the median rate of all counties, and a "low utilization" category otherwise. The projected growth rate of a county or group of counties shall be converted to a category by assigning a score of "high growth" category if the rate is above the median rate of all counties, and a "low growth" category otherwise.

(iii) Types of areas shall be defined by the four combinations of the scores defined in item (ii): type 1 is low utilization - high growth, type 2 is high utilization - high growth, type 3 is high utilization - low growth, and type 4 is low utilization - low growth. Each county or group of counties making a proposal shall be assigned to one of these types.

(4) Projects shall be selected from each of the types in the order that the types are listed in item (iii), with available funding allocated to projects until it is exhausted, with no more than 30 percent of available funding allocated to any one project. Available funding includes state administrative funds which have been appropriated for screening functions in subdivision 4, paragraph (b),

clause (3) and for service developers and incentive grants in subdivision 5, paragraphs (b) and (c).

(5) If more than one county or group of counties within one of the types defined by paragraph (3) proposes a special project that meets all of the other conditions in paragraphs (1) and (2), the project that demonstrates the most cost-effective proposals in terms of the number of nursing home placements that can be expected to be diverted or converted to alternative care services per unit of cost shall be selected.

Subd. 3. [LOCAL LONG-TERM CARE STRATEGY.] The local long-term care strategy must list performance outcomes and indicators which meet the state's objectives. The local strategy must provide for:

(1) accessible information, assessment, and preadmission screening activities as described in subdivision 4;

(2) an application for expansion of alternative care targeted funds under section 256B.0913, for serving 180-day eligible clients, including those who are relocated from nursing homes; and

(3) the development of additional services such as adult family foster care homes; family adult day care; assisted living projects and congregate housing service projects in apartment buildings; expanded home care services for evenings and weekends; expanded volunteer services; and caregiver support and respite care projects.

The county or groups of counties selected for the projects shall be required to comply with federal regulations, alternative care funding policies in section 256B.0913, and the federal waiver programs' policies in section 256B.0915. The requirements for preadmission screening as defined in section 256B.0911, subdivisions 1 to 6, are waived for those counties selected as part of a long-term care strategy project. For persons who are eligible for medical assistance or who are 180-day eligible clients and who are screened after nursing facility admission, the nursing facility must include a screener in the discharge planning process for those individuals who the screener has determined have discharge potential. The agency responsible for the screening function in subdivision 4 must ensure a smooth transition and follow-up for the individual's return to the community. Requirements for an access, screening, and assessment function replace the preadmission screening requirements and are defined in subdivision 4. Requirements for the service development and service provision are defined in subdivision 5.

Subd. 4. [ACCESSIBLE INFORMATION, SCREENING, AND ASSESSMENT FUNCTION.] (a) The projects selected by and under contract with the commissioner shall establish an accessible information, screening, and assessment function for persons who need

assistance and information regarding long-term care. This accessible information, screening, and assessment activity shall include information and referral, early intervention, follow-up contacts, telephone triage as defined in paragraph (e), home visits, assessments, preadmission screening, and relocation case management for the frail elderly and their caregivers in the area served by the county or counties. The purpose is to assure that information and help is provided to elderly persons and their families in a timely fashion, when they are making decisions about long-term care. These functions may be split among various agencies, but must be coordinated by the local long-term care coordinating team.

(b) Accessible information, screening, and assessment functions shall be reimbursed from the following sources of funding as follows:

(1) The screenings of all persons entering nursing homes shall be reimbursed by the nursing homes in the counties of the project, through the same policy that is in place in fiscal year 1992 as established in section 256B.0911. The amount a nursing home pays to the county agency is that amount identified and approved in the February 15, 1991, estimated number of screenings and associated expenditures. This amount remains the same for fiscal year 1993.

(2) The level I screenings and the level II assessments required by Public Law Numbers 100-203 and 101-508 (OBRA) for persons with mental illness, mental retardation, or related conditions, are reimbursed through administrative funds with 75 percent federal funds and 25 percent state funds, as allowed by federal regulations and established in the contract.

(3) Additional state administrative funds shall be available for the access, screening, and assessment activities that are not reimbursed under clauses (1) and (2). This amount shall not exceed the amount authorized in the guidelines and in instructions for the application and must be within the amount appropriated for this activity.

The amounts available under paragraphs (1) to (3) shall be available to the county or counties involved in the project to cover staff salaries and expenses to provide the services in this subdivision. The lead agency shall employ, or contract with other agencies to employ, within the limits of available funding, sufficient personnel to provide the services listed in this subdivision.

(c) Any information and referral functions funded by other sources, such as Title III and Title XX of the Social Security Act and the Community Social Services Act, shall be considered by the local long-term care coordinating team in establishing this function to avoid duplication and to assure access to information for persons needing help and information regarding long-term care.

(d) The staffing for the screening and assessment function must include, but is not limited to, a county social worker and a county public health nurse. The social worker and public health nurse are responsible for all assessments that are required to be completed by a professional. However, only one of these professionals is required to be present for the assessment.

(e) All persons entering a Medicaid certified nursing home or boarding care home must be screened through an assessment process, although the decision to conduct a face-to-face interview is left with the county social worker and the county public health nurse. All applicants to nursing homes must be screened and approved for admission by the county social worker or the county public health nurse named by the lead agency or the agencies which are under contract with the lead agency to manage the access, screening, and assessment functions. For applicants who have a diagnosis of mental illness, mental retardation, or a related condition, and are subject to the provisions of Public Law Numbers 100-203 and 101-508, their admission must be approved by the local mental health authority or the local developmental disabilities case manager. The commissioner shall develop instructions and assessment forms for telephone triage and on-site screenings to assure that federal regulations and waiver provisions are met. For purposes of this section, the term "telephone triage" refers to a telephone or face-to-face consultation between health care and social service professionals during which the clients' circumstances are reviewed and the county agency professional sorts the individual into categories: (1) needs no screening, (2) needs an immediate screening, or (3) needs a screening after admission to a nursing home or after a return home. The county agency professional shall authorize admission to a nursing home according to the provisions in section 256B.0911, subdivision 7.

(f) The requirements for case mix assessments by a preadmission screening team may be waived and the nursing home shall complete the case mix assessments which are not conducted by the county public health nurse according to the procedures established under Minnesota Rules, part 9549.0059. The appropriate county or the lead agency is responsible for distributing the quality assurance and review form for all new applicants to nursing homes.

(g) The lead agency or the agencies under contract with the lead agency which are responsible for the accessible information, screening, and assessment function must complete the forms and reports required by the commissioner as specified in the contract.

Subd. 5. [SERVICE DEVELOPMENT AND SERVICE DELIVERY.] In addition to the access, screening, and assessment activity, each local strategy may include provisions for the following:

(a) expansion of alternative care to serve an increased caseload,

over the fiscal year 1991 average caseload, of at least 100 persons each year who are assessed prior to nursing home admission and persons who are relocated from nursing homes, which results in a reduction of the medical assistance nursing home caseload;

(b) the addition of a full-time staff person who is responsible to develop the following services and recruit providers as established in the contract:

(1) additional adult family foster care homes;

(2) family adult day care providers as defined in section 256B.0919, subdivision 2;

(3) an assisted living program in an apartment;

(4) a congregate housing service project in a subsidized housing project; and

(5) the expansion of evening and weekend coverage of home care services as deemed necessary by the local strategic plan;

(c) small incentive grants to new adult family care providers for renovations needed to meet licensure requirements;

(d) a plan to apply for a congregate housing service project as identified in section 256.9751, authorized by the Minnesota board on aging, to the extent that funds are available;

(e) a plan to divert new applicants to nursing homes and to relocate a targeted population from nursing homes, using the individual's own resources or the funding available for services;

(f) one or more caregiver support and respite care projects, as described in subdivision 6; and

(g) an expansion of local volunteer efforts and the organization of a local committee in a selected community for the purpose of developing a community care manager program. For purposes of this paragraph, a community care manager program is a community-based project which hires a registered nurse or social worker to coordinate the volunteers and services for the frail older residents within a neighborhood or community. The project must demonstrate the support of local community organizations, churches, and service agencies.

The expansion of alternative care clients under paragraph (a) shall be accomplished with the funds provided under section 256B.0913, and includes the allocation of targeted funds. The funding for all participating counties must be coordinated by the

local long-term care coordinating team and must be part of the local long-term care strategy. Each county retains responsibility for reimbursement as defined in section 256B.0913, subdivision 12. All other requirements for the alternative care program must be met unless an exception is provided in this section. The commissioner may establish by contract a reimbursement mechanism for alternative care that does not require invoice processing through the medical assistance management information system (MMIS). The commissioner and local agencies must assure that the same client and reimbursement data is obtained as is available under MMIS.

The administration of these components is the responsibility of the agencies selected by the local coordinating team and under contract with the local lead agency. However, administrative funds for paragraphs (b) to (e) and grant funds for paragraphs (f) and (g) shall be granted to the local lead agency. The funding available for each component is based on the plan submitted and the amount negotiated in the contract.

Subd. 6. [STATEWIDE CAREGIVER SUPPORT AND RESPITE CARE RESOURCE CENTER; CAREGIVER SUPPORT AND RESPITE CARE PROJECTS.] (a) The commissioner shall establish and maintain a statewide resource center for caregiver support and respite care. The resource center shall:

(1) provide information, technical assistance, and training statewide to county agencies and organizations on direct service models of caregiver support and respite care services;

(2) identify and address issues, concerns, and gaps in the statewide network for caregiver support and respite care;

(3) maintain a statewide caregiver support and respite care directory;

(4) educate caregivers on the availability and use of caregiver and respite care services;

(5) promote and expand caregiver training and support groups using existing networks when possible; and

(6) apply for and manage grants related to caregiver support and respite care.

(b) The commissioner shall establish up to 36 projects to expand the respite care network in the state and to support caregivers in their responsibilities for care. The purpose of each project shall be to:

(1) establish a local coordinated network of volunteer and paid respite workers;

(2) coordinate assignment of respite workers to clients and care receivers and assure the health and safety of the client; and

(3) provide training for caregivers and ensure that support groups are available in the community.

(c) The caregiver support and respite care funds shall be available to the four to six local long-term care strategy projects designated in subdivisions 1 to 5.

(d) The commissioner shall publish a notice in the state register to solicit proposals from public or private nonprofit agencies for the projects not included in the four to six local long-term care strategy projects defined in subdivision 2. A county agency may, alone or in combination with other county agencies, apply for caregiver support and respite care project funds. A public or nonprofit agency may apply for project funds if the agency has a letter of agreement with the county or counties in which services will be developed, stating the intention of the county or counties to coordinate their activities with the agency requesting a grant.

(e) The commissioner shall select grantees based on the following criteria:

(1) the ability of the proposal to demonstrate need in the area served, as evidenced by a community needs assessment or other demographic data;

(2) the ability of the proposal to clearly describe how the project will achieve the purpose defined in paragraph (b);

(3) the ability of the proposal to reach underserved populations;

(4) the ability of the proposal to demonstrate community commitment to the project, as evidenced by letters of support and cooperation as well as formation of a community task force;

(5) the ability of the proposal to clearly describe the process for recruiting, training, and retraining volunteers; and

(6) the inclusion in the proposal of the plan to promote the project in the community, including outreach to persons needing the services.

(f) Funds for all projects under this subdivision may be used to:

(1) hire a coordinator to develop a coordinated network of volunteer and paid respite care services and assign workers to clients;

(2) recruit and train volunteer providers;

- (3) train caregivers;
- (4) ensure the development of support groups for caregivers;
- (5) advertise the availability of the caregiver support and respite care project; and
- (6) purchase equipment to maintain a system of assigning workers to clients.
- (g) Project funds may not be used to supplant existing funding sources.

(h) An advisory committee shall be appointed to advise the caregiver support project on the development and implementation of the caregiver support and respite care services projects. The advisory committee shall review procedures and provide advice and technical assistance to the caregiver support project regarding the grant program established under this section. The advisory committee shall consist of not more than 12 people appointed by the commissioner and shall be comprised of representatives from public and private agencies, service providers and consumers from all areas of the state. Members of the advisory committee shall not be compensated for service.

Subd. 7. [EVALUATION AND EXPANSION.] The commissioner shall evaluate the success of the projects against the objective stated in subdivision 1, paragraph (b), and recommend to the legislature the continuation or expansion of the long-term care strategy by February 15, 1993.

Subd. 8. [PUBLIC AWARENESS CAMPAIGN.] The commissioner, with assistance from the commissioner of health and with the advice of the long-term care planning committee, shall contract for a public awareness campaign to educate the general public, seniors, consumers, caregivers, and professionals about the aging process, the long-term care system, and alternatives available including alternative care and residential alternatives. Particular emphasis will be given to informing consumers on how to access the alternatives and obtain information on the long-term care system. The commissioner shall pursue the development of new names for preadmission screening, alternative care, and foster care.

Sec. 13. [256B.0919] [ADULT FOSTER CARE AND FAMILY ADULT DAY CARE.]

Subdivision 1. [ADULT FOSTER CARE LICENSURE CAPACITY.] Notwithstanding Minnesota Rules, part 9555.6165, an adult foster care license holder may care for five adults age 60 years or older who do not have serious and persistent mental illness or a

developmental disability. The license holder under this section shall not be a corporate business which operates more than two facilities.

Subd. 2. [ADULT FOSTER CARE; FAMILY ADULT DAY CARE.] An adult foster care license holder may also provide family adult day care for adults age 60 years or older who do not have serious and persistent mental illness or a developmental disability. The maximum combined license capacity for adult foster care and family adult day care is five adults. A separate license is not required to provide family adult day care under this subdivision. Foster care homes providing services to five adults shall not be subject to licensure by the commissioner of health under the provisions of chapter 144, 144A, 157, or any other law requiring facility licensure by the commissioner of health.

Subd. 3. [COUNTY CERTIFICATION OF PERSONS PROVIDING ADULT FOSTER CARE TO RELATED PERSONS.] A person exempt from licensure under section 245A.03, subdivision 2, who provides adult foster care to a related individual age 65 and older, and who meets the requirements in Minnesota Rules, parts 9555.5105 to 9555.6265, may be certified by the county to provide adult foster care. A person certified by the county to provide adult foster care may be reimbursed for services provided and eligible for funding under sections 256B.0913 and 256B.0915, if the relative would suffer a financial hardship as a result of providing care. For purposes of this subdivision, financial hardship refers to a situation in which a relative incurs a substantial reduction in income because he or she resigns from a full-time job or takes a leave of absence without pay from a full-time job to care for the client.

Sec. 14. Minnesota Statutes 1990, section 256B.093, is amended to read:

256B.093 [SERVICES FOR PERSONS WITH TRAUMATIC BRAIN INJURIES.]

Subdivision 1. [STATE COORDINATOR.] The commissioner of human services shall designate a full-time position within the long-term care management division of the department of human services to supervise and coordinate services for persons with traumatic brain injuries.

An advisory committee shall be established to provide recommendations to the department regarding program and service needs of persons with traumatic brain injuries.

Subd. 2. [ELIGIBILITY.] The commissioner may contract with qualified agencies or persons employ staff to provide statewide case management services to medical assistance recipients who are at risk of institutionalization and meet one of the following criteria: (a) The person has a who have traumatic brain injury.

(b) ~~The person is receiving home care services or is in an institution and has a discharge plan requiring the provision of home care services and meets one of the following criteria:~~

~~(1) the person suffers from a brain abnormality or degenerative brain disease resulting in significant destruction of brain tissue and loss of brain function that requires extensive services over an extended period of time;~~

~~(2) the person is unable to direct the person's own care;~~

~~(3) the person has medical home care costs that exceed thresholds established by the commissioner under Minnesota Rules, parts 9505.0170 to 9505.0475;~~

~~(4) the person is eligible for medical assistance under the option for certain disabled children in section 134 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA);~~

~~(5) the person receives home care from two or more providers who are unable to effectively coordinate the services; or~~

~~(6) the person has received or will receive home care services for longer than six months.~~

Subd. 3. [CASE MANAGEMENT DUTIES.] The department shall fund the case management ~~contracts~~ under this subdivision using medical assistance administrative funds. The contractor must Case management duties include:

(1) ~~assess~~ assessing the person's individual needs for services required to prevent institutionalization;

(2) ~~assure~~ assuring that a care plan that ~~meets~~ addresses the person's needs is developed, implemented, and monitored on an ongoing basis by the appropriate agency or individual;

(3) ~~assist~~ assisting the person in obtaining services necessary to allow the person to remain in the community;

(4) ~~coordinate~~ coordinating home care services with other medical assistance services under section 256B.0625;

(5) ~~assure~~ assuring appropriate, accessible, and cost effectiveness of effective medical assistance services;

(6) ~~make recommendations~~ recommending to the commissioner ~~on~~ the approval or denial of the use of medical assistance funds to pay for home care services when home care services exceed thresholds

established by the commissioner under Minnesota Rules, parts 9505.0170 to 9505.0475;

(7) ~~assist~~ assisting the person with problems related to the provision of home care services;

(8) ~~assure~~ assuring the quality of home care services; and

(9) ~~reassess~~ reassessing the person's need for and level of home care services at a frequency determined by the commissioner; and

(10) recommending to the commissioner the approval or denial of medical assistance funds for out-of-state placements for traumatic brain injury services.

Subd. 4. [DEFINITIONS.] For purposes of this section, the following definitions apply:

(a) "Traumatic brain injury" means a sudden insult or damage to the brain or its coverings, not of a degenerative or congenital nature. The insult or damage may produce an altered state of consciousness ~~or~~ and may result in a decrease in ~~mental~~, cognitive, behavioral, emotional, or physical functioning resulting in partial or total disability.

(b) "Home care services" means medical assistance home care services defined under section 256B.0625, subdivisions 6 6a, 7, and ~~19~~ 19a.

Sec. 15. Minnesota Statutes 1990, section 256B.64, is amended to read:

256B.64 [ATTENDANTS TO VENTILATOR-DEPENDENT RECIPIENTS.]

A ventilator-dependent recipient of medical assistance who has been receiving the services of a private duty nurse or personal care assistant in the recipient's home may continue to have a private duty nurse or personal care assistant present upon admission to a hospital licensed under chapter 144. The personal care assistant or private duty nurse shall perform only the services of communicator or interpreter for the ventilator-dependent patient during a transition period of up to 120 hours to assure adequate training of the hospital staff to communicate with the patient and to understand the unique comfort, safety, and personal care needs of the patient. The personal care assistant or private duty nurse may offer nonbinding advice to the health care professionals in charge of the ventilator-dependent patient's care and treatment on matters pertaining to the comfort and safety of the patient. ~~After the 120 hour transition period, an assessment may be made by the ventilator-dependent~~

patient, the attending physician, and the patient's primary care nurse to determine whether continued services of communicator or interpreter for the patient by the private duty nurse or personal care assistant are necessary and appropriate for the patient's needs. If continued service is necessary and appropriate, the physician must certify this need to the commissioner of human services in order for payments to continue. Within 36 hours of the end of the 120-hour transition period, an assessment may be made by the ventilator-dependent recipient, the attending physician, and the hospital staff caring for the recipient. If additional communicator or interpreter services are medically necessary, the hospital must contact the commissioner 24 hours prior to the end of the 120-hour transition period and submit the assessment information to the commissioner. The commissioner shall review the request and determine if it is medically necessary to continue the interpreter services or if the hospital staff has had sufficient opportunity to adequately determine the needs of the patient. The commissioner shall determine if continued service is necessary and appropriate and whether or not payments shall continue. The commissioner may not authorize services beyond the limits of the available appropriations for this section. The commissioner may adopt rules necessary to implement this section. Reimbursement under this section must be at the payment rate and in a manner consistent with the payment rate and manner used in reimbursing these providers for home care services for the ventilator-dependent recipient under the medical assistance program.

Sec. 16. Minnesota Statutes 1990, section 256D.44, is amended by adding a subdivision to read:

Subd. 7. [RATE LIMITATION; WAIVERED SERVICES ELIGIBILITY.] If a current negotiated rate for a foster care placement is for an individual who is eligible for the home and community-based services waiver for the elderly, the negotiated rate must include only the room and board portion of the rate. The room and board portion of the negotiated rate is an amount equal to the difference between the medical assistance income limit for a single disabled or aged adult minus the amount of the medical assistance personal needs allowance for persons residing in a nursing facility.

Sec. 17. Laws 1988, chapter 689, article 2, section 256, subdivision 1, is amended to read:

Subdivision 1. [SELECTION OF PROJECTS.] The commissioner of human services shall establish pilot projects to demonstrate the feasibility and cost-effectiveness of alternatives to nursing home care that involve providing coordinated alternative care grant services for all eligible residents in an identified apartment building or complex or other congregate residential setting. The commissioner shall solicit proposals from counties and shall select up to four counties to participate, including at least one metropolitan county

and one county in greater Minnesota. The commissioner shall select counties for participation based on the extent to which a proposed project is likely to:

- (1) meet the needs of low-income, frail elderly;
- (2) enable clients to live as independently as possible;
- (3) result in cost-savings by reducing the per person cost of alternative care grant services through the efficiencies of coordinated services; and
- (4) facilitate the discharge of elderly persons from nursing homes to less restrictive settings or delay their entry into nursing homes.

Participating counties shall use existing alternative care grant allocations to pay for pilot project services. The counties must contract with a medical assistance-certified home care agency to coordinate and deliver services and must demonstrate to the commissioner that quality assurance and auditing systems have been established. Notwithstanding Minnesota Statutes, section 256B.091, and rules of the commissioner of human services relating to the alternative care grants program, the commissioner may authorize pilot projects to use a monthly pre-capitated rates rate up to 60 percent of the monthly average nursing facility payment rate as defined in Minnesota Statutes, section 256B.0913; to provide expanded services such as chore services, activities, and meal planning, preparation, and serving; and to waive freedom of choice of vendor to the extent necessary to allow one vendor to provide services to all eligible persons in a residence or building. The commissioner may apply for a waiver of federal requirements as necessary to implement the pilot projects.

Sec. 18. [APPROPRIATION.]

\$...... is appropriated from the general fund to the Minnesota board on aging for the biennium ending June 30, 1993, for the congregate housing services demonstration projects in section 2.

Sec. 19. [REPEALER.]

Minnesota Statutes 1990, sections 144A.31, subdivisions 2 and 3; 256B.0625, subdivisions 6 and 19; 256B.0627, subdivision 3; 256B.091; and 256B.71, subdivision 5, are repealed."

Delete the title and insert:

"A bill for an act relating to human services; establishing requirements for home care services and preadmission screenings; clarify-

ing requirements for alternative care; providing for alternative care programs; establishing a senior agenda for independent living; appropriating money; amending Minnesota Statutes 1990, sections 144A.31; 256B.04, subdivision 16; 256B.0625, subdivision 7, and by adding subdivisions; 256B.0627; 256B.093; 256B.64; and 256D.44, by adding a subdivision; Laws 1988, chapter 689, article 2, section 256, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 256 and 256B; repealing Minnesota Statutes 1990, sections 144A.31, subdivisions 2 and 3; 256B.0625, subdivisions 6 and 19; 256B.0627, subdivision 3; 256B.091; and 256B.71, subdivision 5.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1262, A bill for an act relating to economic development; establishing a business development and preservation program delivered by certain nonprofit organizations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1264, A bill for an act relating to weights and measures; adopting weights and measures standards recommended by the United States Department of Commerce, National Institute of Standards and Technology; defining the responsibilities, duties, and powers of the division of weights and measures; providing that the division have a director; amending Minnesota Statutes 1990, sections 239.01; 239.02; 239.05; 239.09; proposing coding for new law in Minnesota Statutes, chapter 239; repealing Minnesota Statutes 1990, sections 239.07; 239.08; and 239.37.

Reported the same back with the following amendments:

Page 7, line 20, delete “director” and insert “department”

Page 7, after line 36, insert:

"This section is not intended to conflict with the bulk sale requirements of the department of agriculture. If a conflict occurs, the laws and rules of the department of agriculture govern."

Page 8, line 13, delete "packaged"

Page 8, line 14, delete "food" and insert "packaging"

With the recommendation that when so amended the bill pass.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1269, A bill for an act relating to local government; increasing the amount the city of Minneapolis may loan to expand small businesses; amending Laws 1988, chapter 594, section 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1278, A bill for an act relating to state government; abolishing the state planning agency; transferring certain of its powers and duties; amending Minnesota Statutes 1990, sections 3.885, subdivisions 3 and 6; 15A.081, subdivision 1; 17.49, subdivision 1; 62D.122; 62J.02, subdivisions 2 and 3; 103B.311, subdivision 7; 103B.315, subdivision 5; 103F.761, subdivision 1; 103H.101, subdivision 4; 103H.175, subdivisions 1 and 2; 115A.072, subdivision 1; 116C.03, subdivisions 2, 4, and 5; 116C.712, subdivisions 3 and 5; 124C.03, subdivisions 2, 3, 8, 9, 10, 12, 14, 15, and 16; 126A.02, subdivisions 1 and 2; 126A.03; 144.70, subdivision 2; 144A.071, subdivision 5; 145.926, subdivisions 1, 4, 5, 7, and 8; 145A.02, subdivision 16; 145A.09, subdivision 6; 214.141; 256H.25, subdivision 1; 268.361, subdivision 3; 275.14; 275.51, subdivision 6; 275.54, subdivision 3; 299A.30, subdivision 2; 299A.31, subdivision 1; 299A.40, subdivision 4; 368.01, subdivision 1a; 373.40, subdivision 1; 402.045; 462.384, subdivision 7; 462.396, subdivision 2; 466A.05, subdivision 1; 469.203, subdivision 4; 469.207, subdivisions 1 and 2; 473.156, subdivision 1; 477A.011, subdivisions 3 and 3a; 477A.014, subdivision 4; 504.34, subdivisions 5 and 6; proposing coding for new law in Minnesota Statutes, chapters 4 and 16B;

repealing Minnesota Statutes 1990, sections 40A.02, subdivision 2; 40A.08; 116K.01 to 116K.14; 144.861; and 144.874.

Reported the same back with the following amendments:

Page 22, line 28, delete "administration" and insert "education"

Page 23, line 3, strike "17-member" and insert "16-member"

Page 23, line 4, reinstate "the"

Page 23, line 5, delete "administration" and strike the semicolon

Page 23, line 21, delete "administration" and insert "education"

Page 23, line 25, delete "administration" and insert "education"

Page 24, line 32, delete "human services" and insert "education"

Page 24, line 33, strike "commissioners" and insert "commissioner"

Page 24, line 34, reinstate "human services" and delete "health" and strike "and education"

Page 25, line 8, delete "human services" and insert "education"

Page 25, line 31, delete "human services" and insert "education"

Page 26, line 35, delete "human services" and insert "education"

Page 27, line 13, delete "human services" and insert "education"

Page 42, after line 25, insert:

"Sec. 69. [TRANSFERS.]

(a) All powers and duties of the state planning agency relating to developmental disability and the developmental disability council are transferred to the commissioner of administration.

(b) The authority of the state planning agency to conduct a timber harvesting generic environmental impact statement is transferred to the commissioner of administration.

(c) Authority of the state planning agency to administer state and federal grants and other state and federal programs is assigned to

the commissioner of administration, to the extent not otherwise assigned by sections 1 to 69 or other law.

Sec. 70. [EFFECT OF TRANSFERS.]

Minnesota Statutes, section 15.039, subdivisions 1 to 6, applies to transfers under sections 1 to 70. Section 15.039, subdivision 7, does not apply. Complement transfers are as follows:

(1) Twenty-nine general fund positions associated with the state demographer, the land management information center, the developmental disability council and the environmental quality board are transferred from the state planning agency to the department of administration. All other general fund complement positions in the state planning agency are abolished.

(2) Positions in the state planning agency funded by a fund other than the general fund are transferred according to Minnesota Statutes, section 15.039, subdivision 7, to the agency to which responsibilities are transferred by sections 1 to 70.

This section does not abrogate or modify any rights enjoyed by affected employees under the managerial or commissioner's plan under Minnesota Statutes, section 43A.18, or the terms of an agreement between an exclusive representative of state employees and the state."

Page 42, line 26, delete "69." and insert "71."

Page 42, line 30, after "144.874" insert ", subdivision 7"

Amend the title as follows:

Page 1, line 28, before the period insert ", subdivision 7"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 1320, A bill for an act relating to gaming; providing for a committee to negotiate tribal-state compacts regulating certain gaming on Indian lands, and to make recommendations to the governor; repealing expired provisions of law relating to negotiating

tribal-state compacts; amending Minnesota Statutes 1990, section 3.9221, subdivision 2; repealing Minnesota Statutes 1990, section 3.9221, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 24, delete everything after “(1)” and insert “the governor who shall serve as chair of the committee;”

Page 2, lines 7 and 8, delete “appointed” and insert “appointing”

Page 2, after line 14, insert:

“Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1322, A bill for an act relating to economic development; creating a small business incubator program; appropriating money for a pilot project; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 4, after line 20, insert:

“No funds shall be released for the purposes of sections 1 and 2 until the commissioner of trade and economic development has reviewed the services and determined that they do not duplicate other state programs.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1326, A bill for an act relating to economic development; providing a preference for certain areas for grants-in-aid for recreational betterment; amending Minnesota Statutes 1990, section 116J.406, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 116J.980, is amended by adding a subdivision to read:

Subd. 4. [PREFERENCE FOR OUTDOOR RECREATION GRANTS.] In awarding grants under the outdoor recreation grant program, the commissioner shall give special consideration to proposed outdoor recreation projects for which particular need has been demonstrated by the applicant based on, but not limited to, the following factors:

(1) low to moderate income status of persons living adjacent to or most likely to make use of the proposed facility;

(2) lack of adequate transportation or access to existing outdoor recreation facilities by those most likely to use the proposed facility;

(3) the need for outdoor recreation facilities designed to accommodate handicapped persons and other special populations that would be met by the proposed facility;

(4) the overall inadequacy or lack of outdoor recreation facilities within the area to be served by the proposed project;

(5) the need for acquisition of land in fully developed areas with limited opportunities for recreation facility development; and

(6) a high population of school aged children in the area to be served by the proposed outdoor recreation facility and a lack of appropriate recreation facilities for children.

The commissioner shall incorporate into the annual project ranking process a procedure for awarding additional ranking points to those project applications which demonstrate a special need based on the above or similar factors.”

Delete the title and insert:

“A bill for an act relating to economic development; providing a preference for outdoor recreation grants; amending Minnesota Statutes 1990, section 116J.980, by adding a subdivision.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1387, A bill for an act relating to public buildings; requiring that legislative hearing rooms and the house and senate chambers be fitted with devices to aid the hearing-impaired; appropriating money; amending Minnesota Statutes 1990, section 16B.61, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1389, A bill for an act relating to animal health; abolishing mandatory anaplasmosis testing; repealing Minnesota Statutes 1990, section 35.251.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [MANDATORY ANAPLASMOSIS TESTING; REPORT.]

(a) The board of animal health must study the feasibility and consequences of eliminating mandatory anaplasmosis testing of breeding cattle entering Minnesota.

(b) Not later than March 1, 1992, the board of animal health must report to the agriculture committees of the Minnesota senate and house of representatives on the findings of the study in paragraph (a) and recommendations for changes in statute or rule.”

Delete the title and insert:

“A bill for an act relating to animal health; requiring a study of the feasibility of abolishing mandatory anaplasmosis testing.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 1392, A bill for an act relating to horse racing; authorizing the commission to adopt rules governing affirmative action plan goals and economic opportunity contract goals; amending Minnesota Statutes 1990, sections 240.06, subdivision 1; 240.07, subdivision 1; 240.19; and 240.23.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1405, A bill for an act relating to charitable organizations; changing distribution requirements for charitable organizations; amending Minnesota Statutes 1990, section 309.501, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 23, after “campaign” insert “income and”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1415, A bill for an act relating to commerce; real estate brokers; clarifying exceptions to licensing requirements; amending Minnesota Statutes 1990, section 82.18.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1419, A bill for an act relating to human services; developmental disabilities; designating the use of funds; clarifying the definition of related conditions; clarifying requirements for case management; establishing requirements for services and programs; requiring admission review teams for admissions to intermediate care facilities for persons with mental retardation or related conditions; amending Minnesota Statutes 1990, sections 246.18, subdivision 4, and by adding a subdivision; 252.27, subdivision 1a; 252.275; 252.28, subdivisions 1, 3, and by adding a subdivision; 252.32; and 256B.092; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1990, section 252.275, subdivision 2.

Reported the same back with the following amendments:

Page 2, lines 25 to 27, reinstate the stricken language and delete the new language

Page 3, line 11, strike "assist counties"

Page 3, strike lines 12 and 13

Page 3, line 14, strike "including nursing homes," and insert "provide support"

Page 3, line 15, before the period insert "to live as independently as possible in the community. An objective of the program is to reduce unnecessary use of intermediate care facilities for persons with mental retardation or related conditions and home and community-based services"

Page 3, line 19, after "one-time" insert "living"

Page 3, line 20, delete "to" and insert "a home for"

Page 3, line 21, delete "the person's own home"

Page 9, line 27, delete "a" and after the comma insert "nurturing,"

Page 9, line 28, delete "relationship with nurturing parents" and insert "relationships"

Page 10, line 3, delete everything after "networks"

Page 10, delete lines 4 and 5

Page 10, line 6, delete everything before the period

Page 10, line 20, after "grants" insert ", except in cases where extreme hardship is demonstrated"

Page 10, line 21, delete "trend in" and insert "projected change in the average value in the United States Department of Labor, Bureau of Labor Statistics consumer price index (all urban) for that year"

Page 10, line 22, delete everything before the period

Page 10, line 30, delete "recommended" and after "grant" insert "requested by the family"

Page 10, line 31, delete "support grant" and strike "will be used" and insert "family intends to use the support grant and recommendations of the county"

Page 11, line 34, after the period insert "During fiscal year 1992 and 1993, the maximum monthly grant awarded to families who are eligible for medical assistance shall be \$200, except in cases where extreme hardship is demonstrated."

Page 16, line 34, before the period insert ", including forms developed for interagency planning such as transition and individual family service plans"

Page 19, line 16, after the semicolon insert "and"

Page 19, delete lines 17 to 19

Page 19, line 20, delete "(3)" and insert "(2)"

Page 20, line 5, strike "state"

Page 20, line 6, strike "hospital" and insert "regional treatment center"

Page 20, line 12, strike "nor"

Page 35, line 6, delete "provider" and insert "providers"

Page 35, after line 8, insert:

"Sec. 11. Minnesota Statutes 1990, section 256I.05, is amended by adding a subdivision to read:

Subd. 10. [FOSTER CARE.] Beginning July 1, 1992, the negotiated rate of a residence licensed as a foster home is limited to the rate set for room and board costs provided the foster home is not the license holder's primary residence, or the license holder is not the primary caregiver to persons receiving services in the negotiated rate residence, and federal funding is available to pay for the cost of other necessary services. For the purpose of this section, room and board costs mean costs of providing food and shelter for eligible persons, and includes the directly identifiable costs of:

- (1) normal and special diet, food preparation and food services;
- (2) providing linen, bedding, laundering, and laundry supplies;
- (3) housekeeping, including cleaning and lavatory supplies;
- (4) maintenance and operation of the residence and grounds, including fuel, utilities, supplies, and equipment;
- (5) the allocation of salaries related to these areas; and
- (6) the lease or mortgage payment, property tax and insurance, furnishings and appliances.

Sec. 12. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall delete references to "individual habilitation plan" which appear in Minnesota Statutes, chapters 252 and 252A, and sections 120.17 and 256.045."

Re-number the sections in sequence

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1428, A bill for an act relating to the environment; conforming permit fee requirements to the federal Clean Air Act; amending Minnesota Statutes 1990, section 116.07, subdivision 4d.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1432, A bill for an act relating to taxation; property; changing the commercial use requirements of certain seasonal recreational property; amending Minnesota Statutes 1990, section 273.13, subdivisions 22 and 25.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1433, A bill for an act relating to employment; modifying the family leave law; amending Minnesota Statutes 1990, sections 181.940, subdivision 2; and 181.9413.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1438, A bill for an act relating to the provision of mental health services and the regulation of unlicensed mental health practitioners; eliminating the office of social work and mental health boards; sunsetting the board of unlicensed mental health service providers; providing for an autonomous board of social work; providing for an autonomous board of marriage and family therapy; establishing the office of mental health practice; providing additional disciplinary remedies to the board of social work and the

board of marriage and family therapy; appropriating money; amending Minnesota Statutes 1990, sections 144.335, subdivision 1; 148B.01, subdivision 7; 148B.03; 148B.04, subdivisions 3 and 4; 148B.05; 148B.06; 148B.07; 148B.08; 148B.09; 148B.11; 148B.12; 148B.13; 148B.15; 148B.17; 148B.18, subdivision 10; 148B.33, subdivision 1; 148B.38, subdivision 3; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148B; repealing Minnesota Statutes 1990, sections 148B.01, subdivisions 2, 5, and 6; 148B.02; 148B.16; 148B.171; 148B.40; 148B.41; 148B.42; 148B.43; 148B.44; 148B.45; 148B.46; 148B.47; and 148B.48.

Reported the same back with the following amendments:

Pages 11 to 14, delete subdivisions 1 to 5

Pages 15 to 17, delete subdivisions 9, 10, and 11

Page 24, delete subdivision 6

Page 25, line 13, delete "Any person who knowingly or"

Page 25, delete lines 14 to 18

Page 25, line 19, delete "disregard for its truth or falsity."

Pages 26 and 27, delete subdivision 2

Page 32, delete subdivision 2

Page 34, after line 3, insert:

"Subd. 6. [PUBLIC EMPLOYEES.] Notwithstanding subdivision 1, the commissioner must not take disciplinary action against an employee of the state or a political subdivision of the state. If, after an investigation conducted in compliance with and with the authority granted under sections 148B.60 to 148B.72, the commissioner determines that the employee violated a provision or provisions of this chapter, the commissioner shall report to the employee's employer the commissioner's findings and the actions the commissioner recommends that the employer take. The commissioner's recommendations are not binding on the employer."

Pages 34 and 35, delete section 31

Renumber the subdivisions and sections in order

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1455, A bill for an act relating to the Minneapolis park and recreation board; providing for two members appointed by the Minneapolis park and recreation board on the Minneapolis reapportionment commission; establishing standards for park board redistricting.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1459, A bill for an act relating to motor vehicles; providing for certain indemnities in lease agreements; proposing coding for new law in Minnesota Statutes, chapter 168.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1464, A bill for an act relating to education; clarifying post-secondary systems' mission statements; requiring joint administrative appointments for certain technical and community colleges; establishing a post-secondary funding task force; proposing coding for new law in Minnesota Statutes, chapter 135A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [135A.052] [POST-SECONDARY MISSIONS.]

Subdivision 1. [STATEMENT OF MISSIONS.] The legislature recognizes each public post-secondary system to have a distinctive mission within the overall provision of public higher education in the state. These are as follows:

(1) the technical college system shall offer vocational training and education to prepare students for skilled occupations that do not require a baccalaureate degree;

(2) the community college system shall offer academic and remedial instruction at the lower division level for students transferring to baccalaureate institutions and for those seeking associate degrees;

(3) the state university system shall offer undergraduate and graduate instruction through the master's degree in the liberal arts and sciences and professional education; and

(4) the University of Minnesota shall offer undergraduate, graduate, and professional instruction through the doctoral degree, and shall be the primary state supported academic agency for research.

Subd. 2. [IMPLEMENTATION.] Each post-secondary system shall review and redesign its programs and courses in accordance with the mission stated in subdivision 1, unless exceptional geographic or financial circumstances exist that necessitate retaining a program that is beyond a system's mission. The higher education advisory council shall review program offerings within each system to ensure the elimination or transfer of existing program offerings that are inconsistent with the stated mission. The council shall also review any exceptional circumstances cited as a justification for retaining programs that are beyond a system's mission.

Sec. 2. [135A.50] [JOINT ADMINISTRATIVE APPOINTMENTS.]

Subdivision 1. [APPOINTMENTS.] To improve the efficient delivery of services to students and to reduce unnecessary administrative expenditures, each technical college and community college, located in the same or nearby communities, as provided in Laws 1983, chapter 258, section 64, subdivision 1, except those in which both of the cooperating institutions had a full-year equivalent enrollment or average daily membership of at least 2,000 in academic year 1989-1990, must consolidate all personnel at the level of presidents, vice-presidents, deans, and other managers and professionals in academic and academic support programs in community colleges and all personnel in similar positions at technical colleges by July 1, 1992. This consolidation of personnel is not intended to apply to any instructional staff. Personnel involved in the consolidated functions are joint employees of the state board of technical colleges and the state board for community colleges.

Subd. 2. [PROCESS.] The two systems, through the office of intersystem cooperation, shall negotiate the selection of a president and the designation of the authority to whom that president reports for each affected pair of campuses. The negotiation must, to the extent possible, equitably distribute the presidencies between the two systems. The systems shall report the results of their negotiation and their recommendations to the appropriations and finance committees by January 15, 1992.

Sec. 3. [TASK FORCE ON POST-SECONDARY FUNDING FORMULA.]

Subdivision 1. [MEMBERSHIP.] A task force on post-secondary funding is established. The task force shall consist of 13 members as follows: two members of the house of representatives and one citizen member to be appointed by the speaker, two members of the senate and one citizen member to be appointed by the subcommittee on committees of the committee of rules and administration, the head of each public post-secondary system, the commissioner of finance, and two citizen members to be appointed by the governor. The task force shall elect a chair and other officers as it deems necessary.

The task force shall be compensated as provided in Minnesota Statutes, section 15.059, subdivision 6.

Subd. 2. [CHARGE.] The task force shall be charged with developing an alternative funding formula for post-secondary education. The formula shall create incentives for quality post-secondary education while maintaining access for students. The task force must develop a formula that can be funded within the projected constraints of the state budget in the coming decade.

Subd. 3. [REPORT.] The task force shall report its recommendations to the appropriations and finance committees of the legislature by February 1, 1992.

Subd. 4. [EXPIRATION.] The task force shall expire on June 30, 1992."

Delete the title and insert:

"A bill for an act relating to education; clarifying post-secondary systems' mission statements; requiring joint administrative appointments for certain technical and community colleges; establishing a post-secondary funding task force; proposing coding for new law in Minnesota Statutes, chapter 135A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1475, A bill for an act relating to education; requiring post-secondary governing boards to report on cultural diversity.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1492, A bill for an act relating to commerce; real estate appraisers; amending Minnesota Statutes 1990, sections 82B.02, subdivisions 8 and 12; 82B.05, subdivision 1; 82B.11; 82B.13, subdivision 1, and by adding subdivisions; 82B.14; 82B.15, subdivision 3; 82B.17; 82B.18; and 82B.19, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 82B; repealing Minnesota Statutes 1990, sections 82B.05, subdivision 2; 82B.13, subdivision 2; and 82B.225.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 82B.02, subdivision 8, is amended to read:

Subd. 8. [~~LICENSED~~ REAL ESTATE APPRAISER.] “~~Licensed~~ Real estate appraiser” means a person who develops and communicates real estate appraisals and who holds a current, valid license issued for licensed appraisal level I or II under this chapter, ~~including an appraiser employed by a state agency.~~

Sec. 2. Minnesota Statutes 1990, section 82B.02, subdivision 12, is amended to read:

Subd. 12. [STANDARDS OF PROFESSIONAL PRACTICE.] “Standards of professional practice” means the uniform standards of professional appraisal practice ~~adopted by~~ of the Appraisers Standards Board of the Appraisal Foundation in effect as of January 1,

~~1989~~ 1991, or other version of these standards the commissioner may by order designate.

Sec. 3. Minnesota Statutes 1990, section 82B.05, subdivision 1, is amended to read:

Subdivision 1. [~~CREATION MEMBERS.~~] The real estate appraiser advisory board consists of 15 members appointed by the commissioner of commerce. ~~Three~~ Four of the members must be public members, four must be consumers of appraisal services, and ~~eight~~ seven must be licensed real estate appraisers of whom not less than two members shall be level II. ~~Mere membership in an organization does not make a person the organization's representative on the board~~ residential appraisers and not less than two members shall be general appraisers.

Sec. 4. Minnesota Statutes 1990, section 82B.11, is amended to read:

82B.11 [CLASSES OF LICENSE.]

Subdivision 1. [GENERALLY.] There are ~~two~~ five classes of license for licensed real estate appraisers.

Subd. 2. [~~LEVEL I STATE REAL PROPERTY APPRAISER.~~] The licensed level I residential ~~When a net income capitalization analysis is not required by the uniform standards of professional appraisal practice, a state real estate property appraiser is a person meeting the requirements for licensing relating to the appraisal of~~ may appraise residential real property or agricultural acreage when a net income capitalization analysis is not required by the uniform standards of professional appraisal practice property.

Subd. 3. [~~LEVEL II FEDERAL RESIDENTIAL REAL PROPERTY APPRAISER.~~] The licensed level II real estate appraiser is a person meeting the requirements for licensing relating to the appraisal of all types of real property A federal residential real property appraiser may appraise noncomplex one to four residential units having a transaction value less than \$1,000,000 and complex one to four residential units having a transaction value less than \$250,000.

Subd. 4. [CERTIFIED FEDERAL RESIDENTIAL REAL PROPERTY APPRAISER.] A certified federal residential real property appraiser may appraise one to four residential units without regard to transaction value or complexity.

Subd. 5. [CERTIFIED FEDERAL GENERAL REAL PROPERTY APPRAISER.] A certified federal general real property appraiser may appraise all types of real property.

Subd. 6. [TEMPORARY PRACTICE.] The commissioner shall issue a license for temporary practice as a real estate appraiser under subdivision 3, 4, or 5 to a person certified or licensed by another state if:

(1) the property to be appraised is part of a federally-related transaction and the person is licensed to appraise property limited to the same transaction value or complexity provided in subdivision 3, 4, or 5;

(2) the appraiser's business is of a temporary nature; and

(3) the appraiser registers with the commissioner to obtain a temporary license prior to conducting appraisals within the state.

Sec. 5. Minnesota Statutes 1990, section 82B.13, subdivision 1, is amended to read:

Subdivision 1. [~~LEVEL I CLASSIFICATION STATE REAL PROPERTY APPRAISER OR FEDERAL RESIDENTIAL REAL PROPERTY APPRAISER.~~] As a prerequisite to taking the examination for licensing as a licensed level I state real estate property appraiser or federal residential real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has successfully completed at least 75 classroom hours of courses. The courses must consist of 60 hours of general real estate appraisal principles and 15 hours related to standards of professional appraisal practice and the provisions of this chapter.

Sec. 6. Minnesota Statutes 1990, section 82B.13, is amended by adding a subdivision to read:

Subd. 4. [CERTIFIED FEDERAL RESIDENTIAL REAL PROPERTY APPRAISER.] As a prerequisite to taking the examination for licensing as a certified federal residential real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has successfully completed at least 165 classroom hours of courses, including 15 hours related to the standards of professional appraisal practice and the provisions of this chapter, with particular emphasis on the appraisal of one to four unit residential properties.

Sec. 7. Minnesota Statutes 1990, section 82B.13, is amended by adding a subdivision to read:

Subd. 5. [CERTIFIED FEDERAL GENERAL REAL PROPERTY APPRAISER.] As a prerequisite to taking the examination for licensing as a certified federal general real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has successfully completed at least 165 classroom

hours of courses, including 15 hours related to the standards of professional appraisal practice and the provisions of this chapter, with particular emphasis on the appraisal of nonresidential properties.

Sec. 8. Minnesota Statutes 1990, section 82B.14, is amended to read:

82B.14 [EXPERIENCE REQUIREMENT.]

(a) An original A license as a level II licensed real estate appraiser under section 82B.11, subdivision 3, 4, or 5, may not be issued to a person who does not have the equivalent of two years of experience in real property appraisal supported by adequate written reports or file memoranda. This experience, or the equivalent of this experience, must be acquired within a period of five years immediately preceding the filing of the application for licensing.

(b) Each applicant for license as a level II licensed real estate appraiser under section 82B.11, subdivision 3, 4, or 5, shall give under oath a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commissioner for examination, a sample of appraisal reports that the applicant has prepared in the course of appraisal practice.

Sec. 9. Minnesota Statutes 1990, section 82B.15, subdivision 3, is amended to read:

Subd. 3. [PROCEDURE.] Service of process under this section may be made by filing a copy of the process with the commissioner or a representative, but is not effective unless: under the provisions of section 45.028.

(1) the plaintiff, who may be the commissioner in an action or proceeding started by the commissioner, sends notice of the service and a copy of the process by certified mail to the defendant or respondent at the address as shown by the records at the office of the commissioner in the case of service made on the commissioner as attorney by appointment under subdivision 1, and at the defendant's or respondent's last known address in the case of service on the commissioner as attorney by appointment under subdivision 2; and

(2) the plaintiff's affidavit of compliance with this subdivision is filed in the action or proceeding on or before the return day of the process, if any, or within any additional time the court or administrative law judge allows.

Sec. 10. Minnesota Statutes 1990, section 82B.17, is amended to read:

82B.17 [LICENSE DESIGNATION.]

When a licensed real estate appraiser uses the designation real estate appraiser or licensed real estate appraiser similar terms in an appraisal report or in a contract or other instrument used by the license holder in conducting real property appraisal activities or in advertisements, the appraiser shall place ~~the person's~~ their license number adjacent to or immediately below the designation used and indicate the class of license held.

Sec. 11. Minnesota Statutes 1990, section 82B.18, is amended to read:

82B.18 [USE OF TERM.]

The term "~~licensed~~ real estate appraiser" may only be used to refer to individuals who hold ~~the a~~ a license under this chapter. The term may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group; or in a manner that might cause it to be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the license.

No license may be issued under this chapter to a corporation, partnership, firm, or group. This does not prevent a licensed real estate appraiser from signing an appraisal report on behalf of a corporation, partnership, firm, or group practice.

Sec. 12. Minnesota Statutes 1990, section 82B.19, subdivision 3, is amended to read:

Subd. 3. [REINSTATEMENTS.] ~~On or after September 1, 1991,~~ A license as a real estate appraiser that has been revoked as a result of disciplinary action by the commissioner may not be reinstated unless the applicant presents evidence of completion of the continuing education required by this chapter. This requirement may not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for licensed real estate appraiser as a condition to reinstatement of a license.

Sec. 13. [82B.221] [TRANSITION PERIOD PROVISIONS.]

(a) The commissioner may issue a license as provided under section 82B.11, subdivision 3, 4, or 5, to a person who satisfies the requirements of sections 82B.10, 82B.12, and 82B.13, but has not satisfied the requirement of section 82B.14, provided the person provides evidence satisfactory to the commissioner that they have acquired the equivalent of two years of experience in real property appraisal by September 1, 1993.

(b) The commissioner may issue a license as provided under section 82B.11, subdivision 3, 4, or 5, to a person who has satisfied the requirements of sections 82B.10, 82B.12, and 82B.14, but who has not satisfied the requirements of section 82B.13, provided the person provides evidence satisfactory to the commissioner of completion of the appropriate licensing prerequisite education by September 1, 1993.

(c) Failure to meet the requirements of paragraph (a) or (b) of this section shall be grounds for revocation of a real estate appraiser's license.

Sec. 14. [82B.23] [FEDERAL CERTIFICATION.]

Subdivision 1. [REQUIREMENT.] The commissioner shall certify and transmit to the appraisal subcommittee established pursuant to the Federal Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law Number 100-73, the names of those licensees who have satisfied the requirements for certification established by the appraisal subcommittee and to collect and transmit any required fees.

Subd. 2. [PUBLICATION OF FEDERAL CERTIFICATION CRITERIA.] The commissioner shall file the federal certification criteria with the revisor of statutes for publication in Minnesota Rules. The revisor has the same editorial power over these criteria as the revisor has for rules adopted pursuant to chapter 14.

Sec. 15. [EXISTING LICENSES.]

Licenses issued pursuant to chapter 82B before the effective date of this act remain valid and in effect until September 1, 1991. A licensee who satisfies the examination or education requirements of section 82B.225 no later than August 31, 1991, is eligible for licensure under section 82B.11, subdivision 2.

Sec. 16. [FEDERAL RESIDENTIAL REAL PROPERTY APPRAISER TRANSITIONAL PREEXAMINATION EDUCATION REQUIREMENT.]

Prior to January 1, 1994, as a prerequisite to taking the examination for licensing as a certified federal residential real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has successfully completed at least 105 classroom hours of courses, including 15 hours related to the standards of professional appraisal practice and the provisions of this chapter, with particular emphasis on the appraisal of one- to four-unit residential properties.

Sec. 17. [REPEALER.]

Minnesota Statutes 1990, sections 82B.05, subdivision 2; 82B.13, subdivision 2; and 82B.225, are repealed the day after final enactment.

Sec. 18. [EFFECTIVE DATE.]

This act is effective the day after final enactment.

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1493, A bill for an act relating to human services; establishing a prescription drug discount program for eligible senior citizens; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Page 1, line 7, delete "256.937" and insert "16B.90"

Page 2, line 1, delete "human services" and insert "administration"

Page 2, line 14, delete "ESTABLISHMENT" and insert "CONTRACT" and delete "human"

Page 2, delete line 15

Page 2, line 16, delete the comma and after "shall" insert "contract with an organization to"

Page 2, line 17, after the period insert "The contract shall be awarded to an organization that is actively involved in: (1) accumulating and disseminating information to improve the practice of pharmacy; (2) promoting cooperation between pharmacists; (3) encouraging advancement towards high practical standards in pharmacy; and (4) encouraging the safe and proper dispensing, sale, and administration of drugs and medicines."

Page 2, line 18, after "commissioner" and insert "of administration, with assistance from the commissioner of human services,"

Page 2, line 20, delete "commissioner" and insert "organization under contract"

Page 2, line 22, delete everything after "plan" and insert a comma

Page 2, line 27, delete everything after "administration"

Page 2, line 28, delete everything before "shall"

Page 2, lines 31 and 32, delete "commissioner of human services" and insert "organization under contract"

Page 3, line 5, delete "commissioners" and insert "commissioner"

Page 3, line 6, delete "and human services"

Page 3, line 8, delete "human services" and insert "administration"

Page 3, line 11, delete "human services" and insert "administration"

Page 3, line 13, delete "commissioner of human services" and insert "organization under contract"

Page 3, line 16, delete "department of human services" and insert "organization"

Page 3, line 20, delete "of human services"

Page 3, line 24, delete "commissioner of human services" and insert "organization under contract"

Page 3, lines 25 and 26, delete ", minus an amount to cover administrative costs,"

Page 3, line 27, delete "human services" and insert "administration"

Amend the title as follows:

Page 1, line 5, delete "256" and insert "16B"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 1509, A bill for an act relating to water resources; allowing certain land to be used as a veterans cemetery under certain circumstances; amending Minnesota Statutes 1990, section 103F.369, subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 27, before the period insert "or an appropriate liner as approved by the Mississippi Headwaters Board"

Page 2, after line 27, insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1521, A bill for an act relating to economic development; creating a legislature advisory commission on quasi-governmental agencies including public corporations and public nonprofit corporations; appropriating money.

Reported the same back with the following amendments:

Page 1, line 7, delete "COMMISSION" and insert "JOINT COMMITTEE"

Page 1, line 10, before "legislative" insert "joint" and delete "commission" and insert "committee"

Page 1, line 16, delete "commission" and insert "joint committee"

Page 2, lines 7 and 28, delete "commission" and insert "joint committee"

Page 3, delete lines 10 to 16

Page 3, line 17, delete "6" and insert "5" and delete "commission" and insert "joint committee"

Page 3, delete section 2

Page 3, line 23, delete "3" and insert "2"

Amend the title as follows:

Page 1, line 2, after "a" insert "joint"

Page 1, line 3, delete "legislature" and insert "legislative" and delete "commission" and insert "committee"

Page 1, line 5, delete "; appropriating money"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1528, A bill for an act relating to occupations and professions; barber registration; clarifying registration requirements for barbers, apprentices, and instructors; expanding causes for discipline; providing for summary suspension; amending Minnesota Statutes 1990, sections 154.01; 154.03; 154.04; 154.05; 154.06; 154.065, subdivisions 2 and 4; 154.07, subdivisions 1, 3, 5, 6, and by adding a subdivision; 154.09; 154.10; 154.11; 154.12; 154.14; 154.15; 154.16; 154.18; and 154.22; proposing coding for new law in Minnesota Statutes, chapter 154; repealing Minnesota Statutes 1990, sections 154.065, subdivisions 1, 3, 5, 7, and 8; 154.07, subdivision 2; 154.085; 154.13; and 154.17.

Reported the same back with the following amendments:

Page 7, line 7, delete "\$50,000" and insert "\$25,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1529, A bill for an act relating to education; authorizing a land exchange between the city of St. Cloud and St. Cloud State University.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1533, A bill for an act relating to retirement; judges retirement fund; modifying the procedures for the payment of social security and retirement fund contributions; appropriating money to the supreme court for the payment of social security and retirement fund employer contributions; amending Minnesota Statutes 1990, sections 355.392, subdivisions 2 and 3; and 490.123, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1536, A bill for an act relating to the city of St. Cloud; authorizing the commissioner of administration to sell certain surplus lands to the city.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1541, A bill for an act relating to education; adding a requirement for licensure of teachers of hearing impaired students; proposing coding for new law in Minnesota Statutes, chapter 125.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1551, A bill for an act relating to retirement; Edina volunteer firefighters relief association; modifying limitations on survivor benefit coverage; amending Laws 1965, chapter 592, section 4, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1569, A bill for an act relating to state property; authorizing the rental of state land for public purposes under certain conditions; authorizing lease-purchase agreements and leases with option to buy; amending Minnesota Statutes 1990, section 16B.24, subdivisions 5 and 6.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1584, A bill for an act relating to retirement; the Minnesota state retirement system; the public employees retirement association; the Minneapolis teachers retirement fund association; the Minneapolis employees retirement fund; making various changes reflecting benefits, administration, and investment practices; amending Minnesota Statutes 1990, sections 11A.24, subdivision 1; 352.01, subdivisions 2b, 11, 13, and by adding a subdivision; 352.113, subdivision 1; 352.12, subdivision 1; 352.22, subdivision 3; 352C.033; 353.01, subdivisions 2b, 6, 10, 16, and 20; 353.27, subdivisions 4, 7, 12, 12a, and by adding subdivisions; 353.28, subdivision 6; 353.29, subdivision 4; 353.31, subdivision 1; 353.34, subdivision 1; 353.46, subdivision 4; 353.64, by adding a subdivision; 353A.01, subdivision 1; 353A.02, subdivision 16, and by adding a subdivision;

353A.03; 353A.06; 353A.08, subdivision 1; 353C.06, subdivision 3; 353C.07, subdivision 1; 353C.08, subdivision 2; 353C.09; 353D.01, subdivision 2; 353D.02; 353D.04; 353D.05, subdivision 2; 353D.07, subdivisions 2 and 3; 353D.12, subdivision 1; 356.371, subdivision 3; 356.71; 356.86, subdivisions 2 and 4; 356.87; 422A.03, subdivision 1; 422A.05, subdivision 2c; 422A.09, subdivision 3; 422A.13, subdivision 2; 422A.16, subdivisions 1 and 3; 490.124, subdivision 11; Laws 1990, chapter 570, article 8, section 14, subdivision 1; and repealing Minnesota Statutes 1990, sections 353.33, subdivision 5a; and 353C.07, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 353.01, subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of “public employee”:

(1) persons who are employed for professional services where the service is incidental to regular professional duties, determined on the basis that compensation for the service amounts to no more than 25 percent of the person’s total annual gross earnings for all professional duties;

(2) election officers;

(3) independent contractors and their employees;

(4) patient and inmate personnel who perform services in charitable, penal, or correctional institutions of a governmental subdivision;

(5) members of boards and commissions who serve a governmental subdivision intermittently unless their position on the board or commission is the result of public employment within the same governmental unit;

(6) employees who are hired for a period of less than six consecutive months but not those employees who are hired for an unlimited period but are serving a probationary period. If the period of employment is extended beyond the six-month period and the employee earns more than \$425 from one governmental subdivision in any one calendar month, the department head shall report the employee for membership and require employee deductions be made on behalf of the employee in accordance with under section 353.27, subdivision 4. Membership eligibility of an employee who holds

concurrent temporary employment of six months or less and non-temporary positions in one governmental subdivision must be determined by the salary of each position. Membership eligibility of an employee who holds nontemporary positions in one governmental subdivision must be determined by the total salary of all positions;

(7) appointed and elected employees whose actual compensation from one governmental subdivision does not exceed \$425 per month, or whose annual compensation from one governmental subdivision is stipulated in advance, in writing, to be not more than \$5,100 per calendar year or per school year for school employees for employment expected to be of a full year's duration or more than the prorated portion of \$5,100 per employment period for employment expected to be of less than a full year's duration, except that members continue their membership until termination of public service as defined in subdivision 11a. Membership eligibility of an employee who holds concurrent part-time positions under this clause must be determined by the total salary of all such positions in one governmental subdivision. If compensation from one governmental subdivision to an employee under this paragraph exceeds \$5,100 per calendar year or school year after being stipulated in advance not to exceed that amount, the stipulation is no longer valid and contributions must be made on behalf of the employee in accordance with section 353.27, subdivision 12, from the month in which the employee's earnings first exceeded \$425;

(8) persons who first occupy an elected office after July 1, 1988, the compensation for which does not exceed \$425 per month;

(9) emergency employees who are employed by reason of work caused by fire, flood, storm, or similar disaster;

(10) employees who by virtue of their employment in one governmental subdivision are required by law to be a member of and to contribute to any of the plans or funds administered by the Minnesota state retirement system, the teachers retirement association, the Duluth teachers retirement fund association, the Minneapolis teachers retirement association, the St. Paul teachers retirement fund association, the Minneapolis employees retirement fund, or any police or firefighters relief association governed by section 69.77 that has not consolidated with the public employees police and fire fund, or any police or firefighters relief association that has consolidated with the public employees retirement association but whose members have not elected coverage by the public employees police and fire fund as provided in sections 353A.01 to 353A.10. This clause must not be construed to prevent a person from being a member of and contributing to the public employees retirement association and also belonging to and contributing to another public pension fund for other service occurring during the same period of time. A person who meets the definition of "public employee" in subdivision 2 by virtue of other service occurring during the same period of time

shall become a member of the association unless contributions are made to another public retirement fund on the salary based on the other service or to the teachers retirement association by a teacher as defined in section 354.05, subdivision 2;

(11) police matrons who are employed in a police department of a city who are transferred to the jurisdiction of a joint city and county detention and corrections authority;

(12) persons who are excluded from coverage under the federal old age, survivors, disability, and health insurance program for the performance of service as specified in United States Code, title 42, section 410(a)(8)(A), as amended through January 1, 1987, if no irrevocable election of coverage has been made under section 3121(r) of the Internal Revenue Code of 1954, as amended;

(13) full-time students who are enrolled and are regularly attending classes at an accredited school, college, or university and who are not employed full time by a governmental subdivision;

(14) resident physicians, medical interns, and pharmacist residents and interns who are serving in a degree or residency program in public hospitals and students who are serving in an internship or residency program sponsored by an accredited educational institution;

(15) appointed or elected officers who are paid entirely on a fee basis and who were not members on June 30, 1971;

(16) persons who hold a part-time adult supplementary technical college license who render part-time teaching service in a technical college;

(17) persons exempt from licensure under section 125.031;

(18) persons employed by the Minneapolis community development agency;

(19) except as provided in section 353.86, volunteer ambulance service personnel, as defined in subdivision 35, but persons who serve as volunteer ambulance service personnel may still qualify as public employees under subdivision 2 and may be members of the public employees retirement association and participants in the public employees retirement fund or the public employees police and fire fund on the basis of compensation received from public employment service other than service as volunteer ambulance service personnel; and

(20) except as provided in section 353.87, volunteer firefighters, as defined in subdivision 36, engaging in activities undertaken as part

of volunteer firefighter duties; provided that a person who is a volunteer firefighter may still qualify as a public employee under subdivision 2 and may be a member of the public employees retirement association and a participant in the public employees retirement fund or the public employees police and fire fund on the basis of compensation received from public employment activities other than those as a volunteer firefighter.

Sec. 2. Minnesota Statutes 1990, section 353.01, subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 469.001 to 469.047; or any port authority organized pursuant to under sections 469.048 to 469.068; or any hospital district organized or reorganized prior to July 1, 1975, pursuant to under sections 447.31 to 447.37. ~~A hospital district organized or reorganized on or after July 1, 1975, whose employees are not enrolled and participating in the association, may elect to be excluded from the definition of governmental subdivision for purposes of this chapter. To be excluded, the hospital district must notify the association in writing of its intent to be excluded.~~

Sec. 3. Minnesota Statutes 1990, section 353.01, subdivision 10, is amended to read:

Subd. 10. [SALARY.] (a) "Salary" means the periodical compensation of a public employee, before deductions for deferred compensation, supplemental retirement plans, or other voluntary salary reduction programs, and also means "wages" and includes net income from fees. Fees paid to district court reporters are not considered a salary. ~~Lump sum Unused annual or lump sum sick leave payments, in lump-sum or periodic payments, are not salary. Severance payments, workers' compensation payments, and all payments in lieu of any employer-paid group insurance coverage, including the difference between single and family rates that may be paid to a member with single coverage, are not deemed to be salary. Before the time that all sick leave has been used, amounts paid to an employee under a disability insurance policy or program where the employer paid the premiums are considered salary, and, after all sick leave has been used, the payment is not considered salary. Workers' compensation payments are not considered salary.~~

(b) Except as provided in sections 353.86 or 353.87, compensation of any kind paid to volunteer ambulance service personnel or volunteer firefighters, as defined in subdivisions 35 and 36, is not considered salary.

(c) For a public employee who has prior service covered by a local police or firefighters relief association that has consolidated with the public employees ~~police and fire fund~~ retirement association and who has elected coverage ~~by under the public employees police and fire fund benefit plan as provided in~~ under section 353A.08 following the consolidation, "salary" means ~~the rate of salary upon which member contributions to the special fund of the relief association were made prior to the effective date of the consolidation as specified by law and by bylaw provisions governing the relief association on the date of the initiation of the consolidation procedure and the actual periodical compensation of the public employee after the effective date of the consolidation.~~

Sec. 4. Minnesota Statutes 1990, section 353.01, subdivision 15, is amended to read:

Subd. 15. [DEPENDENT CHILD.] "Dependent child" means a natural or adopted child of a deceased member; ~~provided such child who is unmarried, and under the age of 18, or age 18 to 21 and a full-time student in an accredited school, university, or college, and in either case unmarried and dependent for more than one-half of support upon the member at the time of death and for not less than 90 days before the time of death; provided, that the child of a deceased member who at the time of death was receiving total and permanent disability benefits under section 353.33, is deemed dependent if dependent upon the decedent for more than one-half of support during the 90 days before the decedent's becoming totally and permanently disabled 23, so long as the child submits evidence of full-time enrollment in an accredited educational institution.~~ "Dependent child" also includes a child of the member conceived during the member's lifetime and born after the member's death. It also means a dependent child who is the subject of adoption proceedings filed by a member, and who within two years after death of the member, by judgment and decree duly entered, is adjudged to be the adopted child of the deceased member; subject, however, to the qualifying conditions of age and dependency ~~in~~ under this subdivision. The dependency of the child dates from the decree of adoption. "Dependent child" also includes a child age 18 to 21 ~~23~~ who was ~~attending an accredited school, university, or college full time, had submitted evidence of full-time enrollment in an accredited educational institution but was determined to be medically unable to continue school on a full-time basis.~~ The board of trustees shall adopt written procedures to make determinations regarding eligibility based on a student being medically unable to continue school, and may not continue a benefit for medical reasons for a period greater than one year.

Sec. 5. Minnesota Statutes 1990, section 353.01, subdivision 16, is amended to read:

Subd. 16. [ALLOWABLE SERVICE.] (a) "Allowable service"

means service during years of actual membership in the course of which employee contributions were made, periods covered by payments in lieu of salary deductions ~~made as provided in~~ under section 353.35, and service in years during which the public employee was not a member but for which the member later elected, while a member, to obtain credit by making payments to the fund as permitted by any law then in effect.

(b) "Allowable service" also means a period of authorized leave of absence with pay from which deductions for employee contributions are made, deposited, and credited to the fund.

(c) "Allowable service" also means a period of authorized leave of absence without pay that does not exceed one year, and during or for which a member obtained credit by payments to the fund made in place of salary deductions, provided that the payments are made in an amount or amounts based on the member's average salary on which deductions were paid for the last six months of public service, or for that portion of the last six months while the member was in public service, to apply to the period in either case immediately preceding commencement of the leave of absence; ~~provided, however, that~~. If the employee elects to pay employee contributions for the period of any leave of absence without pay, or for any portion of the leave, the employee shall also, as a condition to the exercise of the election, pay to the fund an amount equivalent to both the required employer and additional employer contributions for the employee. The payment must be made within one year from the date the leave of absence terminates. The employer by appropriate action of its governing body, made a part of its official records, before the date of the first payment of the employee contribution, may certify to the association in writing that it will cause to be paid the employer and additional employer contributions from the proceeds of a tax levy made under section 353.28. Payments under this paragraph must include interest at the rate of six percent a year from the date of the termination of the leave of absence to the date payment is made.

(d) "Allowable service" also means a period during which a member is on an authorized sick leave of absence, without pay limited to one year, an authorized temporary layoff, or a maternity, paternity, or adoption leave. The association will grant a maximum of two months service credit for a maternity, paternity, or adoption leave upon documentation from the member's governmental subdivision. A member on personal leave of absence who provides the association with a birth certificate or other evidence of birth or adoption during the personal leave time period will be granted up to two months of service credit.

(e) "Allowable service" also means a period during which a member is on an authorized leave of absence to enter military service, provided that the member returns to public service upon

discharge from military service under section 192.262 and pays into the fund employee contributions based upon the employee's salary at the date of return from military service. Payment must be made within five years of the date of discharge from the military service. The amount of these contributions must be in accord with the contribution rates and salary limitations, if any, in effect during the leave, plus interest at six percent a year compounded annually from the date of return to public service to the date payment is made. ~~In such cases~~ The matching employer contribution and additional employer contribution ~~provided in~~ under section 353.27, subdivisions 3 and 3a, must be paid by the department employing the member upon return to public service, and if the member makes the employee contributions. The governmental subdivision involved may appropriate money for those payments. A member may not receive credit for a voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction, or call to active duty.

(f) For calculating benefits under sections 353.30, 353.31, 353.32, and 353.33 for state officers and employees displaced by the community corrections act, chapter 401, and transferred into county service under section 401.04, "allowable service" means combined years of allowable service as defined in paragraphs (a) to (e) and section 352.01, subdivision 11.

(g) For a public employee who has prior service covered by a local police or firefighters relief association that has consolidated with the public employees police and fire fund, and who has elected coverage by the public employees police and fire fund benefit plan as provided in section 353A.08 following the consolidation, "applicable service" is a period of service credited by the local police or firefighters relief association as of the effective date of the consolidation based on law and on bylaw provisions governing the relief association on the date of the initiation of the consolidation procedure.

Sec. 6. Minnesota Statutes 1990, section 353.01, subdivision 20, is amended to read:

Subd. 20. [SURVIVING SPOUSE.] "Surviving spouse" means the ~~unremarried~~ spouse of a deceased member who was legally married to the member at the time of death, or at the time the member became totally and permanently disabled.

Sec. 7. Minnesota Statutes 1990, section 353.03, subdivision 1, is amended to read:

Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is vested in a board of trustees consisting of the state auditor and ~~eight~~ nine members. The governor shall appoint ~~five~~ six trustees to four-year terms, one of whom shall be designated to represent school boards,

one to represent cities, one to represent counties, one who is a member of the police and fire fund, one who is a retired annuitant, and one who is a public member knowledgeable in pension matters. The membership of the association shall elect three trustees for terms of four years. Trustees elected by the membership of the association must be public employees and members of the association. For seven days beginning October 1 of each year preceding a year in which an election is held, the association shall accept at its office filings in person or by mail of candidates for the board of trustees. A candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund. No name may be withdrawn from nomination by the nominee after October 15. At the request of a candidate for an elected position on the board of trustees, the board shall mail a statement of up to 300 words prepared by the candidate to all persons eligible to vote in the election of the candidate. The board may adopt policies to govern form and length of these statements, timing of mailings, and deadlines for submitting materials to be mailed. These policies must be approved by the secretary of state. The secretary of state shall resolve disputes between the board and a candidate concerning application of these policies to a particular statement. A candidate who:

(1) receives contributions or makes expenditures in excess of \$100; or

(2) has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100 for the purpose of bringing about the candidate's election, shall file a report with the ethical practices board disclosing the source and amount of all contributions to the candidate's campaign. The ethical practices board shall prescribe forms governing these disclosures. Expenditures and contributions have the meaning defined in section 10A.01. These terms do not include the mailing made by the association board on behalf of the candidate. A candidate shall file a report within 30 days from the day that the results of the election are announced. The ethical practices board shall maintain these reports and make them available for public inspection in the same manner as the board maintains and makes available other reports filed with it. By January 10 of each year in which elections are to be held the board shall distribute by mail to the members ballots listing the candidates. No member may vote for more than one candidate for each board position to be filled. A ballot indicating a vote for more than one person for any position is void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund is January 31. Terms expire on January 31 of the fourth year, and positions are vacant until newly elected members are qualified. The ballot envelopes must be so designed and the ballots counted in a manner that ensures that each vote is secret.

The secretary of state shall supervise the elections. The board of

trustees and the executive director shall undertake their activities consistent with chapter 356A.

Sec. 8. Minnesota Statutes 1990, section 353.27, subdivision 4, is amended to read:

Subd. 4. [EMPLOYERS REPORTING REQUIREMENTS; CONTRIBUTIONS; MEMBER STATUS.] (a) The head of each department is hereby directed to cause employee contributions to be deducted shall deduct employee contributions from the salary of each member and to issue or approve one voucher payable to the state treasurer for the aggregate amount so deducted from such salaries, and at the same time to issue or approve one voucher warrant for the aggregate amount of the employee contributions, the employer contributions and the additional employer contributions for the same period of employment as that covered by the employee contributions, and to cause the same to be received not later than within 20 calendar days thereafter in the office of the association. The head of each department shall, for each pay period in which employee contributions are deducted, submit to the association a salary deduction report, in the form prescribed by the executive director, showing (a) the legal names and the association membership numbers, listed in alphabetical order, of all members; (b) the legal names of all new public employees and the effective dates of appointment; (c) the amount of each salary deduction; (d) the amount of salary from which each deduction was made; (e) effective dates of all member terminations of public service on account of members and if such terminations were caused by death or retirement, there shall be inserted after such date accompanied by the applicable status code as set by the association for those terminations caused by death or retirement; (f) effective dates of all temporary layoffs and leaves of absence and if such leaves are sick leaves, there shall be inserted after such date accompanied by the applicable status code as set by the association; and (g) the beginning and ending dates of the payroll period covered and the date of actual payment. Additionally, Reports of contributions shall must be accompanied by a membership enrollment form for each new employee in the form prescribed by the executive director, and it shall be the responsibility of department heads to obtain such. The enrollment forms from new employees to must be collected by the employer and submitted to the association within 30 days following the date of employment. The employers employer shall furnish such additional reports on magnetic media or on other form of report forms as may be requested by the association executive director.

(b) Notwithstanding paragraph (a), the association may provide for less frequent reporting and payments for small employers.

Sec. 9. Minnesota Statutes 1990, section 353.27, is amended by adding a subdivision to read:

Subd. 5. [WRONGFUL DISCHARGE SETTLEMENT PAYMENTS.] Notwithstanding section 353.01, subdivision 10, employee deductions and employer contributions and additional employer contributions must be made on the gross salary of wrongful discharge settlement payments before subtracting unemployment compensation, workers' compensation, or wages from other sources.

Sec. 10. Minnesota Statutes 1990, section 353.27, subdivision 7, is amended to read:

Subd. 7. [ADJUSTMENT FOR ERRONEOUS RECEIPTS OR DISBURSEMENTS.] (a) [ERRONEOUS DEDUCTIONS TAKEN IN ERROR.] Deductions taken in error by the employer from the salary of an employee for the retirement fund and transmitted to the association must be refunded to the employee calculated in accordance with under section 353.34, subdivision 2; and. The employer contribution and the additional employer contribution, if any, for the erroneous employee contribution must be refunded to the employer, provided; ~~however, that the association and the state social security agency may make proper adjustments of money taken as employee and employer deductions, and provided further that the refund of deductions taken in error has been made within three calendar years of the calendar year in which the initial erroneous deduction taken in error was received by the association; except for erroneous deductions of. A refund of deductions taken in error from sick leave, vacation pay, workers' compensation, and severance pay, which may be made at any time. If the refund of deductions taken in error has not been made within three calendar years of the calendar year in which the initial erroneous deduction taken in error was received by the association, the erroneous contributions are considered valid, and the years of allowable service attributable to the erroneous deductions taken in error must be credited to the member in accordance with~~ under section 353.01, subdivision 16; ~~and~~. Notwithstanding a law to the contrary, the employee may continue to be a member until termination of public service.

(b) [ERRONEOUS DISBURSEMENT.] In the event a salary warrant or check from which a deduction for the retirement fund was taken has been canceled or the amount of the warrant or check returned to the funds of the department making the payment, a refund of the sum deducted, or a portion of it that is required to adjust the deductions, must be made to the department or institution.

Sec. 11. Minnesota Statutes 1990, section 353.27, is amended by adding a subdivision to read:

Subd. 7b. [OVERPAYMENTS TO MEMBERS.] In the event of an overpayment to a member, the executive director shall recover the overpayment by suspending or reducing the payment of a retirement annuity, refund, disability benefit, survivor benefit, or op-

tional annuity under this chapter until all outstanding money has been recovered.

Sec. 12. Minnesota Statutes 1990, section 353.27, subdivision 12, is amended to read:

Subd. 12. [OMITTED SALARY DEDUCTIONS; OBLIGATIONS.]

(a) In the case of omission of required deductions from salary of an employee, the department head shall immediately, upon discovery, report the employee for membership and require employee deductions ~~be made in accordance with~~ under subdivision 4. Omitted employee deductions due for the 60-day period preceding enrollment membership must be deducted upon receipt of billing from the association from the employee's next salary payment and remitted to the association. The employer shall pay any remaining omitted employee deductions ~~past due~~ and any omitted employer contributions, plus cumulative interest at the rate of six percent a year, compounded annually, from the date or dates each omitted employee contribution was first payable. ~~Any amount due from the employer must be paid from the proceeds of a tax levy made under section 353.28 or from other funds available to the employer.~~

(b) An employer shall not hold an employee liable for omitted employee deductions ~~due for more than the 60-day period preceding enrollment beyond the pay period that covers the 60th day preceding membership~~ nor attempt to recover from the employee those employee deductions paid by the employer. ~~Neither an employer nor an employee is responsible to pay~~ Omitted deductions not paid by the employee constitute a liability of the employer that failed to deduct the omitted deductions from the employee's salary. The employer shall make payment with interest at the rate of six percent compounded annually. Omitted employee deductions ~~when are no longer due~~ if an employee terminates public service before making payment of omitted employee deductions to the association, but the employer remains liable to pay omitted employer contributions plus interest at the rate of six percent compounded annually from the date the contributions were first payable. ~~This subdivision has both retroactive and prospective application, and the governmental subdivision is liable retroactively and prospectively for all amounts due under it.~~

(c) The association may not commence action for the recovery of omitted employee deductions and employer contributions after the expiration of three calendar years after the calendar year in which the contributions and deductions were omitted. No payment may be made or accepted unless the association has already commenced action for recovery of omitted deductions. An action for recovery commences on the date of the mailing of any written correspondence from the association requesting information from the governmental subdivision upon which to determine whether or not omitted deductions occurred.

Sec. 13. Minnesota Statutes 1990, section 353.27, subdivision 12a, is amended to read:

Subd. 12a. ~~A member who was employed and met the eligibility requirements for participation in the association before July 1, 1973, terminated employee who has a period of employment in which previously omitted employer contributions were made under subdivision 12 but for whom no, or only partial, omitted employee contributions have been made, or a member who had prior coverage in the association for which previously omitted employer contributions were made under subdivision 12 but who terminated service before required omitted employee contributions deductions could be withheld from salary, may pay the omitted employee contributions deductions for the period on which omitted employer contributions were previously paid plus interest at the rate of six percent compounded annually. The statute of limitations for payment of omitted deductions in subdivision 12 applies. A terminated employee may pay the omitted employee deductions plus interest within six months of an initial notification from the association of eligibility to pay those omitted deductions. If a terminated employee is reemployed in a position covered under a public pension fund under section 356.30, subdivision 3, and elects to pay omitted employee deductions, payment must be made no later than six months after a subsequent termination of public service.~~

Sec. 14. Minnesota Statutes 1990, section 353.27, is amended by adding a subdivision to read:

Subd. 12b. If deductions were omitted from salary adjustments or final salary of a terminated employee, the employer shall pay the employer and employer additional contributions plus interest on both and the employee shall pay the employee deductions.

Sec. 15. Minnesota Statutes 1990, section 353.28, subdivision 6, is amended to read:

Subd. 6. If the governmental subdivision fails to pay amounts due under ~~this chapter~~ chapters 353, 353A, 353B, 353C, and 353D or fails to make payments of excess police state aid to the public employees police and fire fund under section 69.031, subdivision 5, the executive director shall certify those amounts to the governmental subdivision for payment. If the governmental subdivision fails to remit the sum so due in a timely fashion, the executive director shall certify amounts to the county auditor for collection. The county auditor shall collect such amounts out of the revenue of the governmental subdivision, or shall add them to the levy of the governmental subdivision and make payment directly to the association. This tax shall be levied, collected, and apportioned in the manner other taxes are levied, collected, and apportioned.

Sec. 16. Minnesota Statutes 1990, section 353.29, subdivision 4, is amended to read:

Subd. 4. [APPLICATION FOR ANNUITY.] Application for a retirement annuity may be made by a member or by a person authorized to act on behalf of the member. Every application for retirement ~~shall~~ must be made in writing on a form prescribed by the executive director and ~~shall~~ must be substantiated by written proof of the member's age and identity. ~~No~~ The notarized signature of a member's spouse on a retirement annuity application acknowledging the member's annuity selection meets the notice requirement to the spouse under section 356.371, subdivision 3. An application for a retirement annuity may be considered is not complete until all necessary supporting documents are received by the executive director.

Sec. 17. Minnesota Statutes 1990, section 353.31, subdivision 1, is amended to read:

Subdivision 1. [BENEFITS FOR SURVIVING SPOUSE AND DEPENDENT CHILDREN; BEFORE RETIREMENT.] Upon the death of a basic member before retirement or upon the death of a basic member who was disabled and receiving disability benefits ~~pursuant to~~ under section 353.33 at the time of death who has had at least 18 months of credited allowable service, the surviving spouse and dependent child or children of the member, as defined in section 353.01, subdivisions 15 and 20, ~~shall be~~ are entitled to receive the monthly benefit provided below:

- | | |
|--------------------------|--|
| (a) Surviving spouse | 50 percent of the member's monthly average salary in effect over the last full six months of allowable service preceding the month in which death occurred |
| (b) Each dependent child | 10 percent of the member's monthly average salary in effect over the last full six months of allowable service preceding the month in which death occurred |

Subd. 1a. [MAXIMUM FAMILY BENEFIT.] Payments for the benefit of ~~any~~ a dependent child or children, as defined in section 353.01, subdivision 15, ~~shall~~ must be made to the surviving parent, or if ~~there be none~~, to the legal guardian of the child. The maximum monthly benefit for a family ~~shall~~ must not exceed \$1,000 an amount equal to 70 percent of the member's specified average monthly salary, and the minimum benefit per for a family shall including a 100 percent joint and survivor annuity under subdivision 1b, must not be less than 50 percent of the basic member's specified average monthly salary; subject to the aforementioned maximum. The surviving spouse benefit shall terminate upon the remarriage of the spouse, and the dependent children's benefit shall be reduced pro tanto when any child is no longer dependent.

~~Any survivor of a basic member whose average salary was less than \$75 per month shall not be entitled to the benefits provided in this subdivision.~~

Subd. 1b. [JOINT AND SURVIVOR OPTION.] (a) Prior to payment of any survivor a surviving spouse benefit pursuant to this under subdivision 1, in lieu of that benefit, the surviving dependent spouse may elect to receive the 100 percent joint and survivor optional annuity provided pursuant to under section 353.32, subdivision 1a, rather than a surviving spouse benefit.

(b) If there is a dependent child or children, and the 100 percent joint and survivor optional annuity for the surviving spouse, when added to the dependent children's benefit under subdivisions 1 and 1a, exceeds an amount equal to 70 percent of the member's specified average monthly salary, the 100 percent joint and survivor annuity under section 353.32, subdivision 1a, must be reduced by the amount necessary so that the total family benefit does not exceed the 70 percent maximum family benefit amount under subdivision 1a.

(c) The 100 percent joint and survivor optional annuity must be restored to the surviving spouse, plus applicable postretirement fund adjustments under section 356.41, as the dependent child or children become no longer dependent under section 353.01, subdivision 15.

Subd. 1c. [COORDINATED MEMBERS.] ~~Except for any benefits provided pursuant to under section 353.32, subdivisions 1 and 1a, there are no survivor benefits are payable to the surviving spouse or dependent children of a deceased coordinated member.~~

Sec. 18. Minnesota Statutes 1990, section 353.32, subdivision 1a, is amended to read:

Subd. 1a. [SURVIVING SPOUSE OPTIONAL ANNUITY.] If a member or former member who has attained at least age 50 and has credit for not less than three years of allowable service or who has credit for not less than 30 years of allowable service, regardless of age attained, dies before the annuity or disability benefit begins to accrue in accordance with section 353.29, subdivision 7, or 353.33, subdivision 2, notwithstanding any designation of beneficiary to the contrary, the surviving spouse may elect to receive, instead of a refund with interest ~~provided in~~ under subdivision 1, or survivor surviving spouse benefits otherwise payable under section 353.31, an annuity equal to the 100 percent joint and survivor annuity that the member could have qualified for had the member terminated service on the date of death. The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. The annuity must be computed as

provided in under sections 353.29, subdivisions 2 and 3; and 353.30, subdivisions 1, 1a, 1b, 1c, and 5; and 353.31, subdivision 3. Sections 353.34, subdivision 3, and 353.71, subdivision 2, apply to a deferred annuity payable under this subdivision. No payment may accrue beyond the end of the month in which entitlement to the annuity has terminated. An amount equal to any excess of the accumulated contributions that were credited to the account of the deceased employee over and above the total of the annuities paid and payable to the surviving spouse must be paid to the deceased member's last designated beneficiary or, if none, to the legal representative of the estate of the deceased member. A member may specify in writing that this subdivision does not apply and that payment may be made only to the designated beneficiary as otherwise provided by this chapter.

Sec. 19. Minnesota Statutes 1990, section 353.33, subdivision 3a, is amended to read:

Subd. 3a. [OPTIONAL ANNUITY ELECTION.] A disabled member may elect to receive the normal disability benefit or an optional annuity as provided in under section 353.30, subdivision 3. The election of an optional annuity shall must be made prior to the commencement of payment of the disability benefit. The optional annuity shall must begin to accrue on the same date as provided for the disability benefit.

(1) If a person who is not the spouse of a member is named as beneficiary of the joint and survivor optional annuity, the person is eligible to receive the annuity only if the spouse, on the disability application form prescribed by the executive director, permanently waives the surviving spouse benefits under sections 353.31, subdivision 1, and 353.32, subdivision 1a. If the spouse of the member refuses to permanently waive the surviving spouse coverage, the selection of a person other than the spouse of the member as a joint annuitant is invalid.

(2) If the spouse of the member permanently waives survivor coverage, the dependent children, if any, continue to be eligible for survivor benefits under section 353.31, subdivision 1, including the minimum benefit in section 353.31, subdivision 1a. The designated optional annuity beneficiary may draw the monthly benefit; however, the amount payable to the dependent child or children and joint annuitant must not exceed the 70 percent maximum family benefit under section 353.31, subdivision 1a. If the maximum is exceeded, the benefit of the joint annuitant must be reduced to the amount necessary so that the total family benefit does not exceed the 70 percent maximum family benefit amount.

(3) If the spouse is named as the beneficiary of the joint and survivor optional annuity, the spouse may draw the monthly benefits; however, the amount payable to the dependent child or

children and the joint annuitant must not exceed the 70 percent maximum family benefit under section 353.31, subdivision 1a. If the maximum is exceeded, each dependent child will receive ten percent of the member's specified average monthly salary, and the benefit to the joint annuitant must be reduced to the amount necessary so that the total family benefit does not exceed the 70 percent maximum family benefit amount. The joint and survivor optional annuity must be restored to the surviving spouse, plus applicable postretirement adjustments under section 356.41, as the dependent child or children become no longer dependent under section 353.01, subdivision 15.

Sec. 20. Minnesota Statutes 1990, section 353.34, subdivision 1, is amended to read:

Subdivision 1. [REFUND OR DEFERRED ANNUITY.] Any A member who ceases to be a public employee by reason of termination of public service, or who is on a continuous layoff for more than 120 calendar days, ~~shall be~~ is entitled to a refund of accumulated employee deductions ~~as provided in~~ under subdivision 2, or to a deferred annuity ~~as provided in~~ under subdivision 3. An active member of a fund enumerated in section 356.30, subdivision 3, clause (7), (8), or (14), who terminates public service in any of those funds and becomes a member of another fund enumerated in those clauses may receive a refund of employee contributions plus ~~five~~ six percent interest compounded annually from the fund in which the member terminated service. Application for a refund may not be made prior to the date of termination of public service, or the expiration of 120 days of layoff; ~~and~~. A refund ~~shall~~ must be paid within 120 days following receipt of the application; ~~provided unless~~ the applicant has not again become a public employee required to be covered by the association.

Sec. 21. Minnesota Statutes 1990, section 353.46, subdivision 4, is amended to read:

Subd. 4. Except as provided in section 353.84, the rights of a survivor of a former member, where such former member died prior to June 30, 1973, must be determined by the law in effect when such former member died even though a benefit is not payable until after June 30, 1973. If the survivor is also eligible to receive a retirement annuity from the association, the survivor is eligible to receive both benefits even upon remarriage.

Sec. 22. Minnesota Statutes 1990, section 353.64, is amended by adding a subdivision to read:

Subd. 5. A member of the police and fire fund continues to be a member of that fund if transferred to a different position with associated police or fire department functions in the same department or a related department in the same governmental subdivision

provided the governing body sends a copy of a resolution to that effect to the association.

Sec. 23. Minnesota Statutes 1990, section 353.656, subdivision 1a, is amended to read:

Subd. 1a. [OPTIONAL ANNUITY ELECTION.] A disabled member of the police and fire fund may elect to receive the normal disability benefit or an optional annuity as provided in section 353.30, subdivision 3. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit. The optional annuity shall begin to accrue on the same date as provided for the disability benefit.

(1) If the person who is not the spouse of the member is named as beneficiary of the joint and survivor optional annuity, the person is eligible to receive the annuity only if the spouse, on the disability application form prescribed by the executive director, permanently waives the surviving spouse benefits under section 353.657, subdivisions 2 and 2a. If the spouse of the member refuses to permanently waive the surviving spouse coverage, the selection of a person other than the spouse of the member as a joint annuitant is invalid.

(2) If the spouse of the member permanently waives survivor coverage, the dependent child or children, if any, continue to be eligible for survivor benefits, including the minimum benefit under section 353.657, subdivision 3. The designated optional annuity beneficiary may draw the monthly benefit; however, the amount payable to the dependent child or children and joint annuitant must not exceed the 70 percent maximum family benefit under section 353.657, subdivision 3. If the maximum is exceeded, the benefit of the joint annuitant must be reduced to the amount necessary so that the total family benefit does not exceed the 70 percent maximum family benefit amount.

(3) If the spouse is named as the beneficiary of the joint and survivor optional annuity, the spouse may draw the monthly benefit; however, the amount payable to the dependent child or children and the joint annuitant must not exceed the 70 percent maximum family benefit under section 353.657, subdivision 3. If the maximum is exceeded, each dependent child will receive ten percent of the member's specified average monthly salary, and the benefit to the joint annuitant must be reduced to the amount necessary so that the total family benefit does not exceed the 70 percent maximum family benefit amount. The joint and survivor optional annuity must be restored to the surviving spouse, plus applicable postretirement adjustments under section 356.41, as the dependent child or children become no longer dependent under section 353.01, subdivision 15.

Sec. 24. Minnesota Statutes 1990, section 353.657, is amended to read:

353.657 [SURVIVOR BENEFITS.]

Subdivision 1. In the event any member of the police and fire fund dies from any cause before retirement or after becoming disabled and receiving disability benefits if ~~no optional annuity form was elected under section 353.656, subdivision 1a,~~ the association shall grant survivor benefits to a surviving spouse ~~who had the same legal residence as the member at the time of death, as defined in section 353.01, subdivision 20, and who was married to the member for a period of at least one year, except that if death occurs in the line of duty no time limit is required, and.~~ The association shall also grant survivor benefits to a dependent child or children, unmarried and under the age of 18 years as defined in section 353.01, subdivision 15. The spouse and child or children are entitled to monthly benefits as provided in the following subdivisions.

Subd. 2. The spouse, for life ~~or until remarriage,~~ shall receive a monthly benefit equal to 50 percent of the member's average full-time monthly salary rate as a police officer or firefighter in effect over the last six months of allowable service preceding the month in which death occurred.

Subd. 2a. [DEATH WHILE ELIGIBLE SURVIVOR BENEFIT.] If a member or former member who has attained the age of at least 50 years and has credit for not less than three years allowable service or who has credit for at least 30 years of allowable service, regardless of age attained, dies before public service has terminated, or if an employee who has filed a valid application for an annuity or disability benefit prior to termination of public service dies before the annuity or benefit has become payable, notwithstanding any designation of beneficiary to the contrary, the surviving spouse may elect to receive a death while eligible survivor benefit. ~~The benefit shall be in lieu may be elected instead of a refund with interest provided in under section 353.32, subdivision 1, or survivor surviving spouse benefits otherwise payable pursuant to under subdivisions 1 and 2.~~ The benefit must be an annuity equal to the 100 percent joint and survivor annuity which the member could have qualified for on the date of death, computed as provided in sections 353.651, subdivisions 2 and 3, and 353.30, subdivision 3. If there is a dependent child or children, and the 100 percent joint and survivor optional annuity for the surviving spouse, when added to the benefit of the dependent child or children under subdivision 3, exceeds an amount equal to 70 percent of the member's specified average monthly salary, the 100 percent joint and survivor annuity must be reduced by the amount necessary so that the total family benefit does not exceed the 70 percent maximum family benefit amount under subdivision 3. The 100 percent joint and survivor optional annuity must be restored to the surviving spouse, plus applicable

postretirement fund adjustments under section 356.41, as the dependent child or children become no longer dependent under section 353.01, subdivision 15. The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. Sections 353.34, subdivision 3, and 353.71, subdivision 2, apply to a deferred annuity payable under this subdivision. No payment shall accrue beyond the end of the month in which entitlement to such annuity has terminated. An amount equal to the excess, if any, of the accumulated contributions which were credited to the account of the deceased employee over and above the total of the annuities paid and payable to the surviving spouse shall be paid to the deceased member's last designated beneficiary or, if none, to the legal representative of the estate of such deceased member. Any member may request in writing that this subdivision not apply and that payment be made only to the designated beneficiary, as otherwise provided by this chapter. For a member who is employed as a full-time firefighter by the department of military affairs of the state of Minnesota, allowable service as a full-time state military affairs department firefighter credited by the Minnesota state retirement system may be used in meeting the minimum allowable service requirement of this subdivision.

Subd. 3. ~~Each A dependent child, until the child reaches the age of 18 years as defined in section 353.01, subdivision 15, shall receive a monthly benefit equal to ten percent of the member's average full-time monthly salary rate as a police officer or firefighter in effect over the last six months of allowable service preceding the month in which death occurred. A dependent child shall receive this benefit until age 23, so long as the child submits evidence of full-time enrollment in an accredited post-secondary educational institution for at least five of the 12 months immediately preceding the month for which benefits are sought. Payments for the benefit of any qualified a dependent child shall must be made to the surviving parent, or if there be none, to the legal guardian of the child or to any adult person with whom the child may at the time be living, provided only that the parent or other person to whom any amount is to be paid shall have advised advises the board in writing that the amount will be held or used in trust for the benefit of the child. The maximum monthly benefit for any one family shall must not exceed an amount equal to 70 percent of the member's specified average monthly salary, and the minimum benefit per family shall, including the joint and survivor optional annuity under subdivision 2a, and section 353.656, subdivision 1a, must not be less than 50 percent of the member's specified average monthly salary.~~

Subd. 4. If the member shall die under circumstances which entitle a surviving spouse and dependent children to receive benefits under the workers' compensation law, the amounts so received by them shall not be deducted from the benefits payable under this section.

Sec. 25. Minnesota Statutes 1990, section 353A.01, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY CONSOLIDATION AUTHORIZED.] It is the intent and policy of the legislature in sections 353A.01 to 353A.10 to authorize, on a voluntary elective basis, any local police or salaried firefighters relief association and the respective municipality to effect the consolidation of the local relief association ~~into~~ with the public employees ~~police and fire fund~~ retirement association established by chapter 353.

Sec. 26. Minnesota Statutes 1990, section 353A.02, subdivision 16, is amended to read:

Subd. 16. [LOCAL RELIEF ASSOCIATION CONSOLIDATION ACCOUNTS.] "Local relief association consolidation accounts" means the special accounts ~~created within consolidated~~ with the fund by public employees retirement association under sections 353.65, subdivision 1, and 353A.09, subdivision 1.

Sec. 27. Minnesota Statutes 1990, section 353A.02, is amended by adding a subdivision to read:

Subd. 24a. [PUBLIC EMPLOYEES RETIREMENT ASSOCIATION.] "Public employees retirement association" means the retirement system that administers the public employees police and fire fund and the local relief association consolidated accounts.

Sec. 28. Minnesota Statutes 1990, section 353A.03, is amended to read:

353A.03 [VOLUNTARY CONSOLIDATION OPTION.]

Notwithstanding any provision of law to the contrary, any local police or firefighters relief association, as defined in section 353A.02, subdivision 15, may consolidate with the public employees ~~police and fire fund~~ retirement association as provided in sections 353A.01 to 353A.10.

Sec. 29. Minnesota Statutes 1990, section 353A.06, is amended to read:

353A.06 [FINALIZATION OF CONSOLIDATION.]

Upon the completion of the applicable actions preliminary to consolidation finalization under section 353A.05, each entity shall report the result of those actions to the relief association and to the municipality. Upon final approval by the municipality ~~as provided in~~ under section 353A.04, subdivision 8, the consolidation of the relief association with the public ~~employee police and fire fund~~ shall be

employees retirement association is scheduled to occur. The consolidation shall be effective as of the date established for consolidation by the board of the public employees retirement association. The effect of the consolidation shall be as provided in is governed under sections 353A.07 to 353A.09.

Sec. 30. Minnesota Statutes 1990, section 353A.08, subdivision 1, is amended to read:

Subdivision 1. [ELECTION OF COVERAGE BY CURRENT RETIREES.] Any A person who is receiving a service pension, disability benefit, or survivorship benefit shall have the option is eligible to elect to have benefit coverage provided under the relevant provisions of the public employees police and fire fund benefit plan or to retain benefit coverage provided under the relief association benefit plan in effect on the effective date of the consolidation. The relevant provisions of the public employees police and fire fund benefit plan for the person electing that benefit coverage shall be limited to participation in the Minnesota postretirement investment fund for any future postretirement adjustments in the amount of the benefit or pension payable as of the effective date of the consolidation, the date as of which pension or benefit payments are to be paid and the termination of a survivor or disability benefit or suspension of a retirement annuity before the death of the person. The survivorship benefit payable on behalf of any service pension or disability benefit recipient who elects benefit coverage provided under the relevant provisions of the public employees police and fire fund benefit plan shall must be calculated under the relief association benefit plan in effect on the effective date of the consolidation and shall be is subject to participation in the Minnesota postretirement investment fund for any future postretirement adjustments in the amount of the survivorship benefit payable.

By electing the public employees police and fire fund benefit plan, any a current service pension or disability benefit recipient who, as of the first January 1 occurring after the effective date of consolidation, has been receiving the pension or benefit for at least 18 months one month as of the current June 30, or any survivor benefit recipient who, as of the first January 1 occurring after the effective date of consolidation, has been receiving the benefit on the person's own behalf or in combination with a prior applicable service pension or disability benefit for at least 18 months shall be entitled one full month as of the current June 30 is eligible to receive any a partial adjustment payable from the Minnesota postretirement investment fund under section 11A.18, subdivision 9, as of the first January 1 occurring after the effective date of consolidation.

The election by any pension or benefit recipient shall must be made on or before the deadline established by the board of the public employees retirement association, which shall be established in a manner which that recognizes the number of persons eligible to

make the election and the anticipated time required to conduct any required benefit counseling.

Sec. 31. Minnesota Statutes 1990, section 353C.06, subdivision 3, is amended to read:

Subd. 3. [ANNUITY AMOUNT.] The average salary as defined in subdivision 2, multiplied by two percent for each year of allowable service for the first ten years and 2.5 percent for each additional year of allowable service, and pro rata for completed months less than a full year, determines the amount of the normal annuity. If a person has earned allowable service in the public employees retirement association or the public employees police and fire fund ~~for performing services other than those of a local government correctional employee prior to participation under this chapter~~, the annuity representing such service must be computed in accordance with the ~~coordinated~~ formula under sections 353.29 and 353.30 or 353.651, whichever applies.

Sec. 32. Minnesota Statutes 1990, section 353C.07, subdivision 1, is amended to read:

Subdivision 1. [AUGMENTATION FOR PRIOR SERVICE BENEFITS.] Unless prior service has been transferred or unless a combined service annuity under section 356.30 has been elected, an employee who becomes a local government correctional employee after being a member of the public employees retirement association or the public employees police and fire fund is covered under section 353.71, subdivision 2, with respect to that prior service. An employee who becomes a member of the public employees retirement association or the public employees police and fire fund after being a local government correctional employee is also covered under section 353.71, subdivision 2, with respect to that prior service, unless calculated under section 356.30.

Sec. 33. Minnesota Statutes 1990, section 353C.08, subdivision 2, is amended to read:

Subd. 2. [NONDUTY DISABILITY QUALIFICATION REQUIREMENTS.] A local government correctional employee who ~~after not less than five years~~ has at least one year of covered service, and who, before reaching the age of 55, becomes disabled and physically unfit to perform the duties of the position because of sickness or injury occurring while not engaged in covered employment, is entitled to a disability benefit based on covered service. The disability benefit must be computed in the same manner as an annuity under section 353C.06, subdivision 3, and as though the employee had at least ten years of covered correctional service.

Sec. 34. Minnesota Statutes 1990, section 353C.09, is amended to read:

353C.09 [SURVIVING SPOUSE OPTIONAL ANNUITY.]

If a member or former member of the local government correctional service retirement plan has attained the age of at least 50 years and has credit for not less than ~~ten~~ three years of allowable service, or who has credit for not less than 30 years of allowable service, regardless of age attained, dies before the annuity or disability benefit has become payable, notwithstanding any designation of beneficiary to the contrary, the surviving spouse may elect to receive, in lieu of a refund with interest provided in section 353.32, subdivision 1, an annuity equal to the 100 percent joint and survivor annuity for which the member could have qualified had the member terminated service on the date of death. The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. The annuity must be computed on the ~~coordinated formula as provided in formulas~~ under sections 353.29, subdivisions 2 and 3, and 353.30, subdivisions 1, 1a, 1b, and 1c. Sections 353.34, subdivision 3, and 353.71, subdivision 2, apply to a deferred annuity payable under this subdivision. No payment may accrue beyond the end of the month in which entitlement to the annuity has terminated. An amount equal to any excess of the accumulated contributions that were credited to the account of the deceased employee over and above the total of the annuities paid and payable to the surviving spouse must be paid to the deceased member's last designated beneficiary or, if none, to the legal representative of the estate of the deceased member. A member may specify in writing that this subdivision does not apply and that payment must be made only to the designated beneficiary, as otherwise provided by this chapter.

Sec. 35. Minnesota Statutes 1990, section 353D.01, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] (a) Except as provided in section 353D.11, eligibility to participate in the ~~retirement~~ defined contribution plan is open to an elected local government official of a governmental subdivision who elects to participate in the plan and who is not a member of the public employees retirement association within the meaning of section 353.01, subdivision 7; ~~and. The service of an elected local government official on an additional board, commission, or committee, even if part of the official's elected position, is not covered service under this plan. Eligibility to participate in the defined contribution plan terminates when the participant ceases to be an elected local government official. For purposes of this chapter, an elected local government official does not include an elected county sheriff.~~

(b) Eligibility to participate is open to basic and advanced life support emergency medical service personnel employed by or providing services for any public ambulance service or privately oper-

ated ambulance service that receives an operating subsidy from a governmental entity that elects to participate. For purposes of this chapter, an elected local government official includes a person appointed to fill a vacancy in an elective office. Elected local government official does not include an elected county sheriff.

(c) Except as provided in section 353D.11, elected local government officials and first response personnel and emergency medical service personnel who are currently covered by a public or private pension plan because of their employment or provision of services are not eligible to participate in the plan.

Sec. 36. Minnesota Statutes 1990, section 353D.02, is amended to read:

353D.02 [ELECTION OF COVERAGE.]

(a) Eligible elected local government officials may elect to participate in the defined contribution plan after being elected or appointed to a public office by filing an membership application to participate on a form prescribed by the executive director of the association authorizing contributions to be deducted from the elected official's salary. Participation begins on the first day of the month after the application is received in the association's office or on the date when the term of office commences, whichever date is later. pay period for which the contributions were deducted or, if pay period coverage dates are not provided, the date on which the membership application or contributions are received in the office of the association, whichever is received first, provided further that the membership application is received by the association within 60 days of the receipt of the contributions. If the membership application is not received, the elected official is not a participant in the plan and may request a refund under section 353D.04, subdivision 2. An election to participate in the plan is irrevocable during incumbency in office.

(b) Each public ambulance service or privately operated ambulance service that receives an operating subsidy from a governmental entity with eligible personnel may elect to participate in the plan. If a service elects to participate, its eligible personnel may elect to participate or to decline to participate. An individual's election must be made within 30 days of the service's election to participate or 30 days of the date on which the individual was employed by the service or began to provide service for it, whichever date is later. An election by a service or an individual is irrevocable.

Sec. 37. Minnesota Statutes 1990, section 353D.04, is amended to read:

353D.04 [CONTRIBUTIONS TO PLAN AND DEDUCTIONS IN ERROR.]

Subdivision 1. [CONTRIBUTIONS.] (a) Contributions made by or on behalf of a participating elected local government official must be remitted to the public employees retirement association at least ~~monthly~~ and ~~must~~ be credited to the individual account established for the participating officer.

(b) Ambulance service contributions must be remitted on a regular periodic basis to the association together with any member contributions paid or withheld. Those contributions must be credited to the individual account of each participating member.

Subd. 2. [DEDUCTIONS IN ERROR.] Deductions taken totally or partially in error by the employer from the salary of an elected official and contributions made by the employer may be refunded upon request to the elected official and the employer.

(a) In the case of a total refund, the association shall refund the value of an elected official's account, including investment earnings, the accumulated employee deductions, accumulated employer contributions, less administrative expenses under section 353D.05, subdivision 3.

(b) In the case of a partial refund, the association shall refund the amount of the actual error, without interest, less the administrative expenses under section 353D.05, subdivision 3, from the employer share.

Sec. 38. Minnesota Statutes 1990, section 353D.05, subdivision 2, is amended to read:

Subd. 2. [INVESTMENT OPTIONS.] (a) ~~An individual~~ A participant may elect to purchase shares in the income share account, the growth share account, the money market account, the bond market account, the guaranteed return account, or the common stock index account established by section 11A.17, or a combination of those accounts. The participant may elect to purchase shares in a combination of those accounts by specifying the percentage of contributions to be used to purchase shares in each of the accounts.

(b) ~~Twice in a calendar year,~~ A participant may indicate in writing a choice of options for subsequent purchases of shares. After a choice is made, until the participant makes a different written indication, the executive director of the association shall purchase shares in the supplemental investment fund or funds specified by the participant. If no initial option is indicated by a participant or the specifications made by the participant exceed 100 percent to be invested in more than one account, the executive director shall invest all contributions made by or on behalf of a participant in the income share account. If the specifications are less than 100 percent, the executive director shall invest the remaining percentage in the income share account. A choice of investment options is effective no later than the

first pay date occurring more than 30 days after receipt of the written choice of options.

(c) One month before the start of a new guaranteed investment contract, a participant may elect to transfer all or a portion of the participant's shares previously purchased in the income share, growth share, common stock index, bond market, or money market accounts to the new guaranteed investment contract in the guaranteed return account. ~~If a partial transfer is made, a minimum of \$200 must be transferred and a minimum balance of \$200 must remain in the previously selected investment options.~~ Upon expiration of a guaranteed investment contract, the participant's shares attributable to that contract must be transferred to a new guaranteed investment contract unless the executive director is otherwise directed by the participant. Shares in the guaranteed return account may not be withdrawn from the fund or transferred to another account until the guaranteed investment contract has expired, unless the participant qualifies for a benefit payment under section 353D.07.

(d) ~~Twice in a calendar year,~~ A participant or former participant may also change the investment options selected for all or a portion of the individual's previously purchased shares in accounts other than the guaranteed return account. ~~If a partial transfer of previously purchased shares is selected, a minimum of \$200 must be transferred and a minimum balance of \$200 must remain in the previously selected investment option.~~ A change under this paragraph is effective as soon as cash flow to an account permits, but not later than six months from the requested change.

Sec. 39. Minnesota Statutes 1990, section 353D.07, subdivision 2, is amended to read:

Subd. 2. [PAYMENT OF BENEFITS.] Withdrawal of or a retirement benefit based on individual participant contributions and employer contributions plus accrued investment income is payable immediately upon the death or termination of a participant ~~for a period that exceeds 30 days.~~ No investment options or transfers of all or a portion of the deceased elected official's shares in the income share, growth share, common stock index, bond market, money market, or guaranteed investment accounts shall be made following death or termination of the participant. An application by or on behalf of the participant must be filed before any payment of benefits may be made.

Sec. 40. Minnesota Statutes 1990, section 353D.07, subdivision 3, is amended to read:

Subd. 3. [FORM OF BENEFIT.] A retirement benefit is payable in a lump sum equal to the value of a participant's account at the date of retirement and may be rolled over into another qualified plan at

the option of the participant. As an alternative to a ~~lump sum~~ lump-sum distribution, the participant may choose to have the association ~~use~~ transfer the total account value ~~to~~ for the purchase of an annuity payable at a designated age ~~from~~ to an insurance company of the participant's choice that is licensed to do business in the state.

Sec. 41. Minnesota Statutes 1990, section 353D.12, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY; CONTRIBUTIONS.] An elected local government official who participates in the defined contribution plan under this chapter may make contributions to the plan for the service as an elected public officer rendered before ~~May 9, 1990~~ June 30, 1991, that was not covered by a public or private employer contributory pension plan, including a plan administered by the public employees retirement association under chapter 353. The association shall not accept contributions for prior service after the elected official ceases to hold elected office.

Sec. 42. Laws 1990, chapter 570, article 8, section 14, subdivision 1, is amended to read:

Subdivision 1. [ENTITLEMENT.] An elected public officer who participates in the public employees retirement association defined benefit plan under Minnesota Statutes, chapter 353, may purchase service credit from the association for all or any portion of prior uncredited service as an elected public officer when the officer could have been, but was not, a member of the association on account of failure to exercise the membership option under Minnesota Statutes, section 353.01, subdivision 7. The purchase of prior service credit ceases when the elected official no longer holds an elected office.

Sec. 43. Minnesota Statutes 1990, section 356.371, subdivision 3, is amended to read:

Subd. 3. [REQUIREMENT OF NOTICE TO MEMBER'S SPOUSE.] If a public pension fund provides optional retirement annuity forms which include a joint and survivor optional retirement annuity form potentially applicable to the surviving spouse of a member, ~~the chief administrative officer~~ executive director of the public pension fund shall send a copy of the written statement required by subdivision 2 to the spouse of the member before the member's election of an optional retirement annuity.

Following the election of a retirement annuity by the member, a copy of the completed retirement annuity application and retirement annuity beneficiary form, if applicable, must be sent by the public pension fund to the spouse of the retiring member. A signed acknowledgment must be required from the spouse confirming

receipt of a copy of the completed retirement annuity application and retirement annuity beneficiary form unless the spouse's signature confirming the receipt is on the annuity application form. If the required signed acknowledgment is not received from the spouse within 30 days, the public pension fund must send another copy of the completed retirement annuity application and retirement annuity beneficiary form, if applicable, to the spouse by certified mail with restricted delivery.

Sec. 44. Minnesota Statutes 1990, section 356.86, subdivision 2, is amended to read:

Subd. 2. [AMOUNT OF POSTRETIREMENT ADJUSTMENT; PAYMENT.] (a) For any person receiving an annuity or benefit on November 30, 1989, and entitled to receive a postretirement adjustment under subdivision 1, the postretirement adjustment is a lump sum payment calculated under paragraph (b) or (c).

(b) For coordinated plan annuity or benefit recipients, the postretirement adjustment in 1989 is \$25 for each full year of allowable service credited to the person by the respective retirement fund. In 1990 and each following year, the postretirement adjustment is the amount payable in the preceding year increased by the same percentage applied to regular annuities paid from the postretirement fund or, for the retirement funds specified in subdivision 3, clauses (6), (7), and (8), by the same percentage applied under the articles of incorporation and bylaws of these funds.

(c) For basic plan annuity or benefit recipients, the postretirement adjustment in 1989 is the greater of:

(1) \$25 for each full year of allowable service credited to the person by the respective retirement fund; or

(2) the difference between:

(i) the product of \$400 times the number of full years of allowable service credited to the person by the respective retirement fund; and

(ii) the sum of the benefits payable to the person from any Minnesota public employee pension plan, and cash benefits payable to the person from the Social Security Administration.

In 1990 and each following year, each eligible basic plan annuity or benefit recipient shall receive the amount received in the preceding year increased by the same percentage applied to regular annuities paid from the postretirement fund or, for the retirement funds specified in subdivision 3, clauses (6), (7), and (8), by the same percentage applied under the articles of incorporation and bylaws of these funds.

(d) The postretirement adjustment provided for in this section is payable for those persons receiving an annuity or benefit on November 30, 1989, on December 1, 1989. In subsequent years, the adjustment must be paid on December 1 to those persons receiving an annuity or benefit on the preceding November 30. A person who is eligible may elect to participate in an optional annuity or benefit receipt schedule under subdivision 4. This section does not authorize the payment of a postretirement adjustment to an estate if the annuity or benefit recipient dies before the November 30 eligibility date. Notwithstanding section 356.18, the postretirement adjustment provided for in this section must be paid automatically unless the intended recipient files a written notice with the retirement fund requesting that the postretirement adjustment not be paid or returns the amount of adjustment to the retirement fund. Written notice of the waiver of the postretirement adjustment is irrevocable for the year during which it was made.

Sec. 45. Minnesota Statutes 1990, section 356.86, subdivision 4, is amended to read:

Subd. 4. [OPTIONAL POSTRETIREMENT ADJUSTMENT PAYMENT SCHEDULE.] Basic plan annuity or benefit recipients receiving adjustments under subdivision 2, paragraph (c), clause (2), and whose adjustment exceeds 20 percent of their Minnesota plan annuity or benefit may elect to have the amount of the adjustment paid in equal monthly amounts instead of receiving a lump sum payment on December 1, 1989. Selection of this ~~option~~ optional payment schedule must be made by the recipient in writing on forms prepared by the retirement association. This ~~option~~ optional payment schedule may be revoked by the recipient in writing prior to the November 1 preceding the December 1 lump sum distribution. Upon the death of the annuity or benefit recipient, any remaining unpaid monthly amounts shall be paid to the surviving spouse, or if no spouse survives, to the annuity or benefit recipient's beneficiary or estate.

Sec. 46. Minnesota Statutes 1990, section 356.87, is amended to read:

356.87 [HEALTH INSURANCE WITHHOLDING.]

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

premium amounts and shall assume liability for the failure of a public pension fund to properly withhold the premium amounts.

Sec. 47. [TERMINATION OF MEMBERSHIP.]

Subdivision 1. [ELIGIBILITY.] Notwithstanding the limitations in Minnesota Statutes, section 353D.02, a member of the public employees defined contribution plan, who was born on September 22, 1948, and has been employed by independent school district No. 701 from 1984 to the present, may revoke participation in the defined contribution plan that began on October 1, 1990.

Subd. 2. [RETURN OF CONTRIBUTIONS.] The employee contributions shall be returned to the eligible individual in subdivision 1. The remaining value in the former participant's account, if any, shall be remitted to the association.

Sec. 48. [REPEALER.]

Minnesota Statutes, sections 353.33, subdivision 5a, and 353C.07, subdivision 2, are repealed.

Sec. 49. [EFFECTIVE DATE.]

Sections 1 to 3, 5, 8 to 16, 20 to 22, 25 to 28, and 30 to 46 are effective July 1, 1991.

Section 17 is retroactive effective July 1, 1991.

Section 29 is effective retroactive to December 31, 1990.

Sections 4, 6, 7, 18, 19, 23, and 24 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to retirement; the public employees retirement association; making various changes reflecting benefits, administration, and investment practices; amending Minnesota Statutes 1990, sections 353.01, subdivisions 2b, 6, 10, 15, 16, and 20; 353.03, subdivision 1; 353.27, subdivisions 4, 7, 12, 12a, and by adding subdivisions; 353.28, subdivision 6; 353.29, subdivision 4; 353.31, subdivision 1; 353.32, subdivision 1a; 353.33, subdivision 3a; 353.34, subdivision 1; 353.64, by adding a subdivision; 353.656, subdivision 1a; 353.657; 353A.01, subdivision 1; 353A.02, subdivision 16, and by adding a subdivision; 353A.03; 353A.06; 353A.08, subdivision 1; 353C.06, subdivision 3; 353C.07, subdivision 1; 353C.08, subdivision 2; 353C.09; 353D.01, subdivision 2; 353D.02; 353D.04; 353D.05, subdivision 2; 353D.07, subdivisions 2 and 3;

353D.12, subdivision 1; 356.371, subdivision 3; 356.86, subdivisions 2 and 4; 356.87; Laws 1990, chapter 570, article 8, section 14, subdivision 1; and repealing Minnesota Statutes 1990, sections 353.33, subdivision 5a; and 353C.07, subdivision 2.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 1592, A bill for an act relating to health; requiring home care providers to advise persons receiving home care services of certain rights; amending Minnesota Statutes 1990, section 144A.44, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

S. F. No. 224, A bill for an act relating to the public defender; limiting entitlement to appellate representation by the state public defender to the first direct appeal of a conviction; amending Minnesota Statutes 1990, sections 590.05; 611.14; 611.18; and 611.25, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 590.05, is amended to read:

590.05 [INDIGENT PETITIONERS.]

A person financially unable to obtain counsel who desires to pursue the remedy provided in section 590.01 is entitled to be represented may apply for representation by the state public defender. The state public defender shall be appointed to represent such person pursuant to under the applicable provisions of Minnesota Statutes 1965, sections 611.14 to 611.29 , if the person has not already had a direct appeal of the conviction. The state public defender may represent, without charge, all other persons pursuing

a postconviction remedy under section 590.01, who are financially unable to obtain counsel.

Sec. 2. Minnesota Statutes 1990, section 611.14, is amended to read:

611.14 [RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.]

The following persons who are financially unable to obtain counsel, ~~shall be~~ are entitled to be represented by a public defender:

(a) (1) a person charged with a felony or gross misdemeanor, including a person charged ~~pursuant to~~ under sections 629.01 to 629.29;

(b) (2) a person appealing from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding, ~~after the time for appeal from the judgment has expired and who has not already had a direct appeal of the conviction;~~

(c) (3) a person who is entitled to be represented by counsel ~~pursuant to the provisions of~~ under section 609.14, subdivision 2;

(d) (4) a minor who is entitled to be represented by counsel ~~pursuant to the provisions of~~ under section 260.155, subdivision 2, if the judge of the juvenile court concerned has requested and received the approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases, and approval of the compensation on a monthly, hourly, or per diem basis to be paid for such services ~~pursuant to~~ under section 260.251, subdivision 2, clause (e); or

(e) (5) a person, entitled by law to be represented by counsel, charged with an offense within the trial jurisdiction of a municipal, county, or probate court, if the trial judge or a majority of the trial judges of the court concerned have requested and received approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases and approval of the compensation on a monthly, hourly, or per diem basis to be paid for such services by the county or municipality within the court's jurisdiction.

Sec. 3. Minnesota Statutes 1990, section 611.18, is amended to read:

611.18 [APPOINTMENT OF PUBLIC DEFENDER.]

If it appears to a court that a person requesting the appointment

of counsel satisfies the requirements of this chapter, the court shall order the appropriate public defender to represent the person at all further stages of the proceeding through appeal, if any. For ~~those persons~~ a person appealing from a conviction, or a person pursuing a post conviction proceeding, ~~after the time for appeal has expired and who has not already had a direct appeal of the conviction,~~ the state public defender shall be appointed. For ~~all other persons~~ a person covered by section 611.14, clause (1), a district public defender shall be appointed to represent ~~them~~ that person. If (a) conflicting interests exist, (b) the district public defender for any other reason is unable to act, or (c) the interests of justice require, the state public defender may be ordered to represent a person. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom the defendant had retained, the court may appoint the appropriate public defender to represent the defendant, as provided in this section. Prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent the person unless it is subsequently determined that the person is financially able to obtain counsel. The representation may be made available at the discretion of the public defender, upon the request of the person or someone on the person's behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.

Sec. 4. Minnesota Statutes 1990, section 611.25, subdivision 1, is amended to read:

Subdivision 1. [REPRESENTATION.] The state public defender shall represent, without charge, a defendant or other person appealing from a conviction or ~~pursuing a postconviction proceeding after the time for appeal has expired~~ when the state public defender is directed to do so by a judge of the district court, of the court of appeals or of the supreme court of a felony or gross misdemeanor. The state public defender shall represent, without charge, a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction. The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel. The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed to do so by the supreme court or the court of appeals, except that the state public defender shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. When requested by a district public defender or appointed counsel, the state public defender may assist the district public defender, appointed counsel, or an organization designated in section 611.216

in the performance of duties, including trial representation in matters involving legal conflicts of interest or other special circumstances, and assistance with legal research and brief preparation. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may, ~~with the court's approval,~~ assign the representation to any district public defender.

Sec. 5. Minnesota Statutes 1990, section 643.29, subdivision 1, is amended to read:

Subdivision 1. ["GOOD CONDUCT" ALLOWANCE.] Any person sentenced for a term to any county jail, workhouse, or correctional work farm, whether the term is part of an executed sentence or as a condition of probation, shall diminish the term of the sentence five days for each month, commencing on the day of arrival, during which the person has not violated any rule or discipline of the place wherein the person is incarcerated and, if required to labor, has labored with diligence and fidelity."

Delete the title and insert:

"A bill for an act relating to the public defender; providing who is eligible to be represented by the public defender; authorizing good conduct reduction of sentence for persons serving terms in local correctional facilities as a condition of probation; amending Minnesota Statutes 1990, sections 590.05; 611.14; 611.18; 611.25, subdivision 1; and 643.29, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 231, A bill for an act relating to insurance; accident and health; defining full-time students for purposes of dependent coverage; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reported the same back with the following amendments:

Page 1, line 8, delete "An" and insert "If an" and delete "that"

Page 1, line 10, delete "if they are" and insert "based on" and delete "students and otherwise" and insert "student status"

Page 1, line 11, delete everything before "must" and insert "the insurer" and delete "treat as a" and insert "include in its definition of" and before "any" insert a comma

Page 1, line 14, delete "if" and insert "so long as"

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Long moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

REPORTS OF STANDING COMMITTEES, Continued

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 1422, A bill for an act relating to workers' compensation; regulating benefits and insurance; establishing a permanent commission on workers' compensation; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 79.252, by adding a subdivision; 176.011, subdivisions 3, 11a, and 18; 176.101, subdivisions 1, 2, and 3f; 176.102, subdivisions 1, 2, 3, 3a, 4, 6, 9, and 11; 176.111, subdivision 18; 176.135, subdivisions 1, 6, and 7; 176.136, subdivisions 1, 2, and by adding subdivisions; 176.645, subdivisions 1 and 2; 176.83, subdivisions 5, 6, and by adding a subdivision; 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 175 and 176; repealing Minnesota Statutes 1990, sections 175.007; and 176.136, subdivision 5.

Reported the same back with the following amendments:

Page 29, delete lines 25 to 31 and insert:

“Beginning January 1, 1992, the cost to the commissioner of labor and industry of administering the workers’ compensation system and the cost of the workers’ compensation division of the office of administrative hearings under this chapter shall be appropriated from the general fund.”

Page 29, delete lines 33 to 36

Page 30, delete line 1 and insert:

“\$5,419,500 for fiscal year 1992 and \$11,229,000 for fiscal year 1993 are appropriated from the general fund to the commissioner of labor and industry for the purpose of administering the workers’ compensation system for the period January 1, 1992 to June 30, 1993.

\$1,729,000 for fiscal year 1992 and \$3,617,000 for fiscal year 1993 are appropriated from the general fund to the office of administrative hearings for the purpose of administering the workers’ compensation division for the period January 1, 1992 to June 30, 1993.

If the appropriation for either year is insufficient, the appropriation from the other year is available for the biennium ending June 30, 1993.”

Page 30, delete section 5

Page 30, line 28, delete everything after the period

Page 30, line 29, delete “1992.” and delete “6” and insert “5”

Page 33, line 24, delete “must be charged to” and insert “shall be appropriated from”

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

MINORITY REPORT

April 15, 1991

We, the undersigned, being a minority of the Committee on Appropriations, recommend that H. F. No. 1422 do pass with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

SCOPE OF COVERAGE/LIABILITY

Section 1. Minnesota Statutes 1990, section 176.011, subdivision 11a, is amended to read:

Subd. 11a. [FAMILY FARM.] "Family farm" means any farm operation which (1) pays or is obligated to pay less than ~~\$8,000~~ \$20,000 in cash wages, exclusive of machine hire, to farm laborers for services rendered during the preceding calendar year, and (2) has total liability and medical payment coverage equal to \$200,000 and \$5,000, respectively, under a farm liability insurance policy. For purposes of this subdivision, farm laborer does not include any spouse, parent or child, regardless of age, of a farmer employed by the farmer, or any executive officer of a family farm corporation as defined in section 500.24, subdivision 2, or any spouse, parent or child, regardless of age, of such an officer employed by that family farm corporation, or other farmers in the same community or members of their families exchanging work with the employer. Notwithstanding any law to the contrary, a farm laborer shall not be considered as an independent contractor for the purposes of this chapter; provided that a commercial baler or commercial thresher shall be considered an independent contractor.

Sec. 2. Minnesota Statutes 1990, section 176.041, subdivision 1a, is amended to read:

Subd. 1a. [ELECTION OF COVERAGE.] The persons, partnerships and corporations described in this subdivision may elect to provide the insurance coverage required by this chapter.

(a) An owner or owners of a business or farm may elect coverage for themselves.

(b) A partnership owning a business or farm may elect coverage for any partner.

(c) A family farm corporation as defined in section 500.24, subdivision 2, clause (c), may elect coverage for any executive officer.

(d) A closely held corporation which had less than 22,880 hours of payroll in the previous calendar year may elect coverage for any executive officer if that executive officer is also an owner of at least 25 percent of the stock of the corporation.

(e) A person, partnership, or corporation that receives the services of a voluntary uncompensated worker who is not required to be covered under this chapter may elect to provide coverage for that worker.

(f) A person, partnership, or corporation hiring an independent contractor, as defined by rules adopted by the commissioner, may elect to provide coverage for that independent contractor. A person, partnership, or corporation may charge the independent contractor a fee for providing the coverage only if the independent contractor (1) elects in writing to be covered, (2) is issued an endorsement setting forth the terms of the coverage, the name of the independent contractors, and the fee and how it is calculated.

The persons, partnerships, and corporations described in this subdivision may also elect coverage for an employee who is a spouse, parent, or child, regardless of age, of an owner, partner, or executive officer, who is eligible for coverage under this subdivision. Coverage may be elected for a spouse, parent, or child whether or not coverage is elected for the related owner, partner, or executive director and whether or not the person, partnership, or corporation employs any other person to perform a service for hire. Any person for whom coverage is elected pursuant to this subdivision shall be included within the meaning of the term employee for the purposes of this chapter.

Notice of election of coverage or of termination of election under this subdivision shall be provided in writing to the insurer. Coverage or termination of coverage is effective the day following receipt of notice by the insurer or at a subsequent date if so indicated in the notice. The insurance policy shall be endorsed to indicate the names of those persons for whom coverage has been elected or terminated under this subdivision. An election of coverage under this subdivision shall continue in effect as long as a policy or renewal policy of the same insurer is in effect.

Nothing in this subdivision shall be construed to limit the responsibilities of owners, partnerships, or corporations to provide coverage for their employees, if any, as required under this chapter.

Sec. 3. Minnesota Statutes 1990, section 176.183, subdivision 1, is amended to read:

Subdivision 1. When any employee sustains an injury arising out of and in the course of employment while in the employ of an employer, other than the state or its political subdivisions, not

insured or self-insured as provided for in this chapter, the employee or the employee's dependents shall nevertheless receive benefits as provided for in this chapter from the special compensation fund, and the commissioner has a cause of action against the employer for reimbursement for all moneys paid out or to be paid out, and, in the discretion of the court, as punitive damages an additional amount not exceeding 50 60 percent of all moneys paid out or to be paid out. As used in this subdivision, "employer" includes officers of corporations who have legal control, either individually or jointly with another or others, of the payment of wages. An action to recover the moneys shall be instituted unless the commissioner determines that no recovery is possible. All moneys recovered shall be deposited in the general fund. There shall be no payment from the special compensation fund if there is liability for the injury under the provisions of section 176.215, by an insurer or self-insurer.

Sec. 4. Minnesota Statutes 1990, section 176.215, is amended by adding a subdivision to read:

Subd. 1a. [EXCLUSIVE REMEDY.] The liability of a general contractor, intermediate contractor, or subcontractor who pays compensation pursuant to subdivision 1, to an injured individual who is not an employee of the general contractor, intermediate contractor, or subcontractor is exclusive and in the place of any other liability to the individual, the individual's personal representative, surviving spouse, parent, any child, dependent, next of kin, or other person entitled to recover damages on account of the individual's injury or death.

Sec. 5. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1992. Sections 2 to 4 are effective the day following final enactment.

ARTICLE 2

COMPENSATION BENEFITS

Section 1. Minnesota Statutes 1990, section 176.011, subdivision 3, is amended to read:

Subd. 3. [DAILY WAGE.] "Daily wage" means the daily wage of the employee in the employment engaged in at the time of injury but does not include tips and gratuities paid directly to an employee by a customer of the employer and not accounted for by the employee to the employer. If the amount of the daily wage received or to be received by the employee in the employment engaged in at the time of injury was irregular or difficult to determine, or if the employment was part time, the daily wage shall be computed by dividing the total amount the employee actually earned in such employment

in the last 26 weeks, by the total number of days in which the employee actually performed any of the duties of such employment, provided further, that in the case of the construction industry, mining industry, or other industry where the hours of work are affected by seasonal conditions, the weekly wage shall not be less than five times the daily wage. Where board or allowances other than tips and gratuities are made to an employee in addition to wages as a part of the wage contract they are deemed a part of earnings and computed at their value to the employee. In the case of persons performing services for municipal corporations in the case of emergency, then the normal working day shall be considered and computed as eight hours, and in cases where such services are performed gratis or without fixed compensation the daily wage of the person injured shall, for the purpose of calculating compensation payable under this chapter, be taken to be the usual going wage paid for similar services in municipalities where such services are performed by paid employees. If, at the time of injury, the employee was regularly employed by two or more employers, the employee's earnings in all such employments shall be included in the computation of daily wage. Holiday pay and vacation pay shall not be included in the calculation of daily wage.

Sec. 2. Minnesota Statutes 1990, section 176.011, subdivision 18, is amended to read:

Subd. 18. [WEEKLY WAGE.] "Weekly wage" is arrived at by multiplying the daily wage by the number of days and fractional days normally worked in the business of the employer for the employment involved. If the employee normally works less than five days per week or works an irregular number of days per week, the number of days normally worked shall be computed by dividing the total number of days in which the employee actually performed any of the duties of employment in the last 26 weeks by the number of weeks in which the employee actually performed such duties, provided that the weekly wage for part time employment during a period of seasonal or temporary layoff shall be computed on the number of days and fractional days normally worked in the business of the employer for the employment involved. If, at the time of the injury, the employee was regularly employed by two or more employers, the employee's days of work for all such employments shall be included in the computation of weekly wage. Occasional overtime is not to be considered in computing the weekly wage, but if overtime is regular or frequent throughout the year it shall be taken into consideration. Holiday pay and vacation pay shall not be included in the calculation of weekly wage. The maximum weekly compensation payable to an employee, or to the employee's dependents in the event of death, shall not exceed $66 \frac{2}{3}$ 80 percent of the ~~product of the daily wage times the number of days normally worked~~ employee's after-tax weekly wage, provided that the compensation payable for permanent partial disability under section 176.101, subdivision 3, and for permanent total disability under section 176.101, subdivi-

vision 4, or death under section 176.111, shall not be computed on less than the number of hours normally worked in the employment or industry in which the injury was sustained, subject also to such maximums as are specifically otherwise provided.

Sec. 3. Minnesota Statutes 1990, section 176.011, is amended by adding a subdivision to read:

Subd. 18a. [AFTER-TAX WEEKLY WAGE.] "After-tax weekly wage" means the weekly wage reduced by the amounts required to be withheld by the Federal Insurance Contributions Act, United States Code, title 16, sections 3101 to 3126, but without regard to the yearly maximum, and by state and federal income tax laws using as the number of allowances the number of exemptions that the employee is entitled to under federal law for the employee and the employee's dependents and without additional allowances. The after-tax weekly wage must be determined as of the date of injury, and changes in dependents after that date may not be considered.

Sec. 4. Minnesota Statutes 1990, section 176.021, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION, COMMENCEMENT OF PAYMENT.] All employers shall commence payment of compensation at the time and in the manner prescribed by this chapter without the necessity of any agreement or any order of the division. Except for medical, burial, and other nonperiodic benefits, payments shall be made as nearly as possible at the intervals when the wage was payable, provided, however, that payments for permanent partial disability shall be governed by section 176.101, subdivision 3. If doubt exists as to the eventual permanent partial disability, payment for the economic recovery compensation or impairment compensation, whichever is due, pursuant to section 176.101, shall be then made when due for the minimum permanent partial disability ascertainable, and further payment shall be made upon any later ascertainment of greater permanent partial disability. Prior to or at the time of commencement of the payment of economic recovery compensation or lump sum or periodic payment of impairment permanent partial disability compensation, the employee and employer shall be furnished with a copy of the medical report upon which the payment is based and all other medical reports which the insurer has that indicate a permanent partial disability rating, together with a statement by the insurer as to whether the tendered payment is for minimum permanent partial disability or final and eventual disability. After receipt of all reports available to the insurer that indicate a permanent partial disability rating, the employee shall make available or permit the insurer to obtain any medical report that the employee has or has knowledge of that contains a permanent partial disability rating which the insurer does not already have. Economic recovery compensation or impairment compensation pursuant to section 176.101 is payable in

addition to but not concurrently with compensation for temporary total disability but is payable pursuant to section 176.101. Impairment compensation is payable concurrently and in addition to compensation for permanent total disability pursuant to section 176.101. Economic recovery compensation or impairment compensation pursuant to section 176.101 shall be withheld pending completion of payment for temporary total disability, and no credit shall be taken for payment of economic recovery compensation or impairment compensation against liability for temporary total or future permanent total disability. Liability on the part of an employer or the insurer for disability of a temporary total, temporary partial, and permanent total nature shall be considered as a continuing product and part of the employee's inability to earn or reduction in earning capacity due to injury or occupational disease and compensation is payable accordingly, subject to section 176.101. Economic recovery compensation or impairment compensation is payable for functional loss of use or impairment of function, permanent in nature, and payment therefore shall be separate, distinct, and in addition to payment for any other compensation, subject to section 176.101. The right to receive temporary total, temporary partial, or permanent total disability payments vests in the injured employee or the employee's dependents under this chapter or, if none, in the employee's legal heirs at the time the disability can be ascertained and the right is not abrogated by the employee's death prior to the making of the payment.

~~The right to receive economic recovery compensation or impairment permanent partial compensation vests in an injured employee or in the employee's dependents under this chapter or, if none, in the employee's legal heirs at the time the disability can be ascertained, provided that the employee lives for at least 30 days beyond the date of the injury. Upon the death of an employee who is receiving economic recovery compensation or impairment compensation, further compensation is payable pursuant to section 176.101. Impairment compensation is payable under this paragraph if vesting has occurred, the employee dies prior to reaching maximum medical improvement, and the requirements and conditions under section 176.101, subdivision 3e, are not met.~~

~~Disability ratings for permanent partial disability shall be based on objective medical evidence. The right is not abrogated by the employee's death prior to the making of the payment.~~

Sec. 5. Minnesota Statutes 1990, section 176.061, subdivision 10, is amended to read:

Subd. 10. [INDEMNITY.] Notwithstanding the provisions of chapter 65B or any other law to the contrary, an employer has a right of indemnity for any compensation paid or payable pursuant to this chapter, including temporary total compensation, temporary partial compensation, permanent partial disability, economic recovery com-

~~ensation, impairment compensation, medical compensation, rehabilitation, death, and permanent total compensation.~~

Sec. 6. Minnesota Statutes 1990, section 176.101, subdivision 1, is amended to read:

Subdivision 1. [TEMPORARY TOTAL DISABILITY.] (a) For an injury producing temporary total disability, the compensation is ~~66-2/3~~ 80 percent of the after-tax weekly wage at the time of injury.

~~(1) provided that~~ (b) During the year commencing on October 1, ~~1979~~ 1991, and each year thereafter, commencing on October 1, the maximum weekly compensation payable is 105 percent of the statewide average weekly wage for the period ending December 31, of the preceding year.

~~(2) (c) The minimum weekly compensation benefits for temporary total disability shall be not less than 50~~ payable is 20 percent of the statewide average weekly wage or the injured employee's actual after-tax weekly wage, whichever is less. ~~In no case shall a weekly benefit be less than 20 percent of the statewide average weekly wage.~~

~~Subject to subdivisions 2a to 2u this~~ (d) Temporary total compensation shall be paid during the period of disability; payment to be made at the intervals when the wage was payable, as nearly as may be, and shall cease whenever any one of the following occurs:

(1) the disability ends;

(2) the employee returns to work;

(3) the employee retires by withdrawing from the labor market;

(4) the employee fails to diligently search for appropriate work;

(5) the employee refuses an offer of work that is consistent with a plan of rehabilitation filed with the commissioner which meets the requirements of section 176.102, subdivision 1, or, if no plan has been filed, the employee refuses an offer of work that the employee can do in the employee's physical condition; or

(6) 90 days pass after the employee has reached maximum medical improvement, except as provided in section 176.102, subdivision 11, paragraph (b).

(e) For purposes of this subdivision, the 90-day period after maximum medical improvement commences on the earlier of:

(1) the date that the employee receives a written medical report indicating that the employee has reached maximum medical improvement; or

(2) the date that the employer or insurer serves the report on the employee and the employee's attorney, if any, and files a copy with the division.

(f) Once temporary total disability compensation has ceased under paragraph (d), clause (1), (2), (3), or (4), it may be recommenced prior to 90 days after maximum medical improvement only as follows:

(1) if temporary total disability compensation ceased under paragraph (d), clause (1), it may be recommenced if the employee again becomes disabled as a result of the work-related injury;

(2) if temporary total disability compensation ceased under paragraph (d), clause (2), it may be recommenced if the employee is laid off or terminated for reasons other than misconduct or is medically unable to continue at the job;

(3) if temporary total disability compensation ceased under paragraph (d), clause (3), but the employee subsequently returned to work, it may be recommenced in accordance with paragraph (f), clause (2); or

(4) if temporary total disability compensation ceased under paragraph (d), clause (4), it may be recommenced if the employee begins diligently searching for appropriate work. Temporary total disability compensation recommenced under this paragraph is subject to cessation under paragraph (d).

Recommenced temporary total disability compensation may not be paid beyond 90 days after the employee reaches maximum medical improvement, except as provided under section 176.102, subdivision 11, paragraph (b).

(g) Once temporary total disability compensation has ceased under paragraph (d), clauses (5) and (6), it may not be recommenced at a later date except as provided under section 176.102, subdivision 11, paragraph (b).

Sec. 7. Minnesota Statutes 1990, section 176.101, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY PARTIAL DISABILITY.] (a) In all cases of temporary partial disability the compensation shall be ~~66-2/3~~ 66-2/3 percent of the difference between the weekly wage of the employee at the time of injury and the wage the employee is able to earn in the ~~employee's partially disabled condition.~~ 80 percent of the difference

between the after-tax weekly wage of the employee at the time of injury and the after-tax weekly wage the employee is able to earn in the employee's partially disabled condition.

(b) This Temporary partial compensation shall be paid during the period of disability except as provided in this section; payment to be made at the intervals when the wage was payable, as nearly as may be, and subject to a maximum compensation equal to the statewide average weekly wage: when the employee is working, earning less than the employee's weekly wage at the time of the injury, and the reduction in the wage the employee is able to earn in the employee's partially disabled condition is due to the injury. Except as provided in section 176.102, subdivision 11, paragraph (b), temporary partial compensation may not be paid after the employee has returned to work for 156 weeks, including weeks in which the employee has no wage loss, or after 350 weeks after the date of injury, whichever occurs first.

(c) Temporary partial compensation may not exceed the maximum rate for temporary total compensation and must be reduced to the extent that the wage the employee is able to earn in the employee's partially disabled condition plus the temporary partial disability payment otherwise payable under this subdivision exceeds 300 percent of the statewide average weekly wage.

Sec. 8. Minnesota Statutes 1990, section 176.101, is amended by adding a subdivision to read:

Subd. 3. [PERMANENT PARTIAL DISABILITY.] (a) Compensation for permanent partial disability is as provided in this subdivision. Permanent partial disability must be rated as a percentage of the whole body in accordance with rules adopted by the commissioner under section 176.105. The percentage determined pursuant to the rules must be multiplied by the corresponding amount in the following table:

<u>Percent of Disability</u>	<u>Amount</u>
<u>0-25</u>	<u>\$ 75,000</u>
<u>26-30</u>	<u>80,000</u>
<u>31-35</u>	<u>85,000</u>
<u>36-40</u>	<u>90,000</u>
<u>41-45</u>	<u>95,000</u>
<u>46-50</u>	<u>100,000</u>
<u>51-55</u>	<u>120,000</u>
<u>56-60</u>	<u>140,000</u>
<u>61-65</u>	<u>160,000</u>
<u>66-70</u>	<u>180,000</u>
<u>71-75</u>	<u>200,000</u>
<u>76-80</u>	<u>240,000</u>
<u>81-85</u>	<u>280,000</u>

<u>86-90</u>	<u>320,000</u>
<u>91-95</u>	<u>360,000</u>
<u>96-100</u>	<u>400,000</u>

An employee may not receive compensation for more than a 100 percent disability of the whole body, even if the employee sustains disability to two or more body parts.

(b) Permanent partial disability is payable upon cessation of temporary total disability under subdivision 1. If the employee is not working, the compensation is payable in installments at the same intervals and in the same amount as the initial temporary total disability rate. If the employee returns to work, the remaining compensation is payable in a lump sum 30 days after the employee returned to work, provided the employment has not been substantially interrupted by the injury for any part of the 30 days and the employee is still employed at the job at the end of the period. Permanent partial disability is not payable while temporary total compensation is being paid. Permanent partial disability is payable to permanently totally disabled employees in a lump sum at the time the disability can be ascertained.

Sec. 9. Minnesota Statutes 1990, section 176.101, subdivision 4, is amended to read:

Subd. 4. [PERMANENT TOTAL DISABILITY.] For permanent total disability, as defined in subdivision 5, the compensation shall be ~~66 2/3~~ 80 percent of the daily after-tax weekly wage at the time of the injury, subject to a ~~maximum weekly compensation equal to the maximum weekly compensation for a temporary total disability and a minimum weekly compensation equal to the minimum weekly compensation rates for a temporary total disability.~~ This compensation shall be paid during the permanent total disability of the injured employee but after a total of \$25,000 of weekly compensation has been paid, the amount of the weekly compensation benefits being paid by the employer shall be reduced by the amount of any disability benefits being paid by any government disability benefit program if the disability benefits are occasioned by the same injury or injuries which give rise to payments under this subdivision. This reduction shall also apply to any old age and survivor insurance benefits. Permanent total disability payments shall cease at retirement. Payments shall be made at the intervals when the wage was payable, as nearly as may be. In case an employee who is permanently and totally disabled becomes an inmate of a public institution, no compensation shall be payable during the period of confinement in the institution, unless there is wholly dependent on the employee for support some person named in section 176.111, subdivision 1, 2 or 3, in which case the compensation provided for in section 176.111, during the period of confinement, shall be paid for the benefit of the dependent person during dependency. The depen-

gency of this person shall be determined as though the employee were deceased.

Sec. 10. Minnesota Statutes 1990, section 176.101, subdivision 5, is amended to read:

Subd. 5. [TOTAL DISABILITY DEFINITION.] (a) For purposes of subdivision 4, permanent total disability means only:

(1) the total and permanent loss of the sight of both eyes, the loss of both arms at the shoulder, the loss of both legs so close to the hips that no effective artificial members can be used, complete and permanent paralysis, total and permanent loss of mental faculties; or

(2) any other injury which totally and permanently incapacitates the employee from working at an occupation which brings the employee an income ~~constitutes total disability.~~

(b) For purposes of paragraph (a), clause (2), "totally and permanently incapacitated" means that the employee's physical disability, in combination with the employee's age, education and training, and experience, causes the employee to be unable to secure anything more than sporadic employment resulting in an insubstantial income. Local labor market conditions may not be considered in making the total and permanent incapacitation determination.

Sec. 11. Minnesota Statutes 1990, section 176.101, subdivision 6, is amended to read:

Subd. 6. [MINORS.] If any employee entitled to the benefits of this chapter is a minor or is an apprentice of any age and sustains a personal injury arising out of and in the course of employment resulting in permanent total or a compensable permanent partial disability, for the purpose of computing the compensation to which the employee is entitled for the injury, the compensation rate for temporary total, temporary partial, a permanent total disability or economic recovery compensation shall be 105 percent of the state-wide average weekly wage.

Sec. 12. Minnesota Statutes 1990, section 176.101, is amended by adding a subdivision to read:

Subd. 9. [MOVING EXPENSES.] An injured employee who has reached maximum medical improvement and who is unable to find suitable gainful employment consistent with the individual's physical disability, in combination with the individual's age, education and training, and experience, due to local labor market conditions is eligible to receive up to \$5,000 for moving expenses, provided:

(1) 90 days have passed after the individual has reached maximum medical improvement;

(2) the individual has actually moved in order to take a new job which constitutes suitable gainful employment; and

(3) the new job is located at a distance greater than 35 miles from the individual's current residence.

Sec. 13. Minnesota Statutes 1990, section 176.102, subdivision 11, is amended to read:

Subd. 11. [RETRAINING; COMPENSATION.] (a) Retraining is limited to 156 weeks. An employee who has been approved for retraining may petition ~~the commissioner~~ for additional compensation not to exceed 25 percent of the compensation otherwise payable. If the commissioner or compensation judge determines that this additional compensation is warranted due to unusual or unique circumstances of the employee's retraining plan, the commissioner or compensation judge may award additional compensation in an amount ~~the commissioner determines is appropriate~~, not to exceed the employee's request. This additional compensation shall cease at any time the commissioner or compensation judge determines the special circumstances are no longer present.

(b) If the employee is not working during a retraining plan that has been specifically approved under this section, temporary total compensation is payable for up to 90 days after the end of the retraining plan; except that, payment during the 90-day period is subject to cessation in accordance with section 176.101, subdivision 1, paragraph (d), clauses (1) to (5). If the employee is working during the retraining plan but earning less than at the time of injury, temporary partial compensation is payable at the rate of 80 percent of the difference between the employee's after-tax weekly wage at the time of injury and the after-tax weekly wage the employee is able to earn in the employee's partially disabled condition, subject to the maximum rate for temporary total compensation. Temporary partial compensation is not subject to either the 156-week or the 350-week limitation provided by section 176.101, subdivision 2, during the retraining plan, but is subject to those limitations before and after the plan.

(c) Retraining may not be approved if the employee has refused suitable gainful employment, as defined by rule.

Sec. 14. Minnesota Statutes 1990, section 176.105, subdivision 1, is amended to read:

Subdivision 1. [SCHEDULE; RULES.] (a) The commissioner of labor and industry shall by rule establish a schedule of degrees of

disability resulting from different kinds of injuries. Disability ratings under the schedule for permanent partial disability must be based on objective medical evidence. The commissioner, in consultation with the medical services review board, shall periodically review the rules adopted under this paragraph to determine whether any injuries omitted from the schedule should be compensable and amend the rules accordingly.

(b) No permanent partial disability compensation shall be payable except in accordance with the disability ratings established under this subdivision. The schedule may provide that minor impairments receive a zero rating.

Sec. 15. Minnesota Statutes 1990, section 176.105, subdivision 4, is amended to read:

Subd. 4. [LEGISLATIVE INTENT; RULES; LOSS OF MORE THAN ONE BODY PART.] (a) For the purpose of establishing a disability schedule pursuant to clause (b), the legislature declares its intent that the commissioner establish a disability schedule which, assuming the same number and distribution of severity of injuries, the aggregate total of impairment compensation and economic recovery compensation benefits under section 176.101, subdivisions 3a to 3u be approximately equal to the total aggregate amount payable for permanent partial disabilities under section 176.101, subdivision 3, provided, however, that awards for specific injuries under the proposed schedule need not be the same as they were for the same injuries under the schedule pursuant to section 176.101, subdivision 3. The schedule shall be determined by sound actuarial evaluation and shall be based on the benefit level which exists on January 1, 1983.

(b) The commissioner shall by rulemaking adopt procedures setting forth rules for the evaluation and rating of functional disability and the schedule for permanent partial disability and to determine the percentage of loss of function of a part of the body based on the body as a whole, including internal organs, described in section 176.101, subdivision 3, and any other body part not listed in section 176.101, subdivision 3, which the commissioner deems appropriate.

The rules shall promote objectivity and consistency in the evaluation of permanent functional impairment due to personal injury and in the assignment of a numerical rating to the functional impairment.

Prior to adoption of rules the commissioner shall conduct an analysis of the current permanent partial disability schedule for the purpose of determining the number and distribution of permanent partial disabilities and the average compensation for various permanent partial disabilities. The commissioner shall consider setting

the compensation under the proposed schedule for the most serious conditions higher in comparison to the current schedule and shall consider decreasing awards for minor conditions in comparison to the current schedule.

The commissioner may consider, among other factors, and shall not be limited to the following factors in developing rules for the evaluation and rating of functional disability and the schedule for permanent partial disability benefits:

(1) the workability and simplicity of the procedures with respect to the evaluation of functional disability;

(2) the consistency of the procedures with accepted medical standards;

(3) rules, guidelines, and schedules that exist in other states that are related to the evaluation of permanent partial disability or to a schedule of benefits for functional disability provided that the commissioner is not bound by the degree of disability in these sources but shall adjust the relative degree of disability to conform to the expressed intent of clause (a);

(4) rules, guidelines, and schedules that have been developed by associations of health care providers or organizations provided that the commissioner is not bound by the degree of disability in these sources but shall adjust the relative degree of disability to conform to the expressed intent of clause (a);

(5) the effect the rules may have on reducing litigation;

(6) the treatment of preexisting disabilities with respect to the evaluation of permanent functional disability provided that any preexisting disabilities must be objectively determined by medical evidence; and

(7) symptomatology and loss of function and use of the injured member.

The factors in paragraphs (1) to (7) shall not be used in any individual or specific workers' compensation claim under this chapter but shall be used only in the adoption of rules pursuant to this section.

Nothing listed in paragraphs (1) to (7) shall be used to dispute or challenge a disability rating given to a part of the body so long as the whole schedule conforms with the expressed intent of clause (a).

(c) If an employee suffers a permanent functional disability of more than one body part due to a personal injury incurred in a single

occurrence, the percent of the whole body which is permanently partially disabled shall be determined by the following formula so as to ensure that the percentage for all functional disability combined does not exceed the total for the whole body:

$$A + B (1 - A)$$

where: A is the greater percentage whole body loss of the first body part; and B is the lesser percentage whole body loss otherwise payable for the second body part. $A + B (1 - A)$ is equivalent to $A + B - AB$.

For permanent partial disabilities to three body parts due to a single occurrence or as the result of an occupational disease, the above formula shall be applied, providing that A equals the result obtained from application of the formula to the first two body parts and B equals the percentage for the third body part. For permanent partial disability to four or more body parts incurred as described above, A equals the result obtained from the prior application of the formula, and B equals the percentage for the fourth body part or more in arithmetic progressions.

Sec. 16. Minnesota Statutes 1990, section 176.111, subdivision 6, is amended to read:

Subd. 6. [SPOUSE, NO DEPENDENT CHILD.] If the deceased employee leaves a dependent surviving spouse and no dependent child, there shall be paid to the spouse weekly workers' compensation benefits at ~~50~~ 85 percent of the after-tax weekly wage at the time of the injury for a period of ten years, including adjustments as provided in section 176.645.

Sec. 17. Minnesota Statutes 1990, section 176.111, subdivision 7, is amended to read:

Subd. 7. [SPOUSE, ONE DEPENDENT CHILD.] If the deceased employee leaves a surviving spouse and one dependent child, there shall be paid to the surviving spouse for the benefit of the spouse and child ~~60~~ 85 percent of the daily after-tax weekly wage at the time of the injury of the deceased until the child is no longer a dependent as defined in subdivision 1. At that time there shall be paid to the dependent surviving spouse weekly benefits at ~~a~~ the same rate which is 16-2/3 percent less than the last weekly workers' compensation benefit payment, as defined in subdivision 8a, while the surviving child was a dependent, for a period of ten years, including adjustments as provided in section 176.645.

Sec. 18. Minnesota Statutes 1990, section 176.111, subdivision 8, is amended to read:

Subd. 8. [SPOUSE, TWO DEPENDENT CHILDREN.] If the deceased employee leaves a surviving spouse and two dependent children, there shall be paid to the surviving spouse for the benefit of the spouse and children ~~66-2/3~~ 85 percent of the daily after-tax weekly wage at the time of the injury of the deceased until the last dependent child is no longer dependent. At that time the dependent surviving spouse shall be paid weekly benefits at ~~a the same rate which is 25 percent less than the last weekly workers' compensation benefit payment, as defined in subdivision 8a, while the surviving child was a dependent,~~ for a period of ten years, adjusted according to section 176.645.

Sec. 19. Minnesota Statutes 1990, section 176.111, subdivision 12, is amended to read:

Subd. 12. [ORPHANS.] If the deceased employee leaves a dependent orphan, there shall be paid ~~55~~ 85 percent of the after-tax weekly wage at the time of the injury of the deceased, for two or more orphans there shall be paid ~~66-2/3~~ 85 percent of the wages after-tax weekly wage.

Sec. 20. Minnesota Statutes 1990, section 176.111, subdivision 14, is amended to read:

Subd. 14. [PARENTS.] If the deceased employee ~~leave~~ leaves no surviving spouse or child entitled to any payment under this chapter, but leaves both parents wholly dependent on the deceased, there shall be paid to such parents jointly ~~45~~ 85 percent of the after-tax weekly wage at the time of the injury of the deceased. In case of the death of either of the wholly dependent parents the survivor shall receive ~~35~~ 85 percent of the after-tax weekly wage thereafter. If the deceased employee ~~leave~~ leaves one parent wholly dependent on the deceased, there shall be paid to such parent ~~35~~ 85 percent of the after-tax weekly wage at the time of the injury of the deceased employee. The compensation payments under this section shall not exceed the actual contributions made by the deceased employee to the support of the employee's parents for a reasonable time immediately prior to the injury which caused the death of the deceased employee.

Sec. 21. Minnesota Statutes 1990, section 176.111, subdivision 15, is amended to read:

Subd. 15. [REMOTE DEPENDENTS.] If the deceased employee leaves no surviving spouse or child or parent entitled to any payment under this chapter, but leaves a grandparent, grandchild, brother, sister, mother-in-law, or father-in-law wholly dependent on the employee for support, there shall be paid to such dependent, if but one, ~~30~~ 45 percent of the after-tax weekly wage at the time of injury of the deceased, or if more than one, ~~35~~ 50 percent of the after-tax

weekly wage at the time of the injury of the deceased, divided among them share and share alike.

Sec. 22. Minnesota Statutes 1990, section 176.111, subdivision 18, is amended to read:

Subd. 18. [BURIAL EXPENSE.] In all cases where death results to an employee from a personal injury arising out of and in the course of employment, the employer shall pay the expense of burial, not exceeding in amount ~~\$2,500~~ \$8,000. In case any dispute arises as to the reasonable value of the services rendered in connection with the burial, its reasonable value shall be determined and approved by the commissioner, a compensation judge, or workers' compensation court of appeals, in cases upon appeal, before payment, after reasonable notice to interested parties as is required by the commissioner. If the deceased leaves no dependents, no compensation is payable, except as provided by this chapter.

Sec. 23. Minnesota Statutes 1990, section 176.111, subdivision 20, is amended to read:

Subd. 20. [ACTUAL DEPENDENTS, COMPENSATION.] Actual dependents are entitled to take compensation in the order named in subdivision 3 during dependency until ~~66-2/3~~ 85 percent of the after-tax weekly wage of the deceased at the time of injury is exhausted. The total weekly compensation to be paid to full actual dependents of a deceased employee shall not exceed in the aggregate an amount equal to the maximum weekly compensation for a temporary total disability.

Sec. 24. Minnesota Statutes 1990, section 176.111, subdivision 21, is amended to read:

Subd. 21. [DEATH, BENEFITS; COORDINATION WITH GOVERNMENTAL SURVIVOR BENEFITS.] The following provision shall apply to any dependent entitled to receive weekly compensation benefits under this section as the result of the death of an employee, and who is also receiving or entitled to receive benefits under any government survivor program:

The combined total of weekly government survivor benefits and workers' compensation death benefits provided under this section shall not exceed 100 percent of the after-tax weekly wage being earned by the deceased employee at the time of the injury causing death; provided, however, that no state workers' compensation death benefit shall be paid for any week in which the survivor benefits paid under the federal program, by themselves, exceed 100 percent of such weekly wage provided, however, the workers' compensation benefits payable to a dependent surviving spouse shall not be reduced on account of any governmental survivor benefits payable to

decendent's children if the support of the children is not the responsibility of the dependent surviving spouse.

For the purposes of this subdivision "dependent" means dependent surviving spouse together with all dependent children and any other dependents. For the purposes of this subdivision, mother's or father's insurance benefits received pursuant to United States Code, title 42, section 402(g), are benefits under a government survivor program.

Sec. 25. Minnesota Statutes 1990, section 176.131, subdivision 8, is amended to read:

Subd. 8. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

"Physical impairment" means any physical or mental condition that is permanent in nature, whether congenital or due to injury, disease or surgery and which is or is likely to be a hindrance or obstacle to obtaining employment, except that physical impairment is limited to the following:

- (a) epilepsy,
- (b) diabetes,
- (c) hemophilia,
- (d) cardiac disease, provided that objective medical evidence substantiates at least the minimum permanent partial disability listed in the workers' compensation permanent partial disability schedule,
- (e) partial or entire absence of thumb, finger, hand, foot, arm, or leg,
- (f) lack of sight in one or both eyes or vision in either eye not correctable to 20/40,
- (g) residual disability from poliomyelitis,
- (h) cerebral palsy,
- (i) multiple sclerosis,
- (j) Parkinson's disease,
- (k) cerebral vascular accident,
- (l) chronic osteomyelitis,

- (m) muscular dystrophy,
- (n) thrombophlebitis,
- (o) brain tumors,
- (p) Pott's disease,
- (q) seizures,
- (r) cancer of the bone,
- (s) leukemia,
- (t) mental retardation or other related conditions,
- (u) any other physical impairment resulting in a disability rating of at least ~~ten~~ 25 percent of the whole body if the physical impairment were evaluated according to standards used in workers' compensation proceedings, and
- (v) any other physical impairments of a permanent nature which the commissioner may by rule prescribe.

"Compensation" has the meaning defined in section 176.011.

"Employer" includes insurer.

"Disability" means, unless otherwise indicated, any condition causing either temporary total, temporary partial, permanent total, permanent partial, death, medical expense, or rehabilitation.

"Mental retardation" means significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior that require supervision and protection for the person's welfare or the public welfare.

"Other related conditions" means severe chronic disabilities that are (i) attributable to cerebral palsy, epilepsy, autism, or any other condition, other than mental illness, found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment or services similar to those required for persons with mental retardation; (ii) likely to continue indefinitely; and (iii) result in substantial functional limitations in three or more of the following areas of major life activity: self-care, understanding and use of language, learning, mobility, self-direction, or capacity for independent living.

Sec. 26. Minnesota Statutes 1990, section 176.131, is amended by adding a subdivision to read:

Subd. 13. [APPLICABLE LAW.] The right to reimbursement under this section is governed by the law in effect on the date of the subsequent injury.

Sec. 27. Minnesota Statutes 1990, section 176.132, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBLE RECIPIENTS.] (a) An employee who has suffered personal injury prior to October 1, 1983 for which benefits are payable under section 176.101 and who has been totally disabled for more than 104 weeks shall be eligible for supplementary benefits as prescribed in this section after 104 weeks have elapsed and for the remainder of the total disablement. Regardless of the number of weeks of total disability, no totally disabled person is ineligible for supplementary benefits after four years have elapsed since the first date of the total disability, ~~except as provided by clause (b)~~, provided that all periods of disability are caused by the same injury.

(b) An employee who has suffered personal injury after October 1, 1983, and before October 1, 1987, is eligible to receive supplementary benefits after the employee has been receiving temporary total or permanent total benefits for 208 weeks. Regardless of the number of weeks of total disability, no person who is receiving temporary total compensation shall be ineligible for supplementary benefits after four years have elapsed since the first date of the total disability, provided that all periods of disability are caused by the same injury.

(c) An employee who has suffered a personal injury after October 1, 1987, and is permanently totally disabled as defined in section 176.101, subdivisions 4 and 5, is eligible to receive supplementary benefits after the employee has been receiving temporary total or permanent total benefits for 208 weeks. Regardless of the number of weeks of total disability, no person who is receiving permanent total compensation shall be ineligible for supplementary benefits after four years have elapsed since the first date of the total disability, provided that all periods of disability are caused by the same injury.

Sec. 28. Minnesota Statutes 1990, section 176.132, subdivision 2, is amended to read:

Subd. 2. [AMOUNT.] (a) ~~The supplementary benefit payable under this section subdivision 1, paragraphs (a) and (b), shall be the difference between the amount the employee receives on or after January 1, 1976, under section 176.101, subdivision 1 or 4, and 65 percent of the statewide average weekly wage as computed annually.~~

The supplementary benefit payable under subdivision 1, paragraph (c), shall be the difference between:

(1) the amount the employee receives on or after October 1, 1991, under section 176.101, subdivision 4; plus the amount of disability benefits being paid under any government disability benefit program, provided those benefits are a result of the same injury or injuries giving rise to payments under section 176.101, subdivision 4; plus the amount of any federal old age and survivors insurance benefits; and

(2) 50 percent of the statewide average weekly wage, as computed annually.

(b) In the event an eligible recipient is currently receiving no compensation or is receiving a reduced level of compensation because of a credit being applied as the result of a third party liability or damages, the employer or insurer shall compute the offset credit as if the individual were entitled to the actual benefit or 65 50 percent of the statewide average weekly wage as computed annually, whichever is greater. If this results in the use of a higher credit than otherwise would have been applied and the employer or insurer becomes liable for compensation benefits which would otherwise not have been paid, the additional benefits resulting shall be handled according to this section.

(c) In the event an eligible recipient is receiving no compensation or is receiving a reduced level of compensation because of a valid agreement in settlement of a claim, no supplementary benefit shall be payable under this section. Attorney's fees shall be allowed in settlements of claims for supplementary benefits in accordance with this chapter.

(d) In the event an eligible recipient under subdivision 1, paragraph (a) or (b), is receiving no compensation or is receiving a reduced level of compensation because of prior limitations in the maximum amount payable for permanent total disability or because of reductions resulting from the simultaneous receipt of old age or disability benefits, the supplementary benefit shall be payable for the difference between the actual amount of compensation currently being paid and 65 percent of the statewide average weekly wage as computed annually.

(e) In the event that an eligible recipient is receiving simultaneous benefits from any government disability program, the amount of supplementary benefits payable under this section shall be reduced by five percent. If the individual does not receive the maximum benefits for which the individual is eligible under other governmental disability programs due to the provisions of United States Code, title 42, section 424a(d), this reduction shall not apply.

(f) Notwithstanding any other provision in this subdivision to the contrary, if the individual eligible recipient does not receive the maximum benefits for which the individual is eligible under other governmental disability programs due to the provision of United States Code, title 42, section 424a(d), the calculation of supplementary benefits payable to the individual shall be as provided under this section in Minnesota Statutes ~~1988~~ 1990.

Sec. 29. Minnesota Statutes 1990, section 176.132, subdivision 3, is amended to read:

Subd. 3. [PAYMENT.] The payment of supplementary benefits shall be the responsibility of the employer or insurer currently paying total disability benefits under subdivision 1, paragraph (a) or (b), or currently paying permanent total disability benefits under subdivision 1, paragraph (c), or any other payer of such benefits. When the eligible individual is not currently receiving benefits because the total paid has reached the maximum prescribed by law the employer and insurer shall, nevertheless, pay the supplementary benefits that are prescribed by law. The employer or insurer paying the supplementary benefit shall have the right of full reimbursement from the special compensation fund for the amount of such benefits paid.

Sec. 30. [176.178] [FRAUD.]

Any person who, with intent to defraud, receives workers' compensation benefits to which the person is not entitled by knowingly misrepresenting, misstating, or failing to disclose any material fact is guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3.

Sec. 31. Minnesota Statutes 1990, section 176.179, is amended to read:

176.179 [PAYMENTS OF COMPENSATION RECEIVED IN GOOD FAITH RECOVERY OF OVERPAYMENTS.]

Notwithstanding section 176.521, subdivision 3, or any other provision of this chapter to the contrary, except as provided in this section, no lump sum or weekly payment, or settlement, which is voluntarily paid to an injured employee or the survivors of a deceased employee in apparent or seeming accordance with the provisions of this chapter by an employer or insurer, or is paid pursuant to an order of the workers' compensation division, a compensation judge, or court of appeals relative to a claim by an injured employee or the employee's survivors, and received in good faith by the employee or the employee's survivors shall be refunded to the paying employer or insurer in the event that it is subsequently determined that the payment was made under a mistake in fact or law by the employer or insurer. When the payments have been made

to a person who is entitled to receive further payments of compensation for the same injury, the mistaken compensation may be taken as a full credit against future lump sum benefit entitlement and as a partial credit against future weekly benefits. The credit applied against further payments of temporary total disability, temporary partial disability, permanent total disability, retraining benefits, death benefits, or weekly payments of ~~economic recovery or impairment~~ permanent partial compensation shall not exceed 20 percent of the amount that would otherwise be payable.

Where the commissioner or compensation judge determines that the mistaken compensation was not received in good faith, the commissioner or compensation judge may order reimbursement of the compensation or order a credit for the compensation against any future monetary benefits from the same injury. The credit may be up to 100 percent of the amount of monetary benefits otherwise payable. For purposes of this section, a payment is not received in good faith if it is obtained through fraud, or if the employee knew or should have known that the compensation was paid under mistake of fact or law, and the employee has not refunded the mistaken compensation.

A credit may not be applied against medical expenses due or payable.

Sec. 32. Minnesota Statutes, section 176.221, subdivision 6a, is amended to read:

Subd. 6a. [~~MEDICAL, REHABILITATION, ECONOMIC RECOVERY, AND IMPAIRMENT PERMANENT PARTIAL COMPENSATION.~~] The penalties provided by this section apply in cases where payment for treatment under section 176.135, rehabilitation expenses under section 176.102, subdivisions 9 and 11, ~~economic recovery compensation or impairment permanent partial compensation~~ are not made in a timely manner as required by law or by rule adopted by the commissioner.

Sec. 33. Minnesota Statutes 1990, section 176.645, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] For injuries occurring after October 1, 1975 for which benefits are payable under section 176.101, subdivisions 1, 2 and 4, and section 176.111, subdivision 5, the total benefits due the employee or any dependents shall be adjusted in accordance with this section. On October 1, 1981, and thereafter on the anniversary of the date of the employee's injury the total benefits due shall be adjusted by multiplying the total benefits due prior to each adjustment by a fraction, the denominator of which is the statewide average weekly wage for December 31, of the year two years previous to the adjustment and the numerator of which is the statewide average weekly wage for December 31, of the year previ-

ous to the adjustment. For injuries occurring after October 1, 1975, all adjustments provided for in this section shall be included in computing any benefit due under this section. Any limitations of amounts due for daily or weekly compensation under this chapter shall not apply to adjustments made under this section. No adjustment increase made on October 1, ~~1977~~ 1991 or thereafter under this section shall exceed ~~six~~ four percent a year. In those instances where the adjustment under the formula of this section would exceed this maximum the increase shall be deemed to be ~~six~~ four percent.

Sec. 34. Minnesota Statutes 1990, section 176.645, subdivision 2, is amended to read:

Subd. 2. [TIME OF FIRST ADJUSTMENT.] For injuries occurring on or after October 1, 1981, the initial adjustment made pursuant to subdivision 1 ~~shall be~~ is deferred until the first anniversary of the date of the injury. For injuries occurring on or after October 1, 1991, the initial adjustment under subdivision 1 is deferred until the third anniversary of the date of injury.

Sec. 35. Minnesota Statutes 1990, section 176.66, subdivision 11, is amended to read:

Subd. 11. [AMOUNT OF COMPENSATION.] The compensation for an occupational disease is ~~66-2/3~~ 80 percent of the employee's after-tax weekly wage on the date of injury subject to a maximum compensation equal to the maximum compensation in effect on the date of last exposure. The employee shall be eligible for supplementary benefits notwithstanding the provisions of section 176.132, after four years have elapsed since the date of last significant exposure to the hazard of the occupational disease if that employee's weekly compensation rate is less than the current supplementary benefit rate.

Sec. 36. Minnesota Statutes 1990, section 268.08, subdivision 3, is amended to read:

Subd. 3. [NOT ELIGIBLE.] An individual shall not be eligible to receive benefits for any week with respect to which the individual is receiving, has received, or has filed a claim for remuneration in an amount equal to or in excess of the individual's weekly benefit amount in the form of:

(1) termination, severance, or dismissal payment or wages in lieu of notice whether legally required or not; provided that if a termination, severance, or dismissal payment is made in a lump sum, the employer may allocate such lump sum payment over a period equal to the lump sum divided by the employee's regular pay while employed by such employer; provided any such payment shall be applied for a period immediately following the last day of work but not to exceed 28 calendar days; or

(2) vacation allowance paid directly by the employer for a period of requested vacation, including vacation periods assigned by the employer under the provisions of a collective bargaining agreement, or uniform vacation shutdown; or

(3) compensation for loss of wages under the workers' compensation law of this state or any other state or under a similar law of the United States, or under other insurance or fund established and paid for by the employer except that this does not apply to an individual who is receiving temporary partial compensation pursuant to section 176.101, subdivision ~~3k~~ 2; or

(4) 50 percent of the pension payments from any fund, annuity or insurance maintained or contributed to by a base period employer including the armed forces of the United States if the employee contributed to the fund, annuity or insurance and all of the pension payments if the employee did not contribute to the fund, annuity or insurance; or

(5) 50 percent of a primary insurance benefit under title II of the Social Security Act, as amended, or similar old age benefits under any act of congress or this state or any other state.

Provided, that if such remuneration is less than the benefits which would otherwise be due under sections 268.03 to 268.231, the individual shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration; provided, further, that if the appropriate agency of such other state or the federal government finally determines that the individual is not entitled to such benefits, this provision shall not apply. If the computation of reduced benefits, required by this subdivision, is not a whole dollar amount, it shall be rounded down to the next lower dollar amount.

Sec. 37. Minnesota Statutes 1990, section 353.33, subdivision 5, is amended to read:

Subd. 5. [BENEFITS PAID UNDER WORKERS' COMPENSATION LAW.] Disability benefits paid shall be coordinated with any amounts received or receivable under workers' compensation law, such as temporary total, permanent total, temporary partial, or permanent partial; ~~or economic recovery compensation~~ benefits, in either periodic or lump sum payments from the employer under applicable workers' compensation laws, after deduction of amount of attorney fees, authorized under applicable workers' compensation laws, paid by a disabilitant. If the total of the single life annuity actuarial equivalent disability benefit and the workers' compensation benefit exceeds: (1) the salary the disabled member received as of the date of the disability or (2) the salary currently payable for the same employment position or an employment position substantially similar to the one the person held as of the date of the disability,

whichever is greater, the disability benefit must be reduced to that amount which, when added to the workers' compensation benefits, does not exceed the greater of the salaries described in clauses (1) and (2).

Sec. 38. [176.90] [AFTER-TAX CALCULATION.]

For purposes of sections 176.011, subdivisions 18 and 18a; 176.101, subdivisions 1, 2, 3, and 4; 176.111, subdivisions 6, 7, 8, 12, 14, 15, 20, and 21; and 176.66, the commissioner shall publish by September 1 of each year tables or formulas for determining the after-tax weekly wage to take effect the following October 1. The tables or formulas must be based on the applicable federal income tax and social security laws and state income tax laws in effect on the preceding April 1. These tables or formulas are conclusive for the purposes of converting the weekly wage into after-tax weekly wage. The commissioner may contract with the department of revenue or any other person or organization in order to adopt the tables or formulas. The adoption of the tables or formulas is exempt from the administrative rulemaking provisions of chapter 14.

Sec. 39. [REPEALER.]

Minnesota Statutes 1990, sections 176.011, subdivision 26; 176.101, subdivisions 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3m, 3n, 3o, 3p, 3q, 3r, 3s, 3t, and 3u; and 176.111, subdivision 8a, are repealed.

Sec. 40. [EFFECTIVE DATE.]

This article is effective October 1, 1991; except that; section 14, paragraph (b), is retroactively effective to January 1, 1984.

ARTICLE 3

LEGAL, REHABILITATION, MEDICAL PROVIDERS/BENEFITS

Section 1. Minnesota Statutes 1990, section 175.007, is amended to read:

175.007 [ADVISORY COUNCIL ON WORKERS' COMPENSATION; CREATION.]

Subdivision 1. The commissioner shall appoint an advisory council on workers' compensation, which consists of five representatives of employers and five representatives of employees; five nonvoting members representing the general public; two persons who have received or are currently receiving workers' compensation benefits under chapter 176 and the chairs of the rehabilitation review panel and the medical services review board. The council may consult with

any party it desires. The commissioner shall appoint as nonvoting members three representatives of insurers, one representative of medical doctors, one representative of hospitals, two legislators from the house of representatives, and two legislators from the senate. The commissioner shall be a nonvoting member and is the chairperson. The terms and removal of members shall be as provided in section 15.059. The council expires as provided in section 15.059, subdivision 5.

Subd. 2. The advisory council shall study and present to the legislature and the governor, on or before November 15 of each even numbered year, its findings relative to the costs, methods of financing, and the formula to be used to provide supplementary compensation to workers who have been determined permanently and totally disabled prior to July 1, 1969, and its findings relative to alterations in the scheduled benefits for permanent partially disabled, and other aspects of the workers' compensation act. The council shall also study and present to the legislature and the governor on or before November 15 of 1981 and by November 15 of each even-numbered year thereafter a report on the financial, administrative and personnel needs of the workers' compensation division. advise the department in carrying out the purposes of chapter 176. The council shall submit its recommendations with respect to amendments to chapter 176 to each regular session of the legislature and shall report its views upon any pending bill relating to chapter 176 to the proper legislative committee. At the request of the chairpersons of the senate and house committees that hear workers' compensation matters, the department shall schedule a meeting of the council with the members of the committees to discuss matters of legislative concern arising under chapter 176.

Sec. 2. Minnesota Statutes 1990, section 176.011, subdivision 27, is amended to read:

Subd. 27. [ADMINISTRATIVE CONFERENCE.] An "administrative conference" is a meeting conducted by a commissioner's designee where parties can discuss on an expedited basis and in an informal setting their viewpoints concerning disputed issues arising under section ~~176.102, 176.103, 176.135, 176.136, or 176.239~~. If the parties are unable to resolve the dispute, the commissioner's designee shall issue an administrative decision under that section ~~176.106 or 176.239~~.

Sec. 3. Minnesota Statutes 1990, section 176.081, subdivision 1, is amended to read:

Subdivision 1. [APPROVAL.] (a) A fee for legal services of 25 percent of the first \$4,000 of compensation awarded to the employee and 20 percent of the next ~~\$27,500~~ \$70,000 of compensation awarded to the employee is permissible and does not require approval by the commissioner, compensation judge, or any other party except as

provided in clause (b) paragraph (d). All fees must be calculated according to the formula under this subdivision or earned in hourly fees for representation at dispute resolution conferences under section 176.239. Hourly fees must be determined according to the criteria set forth under subdivision 5.

(b) Fees for legal services related to the same injury are cumulative and may not exceed \$15,000, except as provided under subdivision 2. No other attorney fees for any proceeding under this chapter are allowed.

(c) If the employer or the insurer or the defendant is given written notice of claims for legal services or disbursements, the claim shall be a lien against the amount paid or payable as compensation. In no case shall fees be calculated on the basis of any undisputed portion of compensation awards. Allowable fees under this chapter shall be based solely upon genuinely disputed claims or portions of claims, including disputes related to the payment of rehabilitation benefits or to other aspects of a rehabilitation plan. Fees for administrative conferences under section 176.239 shall be determined on an hourly basis, according to the criteria in subdivision 5.

(b) (d) An attorney who is claiming legal fees under this section for representing an employee in a workers' compensation matter shall file a statement of attorney's attorney fees with the commissioner, compensation judge before whom the matter was heard, or workers' compensation court of appeals on cases before the court. A copy of the signed retainer agreement shall also be filed. The employee and insurer shall receive a copy of the statement. The statement shall be on a form prescribed by the commissioner, shall report the number of hours spent on the case, and shall clearly and conspicuously state that the employee or insurer has ten calendar days to object to the attorney fees requested. If no objection is timely made by the employee or insurer, the amount requested shall be conclusively presumed reasonable providing the amount does not exceed the limitation in subdivision 1. The commissioner, compensation judge, or court of appeals shall issue an order granting the fees and the amount requested shall be awarded to the party requesting the fee. If a timely objection is filed, or the fee is determined on an hourly basis, the commissioner, compensation judge, or court of appeals shall review the matter and make a determination based on the criteria in subdivision 5. If no timely objection is made by an employer or insurer, reimbursement under subdivision 7 shall be made if the statement of fees requested this reimbursement.

Sec. 4. Minnesota Statutes 1990, section 176.081, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] An application for attorney fees in excess of the amount authorized in subdivision 1 shall be made to the commissioner, compensation judge, or district judge, before

whom the matter was heard. An appeal of a decision by the commissioner, a compensation judge, or district court judge on additional fees may be made to the workers' compensation court of appeals. The application shall set forth the fee requested ~~and, the number of hours spent on the case, the basis for the request, and whether or not a hearing is requested.~~ The application, with affidavit of service upon the employee, shall be filed by the attorney requesting the fee. If a hearing is requested by an interested party, a hearing shall be set with notice of the hearing served upon known interested parties. In all cases the employee shall be served with notice of hearing.

Sec. 5. Minnesota Statutes 1990, section 176.081, subdivision 3, is amended to read:

Subd. 3. ~~[REVIEW.] An employee who~~ A party that is dissatisfied with its attorney fees; may file an application for review by the workers' compensation court of appeals. ~~Such~~ The application shall state the basis for the need of review and whether or not a hearing is requested. A copy of ~~such the~~ application shall be served upon the ~~party's attorney for the employee~~ by the court administrator and if a hearing is requested by either party, the matter shall be set for hearing. The notice of hearing shall be served upon known interested parties. ~~The attorney for the employee shall be served with a notice of the hearing.~~ The workers' compensation court of appeals shall have the authority to raise ~~the question~~ of the issue of the attorney fees at any time upon its own motion and shall have continuing jurisdiction over attorney fees.

Sec. 6. Minnesota Statutes 1990, section 176.102, subdivision 1, is amended to read:

Subdivision 1. ~~[SCOPE.] (a) This section only applies to vocational rehabilitation of injured employees and their spouses as provided under subdivision 1a. Physical rehabilitation of injured employees is considered treatment subject to section 176.135.~~

(b) Rehabilitation is intended to restore the injured employee, ~~through physical and vocational rehabilitation,~~ so the employee may return to a job related to the employee's former employment or to a job in another work area which produces an economic status as close as possible to that the employee would have enjoyed without disability. Rehabilitation to a job with a higher economic status than would have occurred without disability is permitted if it can be demonstrated that this rehabilitation is necessary to increase the likelihood of reemployment. Economic status is to be measured not only by opportunity for immediate income but also by opportunity for future income.

Sec. 7. Minnesota Statutes 1990, section 176.102, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATORS.] The commissioner shall hire a director of rehabilitation services in the classified service. The commissioner shall monitor and supervise rehabilitation services, including, but not limited to, making determinations regarding the selection and delivery of rehabilitation services and the criteria used to approve qualified rehabilitation consultants and rehabilitation vendors. The commissioner may also make determinations regarding fees for rehabilitation services and shall by rule, subject to chapter 14, establish a fee schedule or otherwise limit fees charged by qualified rehabilitation consultants and vendors. By March 1, 1993, the commissioner shall report to the legislature on the status of the commission's monitoring of rehabilitation services. The commissioner may hire qualified personnel to assist in the commissioner's duties under this section and may delegate the duties and performance.

Sec. 8. Minnesota Statutes 1990, section 176.102, subdivision 3, is amended to read:

Subd. 3. [REVIEW PANEL.] There is created a rehabilitation review panel composed of the commissioner or a designee, who shall serve as an ex officio member, and ~~two three~~ members ~~each from who shall represent both employers, and insurers, rehabilitation, and medicine,~~ one member representing chiropractors, and ~~four one~~ member representing medical doctors, three members representing labor, two members representing rehabilitation vendors, and five members representing qualified rehabilitation consultants. The members shall be appointed by the commissioner and shall serve four-year terms which may be renewed. Compensation for members shall be governed by section 15.0575. The panel shall select a chair. The panel shall review and make a determination with respect to appeals from orders of the commissioner regarding certification approval of qualified rehabilitation consultants and vendors. The hearings are de novo and initiated by the panel under the contested case procedures of chapter 14, and are appealable to the workers' compensation court of appeals in the manner provided by section 176.421.

Sec. 9. Minnesota Statutes 1990, section 176.102, subdivision 3a, is amended to read:

Subd. 3a. [DISCIPLINARY ACTIONS.] The panel has authority to discipline qualified rehabilitation consultants and vendors and may impose a penalty of up to \$1,000 per violation, and may suspend or revoke certification. Complaints against registered qualified rehabilitation consultants and vendors shall be made to the commissioner who shall investigate all complaints. If the investigation indicates a violation of this chapter or rules adopted under this chapter, the commissioner may initiate a contested case proceeding under the provisions of chapter 14. In these cases, the rehabilitation review panel shall make the final decision following receipt of the

report of an administrative law judge. The decision of the panel is appealable to the workers' compensation court of appeals in the manner provided by section 176.421. The panel shall continuously study rehabilitation services and delivery, develop and recommend rehabilitation rules to the commissioner, and assist the commissioner in accomplishing public education.

~~The commissioner may appoint alternates for one-year terms to serve as a member when a member is unavailable. The number of alternates shall not exceed one labor member, one employer or insurer member, and one member representing medicine, chiropractic, or rehabilitation.~~

Sec. 10. Minnesota Statutes 1990, section 176.102, subdivision 4, is amended to read:

Subd. 4. [REHABILITATION PLAN; DEVELOPMENT.] (a) ~~An employer or insurer shall provide rehabilitation consultation by a qualified rehabilitation consultant or by another person permitted by rule to provide consultation to an injured employee within five days after the employee has 60 days of lost work time due to the personal injury, except as otherwise provided in this subdivision. Where an employee has incurred an injury to the back, the consultation shall be made within five days after the employee has 30 days of lost work time due to the injury. The lost work time in either case may be intermittent lost work time. If an employer or insurer has medical information at any time prior to the time specified in this subdivision that the employee will be unable to return to the job the employee held at the time of the injury rehabilitation consultation shall be provided immediately after receipt of this information.~~

For purposes of this section "lost work time" means only those days during which the employee would actually be working but for the injury. In the case of the construction industry, mining industry, or other industry where the hours and days of work are affected by seasonal conditions, "lost work time" shall be computed by using the normal schedule worked when employees are working full time. A rehabilitation consultation must be provided by the employer to an injured employee upon request of the employee, the employer, or the commissioner. If a rehabilitation consultation is requested, the employer shall provide a qualified rehabilitation consultant. If the injured employee objects to the employer's selection, the employee may select a qualified rehabilitation consultant of the employee's own choosing within 30 days following the first in-person contact between the employee and the original qualified rehabilitation consultant. If the consultation indicates that rehabilitation services are appropriate under subdivision 1, the employer shall provide the services. If the consultation indicates that rehabilitation services are not appropriate under subdivision 1, the employer shall notify the employee of this determination within 14 days after the consultation.

(b) In order to assist the commissioner in determining whether or not to request rehabilitation consultation for an injured employee, an employer shall notify the commissioner whenever the employee's temporary total disability will likely exceed 13 weeks. The notification must be made within 90 days from the date of the injury or when the likelihood of at least a 13-week disability can be determined, whichever is earlier, and must include a current physician's report.

(c) The qualified rehabilitation consultant appointed by the employer or insurer shall disclose in writing at the first meeting or written communication with the employee any ownership interest or affiliation between the firm which employs the qualified rehabilitation consultant and the employer, insurer, adjusting or servicing company, including the nature and extent of the affiliation or interest.

The consultant shall also disclose to all parties any affiliation, business referral or other arrangement between the consultant or the firm employing the consultant and any other party ~~to, attorney, or health care provider involved in~~ the case ; ~~including any attorneys, doctors, or chiropractors.~~

~~If the employee objects to the employer's selection of a qualified rehabilitation consultant, the employee shall notify the employer and the commissioner in writing of the objection. The notification shall include the name, address, and telephone number of the qualified rehabilitation consultant chosen by the employee to provide rehabilitation consultation.~~

(d) After the initial provision or selection of a qualified rehabilitation consultant as provided under paragraph (a), the employee may choose request a different qualified rehabilitation consultant as follows:

(1) once during the first 60 days following the first in-person contact between the employee and the original consultant;

(2) once after the 60-day period referred to in clause (1); and

(3) subsequent requests which shall be determined granted or denied by the commissioner or compensation judge according to the best interests of the parties.

(e) The employee and employer shall enter into a program if one is prescribed in develop a rehabilitation plan within 30 days of the rehabilitation consultation if the qualified rehabilitation consultant determines that rehabilitation is appropriate. A copy of the plan, including a target date for return to work, shall be submitted to the commissioner within 15 days after the plan has been developed.

~~(b) (f) If the employer does not provide rehabilitation consultation, or the employee does not select a qualified rehabilitation consultant, as required by this section provided in paragraph (a), the commissioner or compensation judge shall notify the employer that if the employer fails to appoint provide, or the employee fails to select, whichever is applicable, a qualified rehabilitation consultant or other persons as permitted by clause (a) within 15 days to conduct a rehabilitation consultation, the commissioner or compensation judge shall appoint a qualified rehabilitation consultant to provide the consultation at the expense of the employer unless the commissioner or compensation judge determines the consultation is not required.~~

(e) (g) In developing a rehabilitation plan consideration shall be given to the employee's qualifications, including but not limited to age, education, previous work history, interest, transferable skills, and present and future labor market conditions.

~~(d) (h) The commissioner or compensation judge may waive rehabilitation services under this section if the commissioner or compensation judge is satisfied that the employee will return to work in the near future or that rehabilitation services will not be useful in returning an employee to work.~~

Sec. 11. Minnesota Statutes 1990, section 176.102, subdivision 6, is amended to read:

Subd. 6. [PLAN, ELIGIBILITY FOR REHABILITATION, APPROVAL AND APPEAL.] The commissioner or a compensation judge shall determine eligibility for rehabilitation services and shall review, approve, modify, or reject rehabilitation plans developed under subdivision 4. The commissioner or a compensation judge shall also make determinations regarding rehabilitation issues not necessarily part of a plan including, but not limited to, determinations regarding whether an employee is eligible for further rehabilitation and the benefits under subdivisions 9 and 11 to which an employee is entitled. A plan that is not completed within eight months or after \$4,000 has been paid in rehabilitation benefits must be specifically approved by the commissioner. This approval may not be waived by the parties.

Sec. 12. Minnesota Statutes 1990, section 176.102, subdivision 7, is amended to read:

Subd. 7. [PLAN IMPLEMENTATION; REPORTS.] (a) Upon request by the commissioner, insurer, employer or employee, medical and rehabilitation reports shall be made by the provider of the medical and rehabilitation service to the commissioner, insurer, employer, or employee.

(b) If a rehabilitation plan has not already been filed under

subdivision 4, an employer shall report to the commissioner after 90 days and before 120 days from the date of the injury, as to what rehabilitation consultation and services have been provided to the injured employee or why rehabilitation consultation and services have not been provided.

Sec. 13. Minnesota Statutes 1990, section 176.102, subdivision 9, is amended to read:

Subd. 9. [PLAN, COSTS.] An employer is liable for the following rehabilitation expenses under this section:

(a) Cost of rehabilitation evaluation and preparation of a plan;

(b) Cost of all rehabilitation services and supplies necessary for implementation of the plan;

(c) Reasonable cost of tuition, books, travel, and custodial day care; and, in addition, reasonable costs of board and lodging when rehabilitation requires residence away from the employee's customary residence;

(d) Reasonable costs of travel and custodial day care during the job interview process;

(e) Reasonable cost for moving expenses of the employee and family if a job is found in a geographic area beyond reasonable commuting distance after a diligent search within the present community. Relocation shall not be paid more than once during any rehabilitation program, and relocation shall not be required if the new job is located within the same standard metropolitan statistical area as the employee's job at the time of injury. An employee shall not be required to relocate and a refusal to relocate shall not result in a suspension or termination of compensation under this chapter; and

(f) Any other expense agreed to be paid.

Charges for services provided by a rehabilitation consultant or vendor must be submitted on a billing form prescribed by the commissioner. No payment for the services shall be made until the charges are submitted on the prescribed form.

Sec. 14. [176.107] [MEDICAL AND REHABILITATION DISPUTES.]

Any dispute for benefits under section 176.102, 176.103, 176.135, or 176.136 may be referred to the mediation services section of the department for consideration. All health care providers, qualified rehabilitation consultants, intervenors or potential intervenors, or

any other third parties who have or may have an interest in the resolution of the dispute must be notified of the proceeding and requested to be in attendance. Any agreement by the parties who attend the hearing or appear by telephone conference is binding on any other party who had notice and did not participate in the hearing.

Sec. 15. Minnesota Statutes 1990, section 176.135, subdivision 1, is amended to read:

Subdivision 1. [MEDICAL, PSYCHOLOGICAL, CHIROPRACTIC, PODIATRIC, SURGICAL, HOSPITAL.] (a) The employer shall furnish any medical, psychological, ~~chiropractic~~, podiatric, surgical and hospital treatment, including nursing, medicines, medical, chiropractic, podiatric, and surgical supplies, crutches and apparatus, including artificial members, or, at the option of the employee, if the employer has not filed notice as hereinafter provided, Christian Science treatment in lieu of medical treatment, chiropractic medicine and medical supplies, as may reasonably be required at the time of the injury and any time thereafter to cure and relieve from the effects of the injury. ~~This treatment shall include treatments necessary to physical rehabilitation. An employer may fulfill its obligation under this section by utilizing a certified managed care plan as provided in this chapter.~~

(b) The employer shall pay for the reasonable value of nursing services provided by a member of the employee's family in cases of permanent total disability.

(c) Exposure to rabies is an injury and an employer shall furnish preventative treatment to employees exposed to rabies.

(d) The employer shall furnish replacement or repair for artificial members, glasses, or spectacles, artificial eyes, podiatric orthotics, dental bridge work, dentures or artificial teeth, hearing aids, canes, crutches, or wheel chairs damaged by reason of an injury arising out of and in the course of the employment. In case of the employer's inability or refusal seasonably to ~~do so~~ provide the items required to be provided under this paragraph, the employer is liable for the reasonable expense incurred by or on behalf of the employee in providing the same, including costs of copies of any medical records or medical reports that are in existence, obtained from health care providers, and that directly relate to the items for which payment is sought under this chapter, limited to the charges allowed by subdivision 7, and attorney fees incurred by the employee. No action to recover the cost of copies may be brought until the commissioner adopts a schedule of reasonable charges under subdivision 7. Attorney's fees shall be determined on an hourly basis according to the criteria in section 176.081, subdivision 5. The employer shall pay for the reasonable value of nursing services by a member of the employee's family in cases of permanent total disability.

~~(b)~~ (e) Both the commissioner and the compensation judges have authority to make determinations under this section in accordance with sections 176.106 and section 176.305 and to issue orders approving mediated settlements in accordance with section 176.107.

Sec. 16. Minnesota Statutes 1990, section 176.135, subdivision 1a, is amended to read:

Subd. 1a. [NONEMERGENCY SURGERY; SECOND SURGICAL OPINION.] The employer is required to furnish surgical treatment pursuant to subdivision 1 when the surgery is reasonably required to cure and relieve the effects of the personal injury or occupational disease. An employee may not be compelled to undergo surgery. If an employee desires a second opinion on the necessity of the surgery, the employer shall pay the costs of obtaining the second opinion. Except in cases of emergency surgery, the employer or insurer may require the employee to obtain a second opinion on the necessity of the surgery, at the expense of the employer, before the employee undergoes surgery. Failure to obtain a second surgical opinion, if required by the employer or insurer, shall not be reason for nonpayment of the charges for the surgery. The employer is required to pay the reasonable value of the surgery, unless the commissioner or compensation judge determines that the surgery is not reasonably required.

Sec. 17. Minnesota Statutes 1990, section 176.135, subdivision 5, is amended to read:

Subd. 5. [OCCUPATIONAL DISEASE MEDICAL ELIGIBILITY.] Notwithstanding section 176.66, an employee who has contracted an occupational disease is eligible to receive compensation under this section even if the employee is not disabled from earning full wages at the work at which the employee was last employed.

Payment of compensation under this section shall be made by the employer and insurer on the date of the employee's last exposure to the hazard of the occupational disease. Reimbursement for medical benefits paid under this subdivision or subdivision 1a is allowed from the employer and insurer liable under section 176.66, subdivision 10, only in the case of disablement.

Sec. 18. Minnesota Statutes 1990, section 176.135, subdivision 6, is amended to read:

Subd. 6. [COMMENCEMENT OF PAYMENT.] As soon as reasonably possible, and no later than 30 calendar days after receiving the bill, the employer or insurer shall pay the charge or any portion of the charge which is not denied, or deny all or a part of the charge on the basis of excessiveness or noncompensability, or specify the additional data needed, with written notification to the employee

and the provider, explaining the basis for denial. All or part of a charge must be denied if any of the following conditions exist:

- (1) the injury or condition is not compensable under this chapter;
- (2) the charge or service is excessive under this section or section 176.136;
- (3) the provider is not enrolled with or certified by the department in accordance with rules adopted under section 176.183;
- (4) the charges are not submitted on the prescribed billing form; or
- (5) additional medical records or reports are required under subdivision 7 to substantiate the nature of the charge and its relationship to the work injury.

If payment is denied under clause (3), (4), or (5), the employer or insurer shall reconsider the charges in accordance with this subdivision within 30 calendar days after receiving additional medical data, a prescribed billing form, or documentation of enrollment or certification as a provider.

Sec. 19. Minnesota Statutes 1990, section 176.135, subdivision 7, is amended to read:

Subd. 7. [MEDICAL BILLS AND RECORDS.] Health care providers shall submit to the insurer an itemized statement of charges on a billing form prescribed by the commissioner. Health care providers ~~other than hospitals shall also submit copies of medical records or reports that substantiate the nature of the charge and its relationship to the work injury; provided, however, that hospitals must submit any copies of records or reports requested under subdivision 6.~~ Health care providers may charge for copies of any records or reports that are in existence and directly relate to the items for which payment is sought under this chapter. ~~Charges for copies provided under this subdivision shall be reasonable.~~ The commissioner shall adopt a schedule of reasonable charges by ~~emergency rules rule.~~

A health care provider shall not collect, attempt to collect, refer a bill for collection, or commence an action for collection against the employee, employer, or any other party until the information required by this section has been furnished.

Sec. 20. [176.1351] [MANAGED CARE.]

Subdivision 1. [APPLICATION.] Any health care provider, health care providers, or business entities providing health care services may make written application to the commissioner to become

certified to provide managed care to injured workers for injuries and diseases compensable under this chapter. Each application for certification shall be accompanied by a reasonable fee prescribed by the commissioner. A certificate is valid for the period the commissioner prescribes unless revoked or suspended. Application for certification shall be made in the form and manner and shall set forth information regarding the proposed plan for providing services as the commissioner may prescribe. The information shall include, but not be limited to:

(a) a list of the names of all health care providers who will provide services under the managed care plan, together with appropriate evidence of compliance with any licensing or certification requirements for those providers to practice in this state;

(b) a description of the places and manner of providing services under the plan;

(c) a description of the places and manner of providing other related optional services the applicants wish to provide; and

(d) satisfactory evidence of ability to comply with any financial requirements to ensure delivery of service in accordance with the plan which the commissioner may prescribe.

Subd. 2. [CERTIFICATION.] The commissioner shall certify a health care provider, health care providers, or business entities providing health care services to provide managed care under a plan if the commissioner finds that the plan:

(a) proposes to provide services that meet quality, continuity, and other treatment standards prescribed by the commissioner and will provide all medical and health care services that may be required by this chapter in a manner that is timely, effective, and convenient for the worker;

(b) provides appropriate financial incentives to reduce service costs and utilization without sacrificing the quality of service;

(c) provides adequate methods of peer review, utilization review, and dispute resolution to prevent inappropriate or not medically necessary treatment, to exclude participation in the plan those individuals who violate these treatment standards and to provide for the resolution of such medical disputes as the commissioner considers appropriate;

(d) provides a program for early return to work for injured workers involving, where appropriate, cooperative efforts by the workers, the employer, and the managed care organizations to

promote workplace health and safety consultative and other services;

(e) provides a timely and accurate method of reporting to the commissioner necessary information regarding medical and health care service cost and utilization to enable the commissioner to determine the effectiveness of the plan;

(f) authorizes workers to receive compensable medical treatment from a health care provider who is not a member of the managed care organization, but who maintains the worker's medical records and with whom the worker has a documented history of treatment, if that health care provider agrees to refer the worker to the managed care organization for any specialized treatment, including physical therapy, to be furnished by another provider that the worker may require and if that health care provider agrees to comply with all the rules, terms, and conditions regarding services performed by the managed care organization. Nothing in this paragraph is intended to limit the worker's right to change health care providers prior to the filing of a workers' compensation claim; and

(g) complies with any other requirement the commissioner determines is necessary to provide quality medical services and health care to injured workers.

Subd. 3. [REVOCAION, SUSPENSION, AND REFUSAL TO CERTIFY.] The commissioner shall refuse to certify or shall revoke or suspend the certification of any health care provider or group of medical service providers to provide managed care if the commissioner finds that the plan for providing medical or health care services fails to meet the requirements of this section, or service under the plan is not being provided in accordance with the terms of a certified plan.

Subd. 4. [REVIEW.] (a) Utilization review, quality assurance and peer review activities pursuant to this section and authorization of medical services to be provided by other than an attending physician pursuant to this chapter shall be subject to review by the commissioner or the commissioner's designated representatives. Data generated by or received in connection with these activities, including written reports, notes or records of any such activities, or of the commissioner's review shall be confidential, and shall not be disclosed except as considered necessary by the commissioner in the administration of this section. The commissioner may report professional misconduct to an appropriate licensing board.

(b) No data generated by utilization review, quality assurance or peer review activities pursuant to this section or the commissioner's review thereof shall be used in any action, suit or proceeding except

to the extent considered necessary by the commissioner in the administration of this chapter.

(c) A person participating in utilization review, quality assurance or peer review activities pursuant to this section shall not be examined as to any communication made in the course of such activities or the findings thereof, nor shall any person be subject to an action for civil damages for affirmative actions taken or statements made in good faith.

(d) No person who participates in forming managed care plans, collectively negotiating fees or otherwise solicits or enters into contracts in a good faith effort to provide medical or health care services according to the provisions of this section shall be examined or subject to administrative or civil liability regarding any such participation except pursuant to the commissioner's active supervision of such activities and the managed care organization. Before engaging in such activities, the person shall provide notice of intent to the commissioner on a prescribed form.

(e) The provisions of this section shall not affect the confidentiality or admission in evidence of a claimant's medical treatment records.

Subd. 5. [RULES.] The commissioner in cooperation with the commissioners of the department of health, department of commerce, and department of human services, shall adopt such rules as may be necessary to carry out the provisions of this section.

Sec. 21. Minnesota Statutes 1990, section 176.136, subdivision 1, is amended to read:

Subdivision 1. [SCHEDULE.] (a) The commissioner shall by rule establish procedures for determining whether or not the charge for a health service is excessive. In order to accomplish this purpose, the commissioner shall consult with insurers, associations and organizations representing the medical and other providers of treatment services and other appropriate groups.

(b) The procedures established by the commissioner shall must limit, in accordance with subdivisions 1a and 1b, the charges allowable for medical, chiropractic, podiatric, surgical, hospital and other health care provider treatment or services, as defined and compensable under section 176.135, based upon billings for each class of health care provider during all of the calendar year preceding the year in which the determination is made of the amount to be paid the health care provider for the billing. The procedures established by the commissioner for determining whether or not the charge for a health service is excessive shall must be structured to encourage providers to develop and deliver services for rehabilitation of injured workers. The procedures shall must

incorporate the provisions of sections 144.701, 144.702, and 144.703 to the extent that the commissioner finds that these provisions effectively accomplish the intent of this section or are otherwise necessary to insure that quality hospital care is available to injured employees.

Sec. 22. Minnesota Statutes 1990, section 176.136, is amended by adding a subdivision to read:

Subd. 1a. [RELATIVE VALUE FEE SCHEDULE.] The liability of an employer for services included in the medical fee schedule is limited to the maximum fee allowed by the schedule in effect on the date of the medical service, or the provider's actual fee, whichever is lower. The medical fee schedule effective on October 1, 1990, shall remain in effect until the commissioner adopts a new schedule by permanent rule, but shall remain in effect no later than June 1, 1993. The commissioner shall adopt permanent rules regulating fees, except fees limited by subdivision 1b, by implementing a relative value fee schedule to be effective on October 1, 1992, or as soon thereafter as possible. The conversion factors for the relative value fee schedule shall reasonably reflect a 15 percent overall reduction from 1991 charges, based on a sample of the most common services billed in the first six months of 1991 that is large enough to be statistically valid.

After permanent rules have been adopted to implement this section, the conversion factors must be adjusted annually on October 1, by the percentage change in the statewide average weekly wage as set forth in section 176.645, subdivision 1. The commissioner shall annually give notice in the State Register of the adjusted conversion factors. This notice shall be in lieu of the requirements of chapter 14.

Sec. 23. Minnesota Statutes 1990, section 176.136, is amended by adding a subdivision to read:

Subd. 1b. [LIMITATION OF LIABILITY.] (a) The liability of the employer for treatment, articles, and supplies provided to an employee while an inpatient or outpatient at a hospital or an outpatient at a same-day surgical facility or emergency room shall be limited to 85 percent of the amount charged.

(b) For the services rendered under paragraph (a) by a hospital with 100 or fewer licensed acute care beds, the liability of employers shall be the actual hospital charges.

(c) The liability of the employer for the treatment, articles, and supplies that are not limited by subdivision 1a or paragraph (a) shall be limited to the provider's actual charge, or the charges that prevail in the same community for similar treatment, articles, and supplies furnished to an injured person when paid for by the injured

person, whichever is lower. On this basis, the commissioner or compensation judge may determine the reasonable value of all treatment, services, and supplies, and the liability of the employer is limited to that amount.

Sec. 24. Minnesota Statutes 1990, section 176.136, subdivision 2, is amended to read:

Subd. 2. [EXCESSIVE FEES.] If the employer or insurer determines that the charge for a health service or medical service is excessive, no payment in excess of the reasonable charge for that service shall be made under this chapter nor may the provider collect or attempt to collect from the injured employee or any other insurer or government amounts in excess of the amount payable under this chapter unless the commissioner, compensation judge, or court of appeals determines otherwise. In such a case, the health care provider may initiate an action under this chapter for recovery of the amounts deemed excessive by the employer or insurer, but the employer or insurer shall have the burden of proving excessiveness.

A charge for a health service or medical service is excessive if it:

(1) exceeds the maximum permissible charge pursuant to subdivision 1 or section 176.135, subdivision 1a;

(2) is for a service provided at a level, duration, or frequency that is excessive, based upon accepted medical standards for quality health care and accepted rehabilitation standards;

(3) is for a service that is outside the scope of practice of the particular provider or is not generally recognized within the particular profession of the provider as of therapeutic value for the specific injury or condition treated; or

(4) is otherwise deemed excessive or inappropriate pursuant to rules adopted pursuant to this chapter.

Where the sole issue in dispute is whether medical fees are excessive, the only parties to the proceeding shall be the health care provider and employer or insurer. The rights of an employee shall not be affected by a determination under this subdivision.

Sec. 25. Minnesota Statutes 1990, section 176.305, subdivision 1, is amended to read:

Subdivision 1. [HEARINGS ON PETITIONS.] The petitioner shall serve a copy of the petition on each adverse party personally or by first class mail. The original petition shall then be filed with the commissioner together with an appropriate affidavit of service. When any petition has been filed with the workers' compensation

division, the commissioner shall, within ten days, refer the matter presented by the petition for a settlement conference under this section, for ~~an administrative~~ a mediation conference under section ~~176.106~~ 176.107, or for hearing to the office.

Sec. 26. Minnesota Statutes 1990, section 176.351, subdivision 2a, is amended to read:

Subd. 2a. [SUBPOENAS NOT PERMITTED.] A member of the rehabilitation review panel or medical services board or an employee of the department who has conducted an administrative, mediation, or settlement conference, or hearing under section ~~176.106~~ 176.107 or 176.239, shall not be subpoenaed to testify regarding the conference, hearing, or concerning a mediation session. A member of the rehabilitation review panel, medical services board, or an employee of the department may be required to answer written interrogatories limited to the following questions:

(a) Were all statutory and administrative procedural rules adhered to in reaching the decision?

(b) If the answer to question (a) is no, what deviations took place?

(c) Did the person making the decision consider all the information presented prior to rendering a decision?

(d) Did the person making the decision rely on information outside of the information presented at the conference or hearing in making the decision?

(e) If the answer to question (d) is yes, what other information was relied upon in making the decision?

In addition, for a hearing with a compensation judge and with the consent of the compensation judge, an employee of the department who conducted an administrative conference, hearing, or mediation session, may be requested to answer written interrogatories relating to statements made by a party at the prior proceeding. These interrogatories shall be limited to affirming or denying that specific statements were made by a party.

Sec. 27. Minnesota Statutes 1990, section 176.421, subdivision 7, is amended to read:

Subd. 7. [RECORD OF PROCEEDINGS.] At the division's own expense, the commissioner shall make a complete record of all proceedings before the commissioner and shall provide a stenographer or an audio magnetic recording device to make the record of the proceedings.

The commissioner shall furnish a transcript of these proceedings to any person who requests it and who pays a reasonable charge which shall be set by the commissioner. Upon a showing of cause, the commissioner may direct that a transcript be prepared without expense to the person requesting the transcript, in which case the cost of the transcript shall be paid by the division. Transcript fees received under this subdivision shall be paid to the workers' compensation division account in the state treasury and shall be annually appropriated to the division for the sole purpose of providing a record and transcripts as provided in this subdivision. This subdivision does not apply to any administrative conference or other proceeding before the commissioner which may be heard de novo in another proceeding including but not limited to proceedings under section ~~176.106~~ 176.107 or 176.239.

Sec. 28. Minnesota Statutes 1990, section 176.442, is amended to read:

176.442 [APPEALS FROM DECISIONS OF COMMISSIONER.]

Except for a commissioner's decision which may be heard de novo in another proceeding including but not limited to a decision from an administrative conference under section ~~176.102, 176.103, 176.106,~~ 176.239, or a summary decision under section 176.305, any decision or determination of the commissioner affecting a right, privilege, benefit, or duty which is imposed or conferred under this chapter is subject to review by the workers' compensation court of appeals. A person aggrieved by the determination may appeal to the workers' compensation court of appeals by filing a notice of appeal with the commissioner in the same manner and within the same time as if the appeal were from an order or decision of a compensation judge to the workers' compensation court of appeals.

Sec. 29. Minnesota Statutes 1990, section 176.82, is amended to read:

176.82 [ACTION FOR CIVIL DAMAGES FOR OBSTRUCTING EMPLOYEE SEEKING BENEFITS.]

Subdivision 1. [GENERALLY.] Any person discharging or threatening to discharge an employee for seeking workers' compensation benefits or in any manner intentionally obstructing an employee seeking workers' compensation benefits is liable in a civil action for damages incurred by the employee including any diminution in workers' compensation benefits caused by a violation of this section including costs and reasonable attorney fees, and for punitive damages not to exceed three times the amount of any compensation benefit to which the employee is entitled. Damages awarded under this section shall not be offset by any workers' compensation benefits to which the employee is entitled.

Subd. 2. [REFUSAL TO REHIRE.] Any employer who without reasonable cause refuses to rehire an employee who is injured in the course of employment, where suitable employment is available within the employee's physical and mental limitations, upon order of the department and in addition to other benefits, has exclusive liability to pay to the employee the wages lost during the period of the refusal, not exceeding six months wages or a maximum of \$15,000. In determining the availability of suitable employment, the continuance in business of the employer shall be considered and any written rules promulgated by the employer with respect to seniority or the provisions of any collective bargaining agreement with respect to seniority shall govern.

Sec. 30. Minnesota Statutes 1990, section 176.83, subdivision 5, is amended to read:

Subd. 5. [EXCESSIVE MEDICAL SERVICES.] In consultation with the medical services review board or the rehabilitation review panel, rules establishing standards and procedures for determining whether a provider of health care services and rehabilitation services, including a provider of medical, chiropractic, podiatric, surgical, hospital or other services, is performing procedures or providing services at a level or with a frequency that is excessive, based upon accepted medical standards for quality health care and accepted rehabilitation standards.

If it is determined by the payer that the level, frequency or cost of a procedure or service of a provider is excessive according to the standards established by the rules, the provider shall not be paid for the excessive procedure, service, or cost by an insurer, self-insurer, or group self-insurer, and the provider shall not be reimbursed or attempt to collect reimbursement for the excessive procedure, service, or cost from any other source, including the employee, another insurer, the special compensation fund, or any government program unless the commissioner or compensation judge determines at a hearing or administrative conference that the level, frequency, or cost was not excessive in which case the insurer, self-insurer, or group self-insurer shall make the payment deemed reasonable.

A health or rehabilitation provider who is determined by the rehabilitation review panel or medical services review board, after hearing, to be consistently performing procedures or providing services at an excessive level or cost may be prohibited from receiving any further reimbursement for procedures or services provided under this chapter. A prohibition imposed on a provider under this subdivision may be grounds for revocation or suspension of the provider's license or certificate of registration to provide health care or rehabilitation service in Minnesota by the appropriate licensing certifying body.

The rules adopted under this subdivision shall require insurers,

self-insurers, and group self-insurers to report medical and other data necessary to implement the procedures required by this clause.

Sec. 31. Minnesota Statutes 1990, section 176.83, is amended by adding a subdivision to read:

Subd. 5a. [REPORTING.] Rules requiring insurers, self-insurers, and group self-insurers to report medical and other data necessary to implement the procedures required by this section and chapter 176.

Sec. 32. Minnesota Statutes 1990, section 176.83, subdivision 6, is amended to read:

Subd. 6. [CERTIFICATION OF MEDICAL PROVIDERS.] Rules establishing procedures and standards for the certification or enrollment of physicians, chiropractors, osteopaths, podiatrists, and other health care providers, which may include hospitals and other business entities providing health care services, in order to assure the coordination of treatment, rehabilitation, and other services and requirements of chapter 176 for carrying out the purposes and intent of this chapter.

After the rules for provider enrollment have been promulgated, a provider must be enrolled in accordance with the rules to receive payment for services rendered under section 176.135. An unenrolled provider may not receive payment or attempt to collect from any source, including the employee, any insurer or self-insured employer, the special compensation fund, or any government program. Retroactive enrollment must be permitted pursuant to guidelines established by rule. A list of currently enrolled providers must be given to all self-insured employers and insurers. The list must be made available to others upon request.

Sec. 33. [REPEALER.]

Minnesota Statutes 1990, sections 176.106; 176.135, subdivision 3; and 176.136, subdivision 5, are repealed.

Sec. 34. [EFFECTIVE DATE.]

This article is effective October 1, 1991; except that section 1 is effective January 1, 1992.

ARTICLE 4

COURTS/JURISDICTION

Section 1. Minnesota Statutes 1990, section 15A.083, subdivision 7, is amended to read:

Subd. 7. [WORKERS' COMPENSATION COURT OF APPEALS AND COMPENSATION JUDGES.] Salaries of judges of the workers' compensation court of appeals are the same as the salary for district judges as set under section 15A.082, subdivision 3. Salaries of compensation judges are ~~75~~ 80 percent of the salary of district court judges. The chief workers' compensation settlement judge at the department of labor and industry may be paid an annual salary that is up to five percent greater than the salary of workers' compensation settlement judges at the department of labor and industry. The assistant chief administrative law judge for workers' compensation at the office of administrative hearings shall be paid in conformity with the salary provisions of the managerial plan under section 43A.18, but the minimum salary shall be equal to the salary of a compensation judge.

Sec. 2. Minnesota Statutes 1990, section 176.061, is amended by adding a subdivision to read:

Subd. 6a. [JURISDICTION.] Notwithstanding section 573.02 or any other law to the contrary, the commissioner or compensation judge has jurisdiction to order the distribution of proceeds in accordance with subdivision 6 in all cases except where the district court has awarded a specific amount in satisfaction of the employer's subrogation interest or has specifically denied the employer's subrogation interest.

Sec. 3. [176.2615] [SMALL CLAIMS COURT.]

Subdivision 1. [PURPOSE.] There is established in the department of labor and industry a small claims court, to be presided over by settlement judges for the purpose of settling small claims.

Subd. 2. [ELIGIBILITY.] The claim is eligible for determination in the small claims court if referred by the commissioner or if all parties agree to submit to its jurisdiction; and

(1) the claim is for rehabilitation benefits only under section 176.102 or medical benefits only under section 176.135; or

(2) the claim in its total amount does not equal more than \$5,000; and

(3) where the claim is for apportionment or for contribution or reimbursement, no counterclaim in excess of \$5,000 is asserted.

Subd. 3. [TESTIMONY; EXHIBITS.] At the hearing a settlement judge shall hear the testimony of the parties and consider any exhibits offered by them and may also hear any witnesses introduced by either party.

Subd. 4. [APPEARANCE OF PARTIES.] A party may appear on the party's own behalf without an attorney, or may retain and be represented by a duly admitted attorney who may participate in the hearing to the extent and in the manner that the settlement judge considers helpful. Attorney fees awarded under this subdivision are included in the overall limit allowed under section 176.081, subdivision 1.

Subd. 5. [EVIDENCE ADMISSIBLE.] At the hearing the settlement judge shall receive evidence admissible under the rules of evidence. In addition, in the interest of justice and summary determination of issues before the court, the settlement judge may receive, in the judge's discretion, evidence not otherwise admissible. The settlement judge, on the judge's own motion, may receive into evidence any documents which have been filed with the department.

Subd. 6. [SETTLEMENT.] A settlement judge may attempt to conciliate the parties. If the parties agree on a settlement, the judge shall issue an order in accordance with that settlement.

Subd. 7. [DETERMINATION.] If the parties do not agree to a settlement, the settlement judge shall summarily hear and determine the issues and issue an order in accordance with section 176.305, subdivision 1a. Any determination by a settlement judge is not res judicata with respect to any other proceeding between or among the parties under this chapter, nor may it be considered as evidence in any other proceeding.

Subd. 8. [COSTS.] The prevailing party is entitled to costs and disbursements as in any other workers' compensation case.

Sec. 4. Minnesota Statutes 1990, section 176.461, is amended to read:

176.461 [SETTING ASIDE AWARD.]

Except when a writ of certiorari has been issued by the supreme court and the matter is still pending in that court or if as a matter of law the determination of the supreme court cannot be subsequently modified, the workers' compensation court of appeals, for cause, at any time after an award, upon application of either party and not less than five working days after written notice to all interested parties, may set the award aside and grant a new hearing and refer the matter for a determination on its merits to the chief administrative law judge for assignment to a compensation judge, who shall make findings of fact, conclusions of law, and an order of award or disallowance of compensation or other order based on the pleadings and the evidence produced and as required by the provisions of this chapter or rules adopted under it.

As used in this section, the phrase "for cause" is limited to the following grounds:

(1) a mutual mistake of fact that was not discoverable at the time of the award;

(2) newly discovered evidence that was not discoverable at the time of the award;

(3) fraud; or

(4) a substantial change in medical condition since the time of the award that was clearly not anticipated and could not reasonably have been anticipated at the time of the award.

Sec. 5. Minnesota Statutes 1990, section 480A.06, subdivision 3, is amended to read:

Subd. 3. [CERTIORARI REVIEW.] The court of appeals shall have jurisdiction to issue writs of certiorari to all agencies, public corporations and public officials, except the tax court ~~and the workers' compensation court of appeals~~. The court of appeals shall have jurisdiction to review decisions of the commissioner of jobs and training, pursuant to section 268.10.

Sec. 6. Minnesota Statutes 1990, section 480A.06, subdivision 4, is amended to read:

Subd. 4. [ADMINISTRATIVE REVIEW.] The court of appeals shall have jurisdiction to review on the record: the validity of administrative rules, as provided in sections 14.44 and 14.45; ~~and~~; the decisions of administrative agencies in contested cases, as provided in sections 14.63 to 14.69; and workers' compensation cases and peace officer death benefits cases, as provided under chapters 176 and 176A.

Sec. 7. [TRANSFER OF JURISDICTION AND PERSONNEL.]

The jurisdiction of the workers' compensation court of appeals, as provided under Minnesota Statutes, section 175A.01, subdivision 5, is transferred to the court of appeals. All contracts, books, plans, papers, records, and property of every description of the workers' compensation court of appeals relating to its transferred responsibilities and within its jurisdiction or control are transferred to the court of appeals; except that all case files are transferred to the clerk of the appellate courts. All classified employees and staff attorneys of the workers' compensation court of appeals must be given preference in the employment of personnel required to staff the increased caseload of the court of appeals as a result of transfer of jurisdiction under this section.

Sec. 8. |INCREASED JUDGES.|

The number of judges on the court of appeals as of January 1, 1992, shall be increased by five.

Sec. 9. |INSTRUCTION TO REVISOR.|

In every instance in Minnesota Statutes in which the term "workers' compensation court of appeals" appears, the revisor of statutes shall change that reference to the "court of appeals."

Sec. 10. |REAPPROPRIATION.|

\$..... is reappropriated from the special compensation fund, as a result of the savings to that fund in fiscal years 1992 and 1993 due to the abolition of the workers' compensation court of appeals, to the court of appeals for the purposes of this article.

Sec. 11. |REPEALER.|

Minnesota Statutes 1990, sections 175A.01; 175A.02; 175A.03; 175A.04; 175A.05; 175A.06; 175A.07; 175A.08; 175A.09; and 175A.10, are repealed.

Sec. 12. |EFFECTIVE DATE.|

This article is effective January 1, 1992; except that section 1 is effective July 1, 1991.

ARTICLE 5

WORKERS' COMPENSATION INSURANCE

Section 1. Minnesota Statutes 1990, section 79.095, is amended to read:

79.095 |APPOINTMENT OF ACTUARY.|

The commissioner shall ~~may~~ employ the services of a ~~casualty actuary~~ ~~actuaries~~ experienced in ~~worker's~~ workers' compensation whose duties shall include but not be limited to investigation of complaints by insured parties relative to rates, rate classifications, or discriminatory practices of an insurer. The salary of ~~the~~ an actuary employed pursuant to this section is not subject to the provisions of section 43A.17, subdivision 1.

Sec. 2. Minnesota Statutes 1990, section 79.251, subdivision 1, is amended to read:

Subdivision 1. ASSIGNED RISK PLAN; PARTICIPATION. (4) An assigned risk plan review board is created for the purposes of review of the operation of section 79.252 and this section. The state fund mutual insurance company and all insurers authorized to write workers' compensation and employers' liability insurance in this state shall participate in a plan providing for the equitable apportionment of insurance coverage to employers who have been rejected for insurance coverage by a licensed insurer in the manner set forth in section 79.252.

Subd. 1a. BOARD OF GOVERNORS. (1) The operation of the assigned risk plan is subject to the supervision of the board of governors of the plan. The board shall have all the usual powers and authorities necessary for the discharge of its duties under this section and may contract with individuals in discharge of those duties.

(2) The board shall consist of six members to be appointed by the commissioner of commerce. Three members shall be insureds holding policies or contracts. One member shall be an insured holding a policy or contract of coverage issued pursuant to subdivision 4. Two Five members shall be insurers pursuant to section 60A.06, subdivision 1, clause (5), paragraph (b). The commissioner shall be the sixth member and shall vote.

Initial appointments to the board shall be made by September January 1, 1981 1992, and terms shall be for three years duration. Removal, the filling of vacancies and compensation of the members other than the commissioner shall be as provided in section 15.059.

(3) The assigned risk plan review board shall audit the reserves established (a) for individual cases arising under policies and contracts of coverage issued under subdivision 4 and (b) for the total book of business issued under subdivision 4.

(4) The assigned risk plan review board shall monitor the operations of section 79.252 and this section and shall periodically make recommendations to the commissioner, and to the governor and legislature when appropriate, for improvement in the operation of those sections prepare a plan of operation for the assigned risk plan subject to the approval of the commissioner. The policy forms, rates, merit rating, rating plans, and classification and rating systems of the assigned risk plan shall be those filed for use by the Minnesota workers' compensation insurers rating association, and approved by the commissioner, subject to the requirements of this chapter.

The board shall meet quarterly, or more frequently if necessary, to review plan enrollment, plan administration, rate adequacy, loss ratios, and reserving practices. No later than June 30 of each year, the board shall file an annual report with the legislature and the workers' compensation insurers association. The report must be

signed by each member of the board. The report must include an actuarial evaluation of the plan by a fellow of the casualty actuarial society who shall be retained and paid by the board.

(5) All insurers and self-insurance administrators issuing policies or contracts under subdivision 4 shall pay to the commissioner a .25 percent assessment on premiums for policies and contracts of coverage issued under subdivision 4 for the purpose of defraying the costs of the assigned risk plan review board. Proceeds of the assessment shall be deposited in the state treasury and credited to the general fund.

(6) The assigned risk plan and the assigned risk plan review board of governors shall not be deemed a state agency.

Sec. 3. Minnesota Statutes 1990, section 79.251, subdivision 2, is amended to read:

Subd. 2. [APPROPRIATE MERIT RATING PLAN.] The board of governors, subject to approval by the commissioner of commerce, shall develop an appropriate merit rating plan which shall be applicable to all nonexperience rated insureds holding policies or contracts of coverage issued pursuant to subdivision 4, and to the insurers or self-insurance administrators issuing those policies or contracts. The plan shall must provide a maximum merit credit or debit adjustment equal to ten percent of earned premium. The actual adjustment may vary with insured's loss experience.

Sec. 4. Minnesota Statutes 1990, section 79.251, subdivision 3, is amended to read:

Subd. 3. [RATES.] Insureds served by the assigned risk plan shall be charged premiums based upon a rating plan, including a merit rating plan adopted by the commissioner by rule. (a) The commissioner board of governors shall annually, not later than January 1 of each year, establish the file with the commissioner a schedule of rates applicable to for use in determining premiums charged employers in the assigned risk plan business at least 30 days prior to their effective date. Assigned risk premiums shall rates must not be lower than rates generally charged by insurers for the business. The commissioner shall fix the compensation received by the agent of record. The establishment of the assigned risk plan rates and agent fees are not subject to chapter 14.

(b) The rates filed by the board shall be deemed to meet the requirements of this chapter unless disapproved by the commissioner within 30 days after the filing is made. In disapproving a filing made pursuant to this section, the commissioner shall have the same authority, and follow the same procedure, as in disapproving a filing pursuant to section 79.58.

(c) The board shall fix the compensation received by the agent of record. Agent compensation shall be established at a level that is neither an incentive nor a disincentive to place an employer in the assigned risk plan. The establishment of the assigned risk plan rates and agent fees are not subject to chapter 14.

Sec. 5. Minnesota Statutes 1990, section 79.251, subdivision 4, is amended to read:

Subd. 4. [ADMINISTRATION.] ~~The commissioner~~ board of governors shall enter into service contracts as necessary or beneficial for accomplishing the purposes of the assigned risk plan. Services related to the administration of policies or contracts of coverage shall be performed by one or more qualified insurance companies licensed pursuant to section 60A.06, subdivision 1, clause (5), paragraph (b), or self-insurance administrators licensed pursuant to section 176.181, subdivision 2, clause (2), paragraph (a). A qualified insurer or self-insurance administrator shall possess sufficient financial, professional, administrative, and personnel resources to provide the services contemplated in the contract. Services related to assignments, data management, assessment collection, and other services shall be performed by a licensed data service organization. The cost of those services is an obligation of the assigned risk plan.

Each insurer or self-insured administrator who performs services pursuant to this subdivision shall be required to report loss experience data to the Minnesota workers' compensation insurers association in accordance with the statistical plan and rules of the organization as approved by the commissioner, and shall keep a record of the premium and losses paid under each workers' compensation policy written in Minnesota in the form required by the commissioner.

Sec. 6. Minnesota Statutes 1990, section 79.251, subdivision 5, is amended to read:

Subd. 5. [ASSESSMENTS.] ~~The commissioner shall assess~~ All insurers licensed pursuant to section 60A.06, subdivision 1, clause (5), paragraph (b), shall be assessed an amount sufficient to fully fund the obligations of the assigned risk plan, if the commissioner determines that the assets of the assigned risk plan are insufficient to meet its obligations annual report of the board of governors reveals a deficit in the plan. The assessment must be made within 30 days of the date the annual report of the board is filed. The assessment of each insurer shall be in a proportion equal to the proportion which the amount of compensation insurance written in this state during the preceding calendar year by that insurer bears to the total compensation insurance written in this state during the preceding calendar year by all licensed insurers.

Sec. 7. Minnesota Statutes 1990, section 79.252, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] The purpose of the assigned risk plan is to provide workers' compensation coverage to employers rejected by a two nonaffiliated licensed insurance company companies, pursuant to subdivision 2. One of these two rejections must come from the insurance company that most recently provided workers' compensation coverage to the employer, unless the employer had no previous coverage. Each rejection must be in writing and must be obtained within 60 days before the date of application to the assigned risk plan. In addition, the rejections must also show the name of the insurance company and the representative contacted.

Sec. 8. Minnesota Statutes 1990, section 79.252, subdivision 3, is amended to read:

Subd. 3. [COVERAGE.] (a) Policies and contracts of coverage issued pursuant to section 79.251, subdivision 4, shall contain the usual and customary provisions of workers' compensation insurance policies, and shall be deemed to meet the mandatory workers' compensation insurance requirements of section 176.181, subdivision 2.

(b) Policies issued by the assigned risk plan pursuant to this chapter may also provide workers' compensation coverage required under the laws of states other than Minnesota, including coverages commonly known as "all states coverage." The board of governors may apply for and obtain any licensure required in any other state to issue that coverage.

Sec. 9. Minnesota Statutes 1990, section 79.252, subdivision 5, is amended to read:

Subd. 5. [RULES.] The commissioner may adopt rules, including ~~emergency~~ temporary rules, as may be necessary to implement section 79.251 and this section.

Sec. 10. Minnesota Statutes 1990, section 79.55, subdivision 2, is amended to read:

Subd. 2. [EXCESSIVENESS.] ~~No premium is excessive in a competitive market. In the absence of a competitive market,~~ Premiums are excessive if the expected underwriting profit, together with expected income from invested reserves for the market in question, that would accrue to an insurer would be unreasonably high in relation to the risk undertaken by the insurer in transacting the business.

Sec. 11. Minnesota Statutes 1990, section 79.56, is amended by adding a subdivision to read:

Subd. 5. [RATE REGULATION.] (a) Whenever an insurer files a change in its existing rate level or rating plan, the commissioner may hold a hearing to determine if the rate level or rating plan is excessive, inadequate, or unfairly discriminatory. The hearing must be conducted pursuant to chapter 14. The commissioner shall give notice of intent to hold a hearing within 90 days of the filing of the change. It is the responsibility of the insurer to show that the rate level or rating plan is not excessive, inadequate, or unfairly discriminatory. The rate level or rating plan is effective unless it is determined as a result of the hearing that the rate level or rating plan is excessive, inadequate, or unfairly discriminatory. Upon such a finding, the rate level or rating plan is retroactively rescinded and any premiums collected under it must be refunded. This subdivision does not apply to any changes resulting from assessments for the assigned risk plan, reinsurance association, guarantee fund, special compensation fund, or statutory benefit level changes to sections 176.101, subdivisions 1, 2, and 4, 176.111, 176.132, and 176.645 as a result of annual adjustments in the statewide average weekly wage. The disapproval of a rate level or rating plan under this subdivision must be done in the same manner as under section 70A.11, except that the standards of section 79.55 apply.

(b) Notwithstanding paragraph (a), if the commissioner of labor and industry petitions the commissioner for a hearing pursuant to this subdivision, the commissioner must hold a hearing if the commissioner of labor and industry certifies that the hearing is necessary because a decision of the supreme court or enactment of a statute has effected a substantial change in the basis upon which the existing rate levels or rating plan was filed. The commissioner of labor and industry must make a prima facie showing that law change has effected a substantial change in the basis upon which the existing rate levels or rating plan was filed.

(c) Notwithstanding paragraph (a), the commissioner may hold a hearing if the commissioner determines that the hearing is necessary because of circumstances which result in a substantial change in the basis upon which the existing rate levels or rating plan was filed. The commissioner must make a prima facie showing that the circumstances resulted in a substantial change in the basis upon which the existing rate levels or rating plan was filed.

Sec. 12. [79.565] [PARTICIPATION.]

An employer, or person representing a group of employers, that will be directly affected by a change in an insurer's existing rate level or rating plan filed under section 79.56, subdivision 5, and the commissioner of labor and industry, must be allowed to participate in any hearing under that subdivision challenging the change in

rate level or rating plan as being excessive, inadequate, or unfairly discriminatory.

Sec. 13. Minnesota Statutes 1990, section 79.58, subdivision 2, is amended to read:

Subd. 2. [RATING PLANS.] The commissioner may disapprove a rating plan of a data service organization if, after a hearing conducted pursuant to chapter 14, the commissioner finds that it is excessive, inadequate, or unfairly discriminatory. The rating plan is effective until disapproved. It is the responsibility of the data service organization to show that the rating plan is not excessive, inadequate, or unfairly discriminatory. Any order of disapproval shall require the data service organization to use an alternative rating plan until approval of a rating plan by the commissioner. The commissioner shall not approve any rating plan based upon any data other than Minnesota data, except that other data may be utilized as a supplement to Minnesota data when the commissioner determines that an exceptional case requires such data to establish the statistical credibility of an occupational classification.

Sec. 14. Minnesota Statutes 1990, section 79.61, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED ACTIVITY.] Any data service organization shall perform the following activities:

(a) File statistical plans, including classification definitions, amendments to the plans, and definitions, with the commissioner for approval, and assign each compensation risk written by its members to its approved classification for reporting purposes;

(b) Establish requirements for data reporting and monitoring methods to maintain a high quality data base;

(c) Prepare and distribute a periodic report, in a form prescribed by the commissioner, on ratemaking including, but not limited to the following elements:

(i) development factors and alternative derivations;

(ii) trend factors and alternative derivations and applications;

(iii) pure premium relativities for the approved classification system for which data are reported, provided that the relativities for insureds engaged in similar occupations and presenting substantially similar risks shall, if different, differ by at least ten percent; and

(iv) an evaluation of the effects of changes in law on loss data.

The report shall also include explicit discussion and explanation of methodology, alternatives examined, assumptions adopted, and areas of judgment and reasoning supporting judgments entered into, and the effect of various combinations of these elements on indications for modification of an overall pure premium rate level change. The pure premium relativities and rate level indications shall not include a loading for expenses or profit and no expense or profit data or recommendations relating to expense or profit shall be included in the report or collected by a data service organization;

(d) Collect, compile, summarize, and distribute data from members or other sources pursuant to a statistical plan approved by the commissioner;

(e) Prepare merit rating plan and calculate any variable factors necessary for utilization of the plan. Such a plan may be used by any of its members, at the option of the member provided that the application of a plan shall not result in rates that are unfairly discriminatory;

(f) Provide loss data specific to an insured to the insured at a reasonable cost;

(g) Distribute information to an insured or interested party that is filed with the commissioner and is open to public inspection; and

(h) Assess its members for operating expenses on a fair and equitable basis;

(i) Separate the incurred but unreported losses of its members;

(j) Separate paid and outstanding losses of its members;

(k) Provide information indicating cases in which its members have established a reserve in excess of \$50,000;

(l) File information based solely on Minnesota data concerning its members' premium income, indemnity, and medical benefits paid.

Sec. 15. [79.65] [DATA SERVICE ORGANIZATIONS; COVERAGE.]

Subdivision 1. [EXAMINATION BY COMMISSIONER.] Data service organizations are subject to all the provisions of this chapter. The commissioner or an authorized representative of the commissioner may visit the rating association at any reasonable time and examine, audit, or evaluate the rating association's operations, records, and practices. For purposes of this section, "authorized representative of the commissioner" includes employees of the departments of commerce or labor and industry or other parties

retained by the commissioner. An examination under this section may be done of any member of data service organizations for purposes of workers' compensation insurance regulation.

Subd. 2. [COSTS AND EXPENSES.] The commissioner may order and the data service organization shall pay the costs and expenses of any examination, audit, or evaluation conducted pursuant to subdivision 1. If no order is issued, a sum sufficient to pay these costs and expenses is appropriated from the special compensation fund to the commissioner of commerce.

Sec. 16. [79.70] [INVESTIGATIONS AND SUBPOENAS.]

Subdivision 1. [GENERAL POWERS.] In connection with the administration of this chapter, the commissioner of commerce may:

(1) make public or private investigations within or without this state as the commissioner considers necessary to determine whether any person has violated or is about to violate this chapter or any rule or order under this chapter, or to aid in the enforcement of this chapter, or in the prescribing of rules or forms under this chapter;

(2) require or permit any person to file a statement in writing, under oath or otherwise as the commissioner determines, as to all the facts and circumstances concerning the matter being investigated;

(3) hold hearings, upon reasonable notice, in respect to any matter arising out of the administration of this chapter;

(4) conduct investigations and hold hearings for the purpose of compiling information with a view to recommending changes in this chapter to the legislature;

(5) examine the books, accounts, records, and files of every licensee under this chapter and of every person who is engaged in any activity regulated under this chapter; the commissioner or a designated representative shall have free access during normal business hours to the offices and places of business of the person, and to all books, accounts, papers, records, files, safes, and vaults maintained in the place of business;

(6) publish information which is contained in any order issued by the commissioner; and

(7) require any person subject to this chapter to report all sales or transactions that are regulated under this chapter. The reports must be made within ten days after the commissioner has ordered the report. The report is accessible only to the respondent and other

governmental agencies unless otherwise ordered by a court of competent jurisdiction.

Subd. 2. [POWER TO COMPEL PRODUCTION OF EVIDENCE.] For the purpose of any investigation, hearing, or proceeding under this chapter, the commissioner or a designated representative may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, agreements, or other documents or records that the commissioner considers relevant or material to the inquiry.

Subd. 3. [COURT ORDERS.] In case of a refusal to appear or a refusal to obey a subpoena issued to any person, the district court, upon application by the commissioner, may issue to any person an order directing that person to appear before the commissioner, or the officer designated by the commissioner, to produce documentary evidence if so ordered or to give evidence relating to the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

Subd. 4. [SCOPE OF PRIVILEGE.] No person is excused from attending and testifying or from producing any document or record before the commissioner, or from obedience to the subpoena of the commissioner or any officer designated by the commissioner or in a proceeding instituted by the commissioner, on the ground that the testimony or evidence required may tend to incriminate that person or subject that person to a penalty or forfeiture. No person may be prosecuted or subjected to a penalty or forfeiture for a transaction, matter, or thing concerning which the person is compelled, after claiming the privilege against self-incrimination, to testify or produce documentary or other evidence except that the individual is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

Subd. 5. [LEGAL ACTIONS; INJUNCTIONS; CEASE AND DESIST ORDERS.] (a) Whenever it appears to the commissioner that any person has engaged in or is about to engage in any act or practice constituting a violation of this chapter, or any rule or order adopted under this chapter, the commissioner has the powers indicated under paragraphs (b) and (c).

(b) The commissioner may bring an action in the name of the state in the district court of the appropriate county to enjoin the acts or practices and to enforce compliance with this chapter, or any rule or order adopted or issued under this chapter, or the commissioner may refer the matter to the attorney general or the county attorney of the appropriate county. Upon a proper showing, a permanent or temporary injunction, restraining order, or other appropriate relief must be granted.

(c) The commissioner may issue and serve an order requiring a person to cease and desist from violations of this chapter, or any rule or order adopted or issued under this chapter. The order must give reasonable notice of the rights of the person to request a hearing and must state the reasons for the entry of the order. A hearing must be held not later than seven days after the request for the hearing is received by the commissioner. Within 20 days after receiving the administrative law judge's report, the commissioner shall issue a further order vacating the cease and desist order or making it permanent as the facts require. If no hearing is requested within 30 days of service of the order, the order will become final and will remain in effect until it is modified or vacated by the commissioner. Unless otherwise provided, all hearings must be conducted in accordance with chapter 14. If a person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person is in default, and the proceeding may be determined against that person upon consideration of the cease and desist order, the allegations of which may be considered to be true. The commissioner may adopt rules of procedure concerning all proceedings conducted under this paragraph.

Subd. 6. [VIOLATIONS AND PENALTIES.] The commissioner may impose a civil penalty not to exceed \$2,000 per violation upon a person who violates this chapter, unless a different penalty is specified under this chapter.

Subd. 7. [ACTIONS AGAINST LICENSEES.] In addition to any other actions authorized by this section, the commissioner may, by order, deny, suspend, or revoke the authority or license of a person subject to this chapter, or censure that person if the commissioner finds that the order is in the public interest or the person has violated this chapter.

Subd. 8. [POWERS ADDITIONAL.] The powers contained in subdivisions 1 to 8 are in addition to all other powers of the commissioner.

Sec. 17. [79.75] [ACCESS TO INSURER.]

The commissioner, or the designated person, shall have free access during normal business hours to all books, records, securities, documents, and any or all papers relating to the property, assets, business, and affairs of any company, applicant, association, or person that may be examined pursuant to this chapter for the purpose of ascertaining, appraising, and evaluating the assets, conditions, affairs, operations, ability to fulfill obligations, and compliance with all the provisions of law of the company or person insofar as any of the above pertain to the business of insurance of a person, organization, or corporation transacting, having transacted, or being organized to transact business in this state. Every company or person being examined including officers, directors, and agents,

shall provide to the commissioner or the designated person convenient and free access at all reasonable hours at its office to all books, records, securities, documents, and any or all papers relating to the property, assets, business, and affairs of the company or person. The officers, directors, and agents of the company or person shall facilitate the examination and aid in the examination so far as it is in their power to do so.

Sec. 18. Minnesota Statutes 1990, section 176A.03, is amended by adding a subdivision to read:

Subd. 3. [COVERAGE OUTSIDE STATE.] Policies issued by the fund pursuant to this chapter may also provide workers' compensation coverage required under the laws of states other than Minnesota, including coverages commonly known as "all states coverage." The fund may apply for and obtain any licensure required in any other state in order to issue the coverage.

Sec. 19. Minnesota Statutes 1990, section 221.141, subdivision 1, is amended to read:

Subdivision 1. [FINANCIAL RESPONSIBILITY OF CERTAIN CARRIERS.] No motor carrier and no interstate carrier shall operate a vehicle until it has obtained and has in effect the minimum amount of financial responsibility required by this section. Policies of insurance, surety bonds, other types of security, and endorsements must be continuously in effect and must remain in effect until canceled. Before providing transportation, the motor carrier or interstate carrier shall secure and cause to be filed with the commissioner and maintain in full effect, both a certificate of insurance in a form required by the commissioner, evidencing public liability insurance in the amount prescribed, and acceptable evidences of compliance with the workers' compensation insurance coverage requirements of section 176.181, subdivision 2, by providing the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. The insurance must cover injuries and damage to persons or property resulting from the operation or use of motor vehicles, regardless of whether each vehicle is specifically described in the policy. This insurance does not apply to injuries or death to the employees of the motor carrier or to property being transported by the carrier. The commissioner shall require cargo insurance for certificated carriers, except those carrying passengers exclusively. The commissioner may require a permit carrier to file cargo insurance when the commissioner deems necessary to protect the users of the service.

Sec. 20. [NOTICE OF INTENT TO CHALLENGE RATE LEVEL CHANGE.]

Notwithstanding Minnesota Statutes, section 79.56, subdivision 5, the commissioner shall have an additional 90 days to give notice

of intent to hold a hearing pursuant to that section. This section applies only to challenges to an insurer's change in existing rate levels or rating plan filed between the date the 1992 report required under section 79.60 is approved by the commissioner of commerce and six months thereafter.

Sec. 21. [MANDATED REDUCTIONS.]

(a) As a result of the workers' compensation law changes in articles 1 to 4 and the resulting savings to the costs of Minnesota's workers' compensation system, an insurer's approved schedule of rates in effect on October 1, 1991, must be reduced by 17 percent and applied by the insurer to all policies issued, renewed, or outstanding on or after that date. An insurer may not adjust its filed rating plan to recoup the 17 percent mandated rate reduction under this section. The reduction must be computed on the basis of a 17 percent premium reduction prorated to the expiration of that policy. An insurer shall provide a written notice by November 1, 1991, to all employers having an outstanding policy with the insurer as of October 1, 1991, that reads as follows: "As a result of the changes in the workers' compensation insurance system enacted by the 1991 legislature, you are entitled to a credit or refund to your current premium in an amount of \$..... which reflects a 17 percent mandated premium reduction prorated to the expiration of your policy."

(b) No rate increases may be filed between April 1, 1991 and January 1, 1992.

(c) The commissioner of labor and industry shall survey Minnesota employers to determine if the mandated workers' compensation insurance rate reductions required under this section have been implemented by insurers, both as to amount and in a manner that is uniform and nondiscriminatory between employers having similar risks with respect to a particular occupational classification. The commissioner shall present a report detailing the findings and conclusions to the legislature by March 1, 1992.

Sec. 22. [ADJUSTMENT.]

Within 60 days of final enactment of this legislation, the board shall determine whether any adjustment in the assigned risk rates in effect as of the date of enactment are required by this section.

Sec. 23. [REPEALER.]

Minnesota Statutes 1990, sections 79.54, 79.57, and 79.58, subdivision 1, are repealed.

Sec. 24. [EFFECTIVE DATE.]

This article is effective January 1, 1992; except that, section 21, paragraphs (a) and (c), are effective October 1, 1991; and section 21, paragraph (b), is effective the day following final enactment.

Delete the title and insert:

“A bill for an act relating to workers’ compensation; regulating benefits, providers, dispute resolution, and insurance; appropriating money; imposing penalties; amending Minnesota Statutes 1990, sections 15A.083, subdivision 7; 79.095; 79.251, subdivisions 1, 2, 3, 4, and 5; 79.252, subdivisions 1, 3, and 5; 79.55, subdivision 2; 79.56, by adding a subdivision; 79.58, subdivision 2; 79.61, subdivision 1; 175.007; 176.011, subdivisions 3, 11a, 18, 27, and by adding a subdivision; 176.021, subdivision 3; 176.041, subdivision 1a; 176.061, subdivision 10, and by adding a subdivision; 176.081, subdivisions 1, 2, and 3; 176.101, subdivisions 1, 2, 4, 5, 6, and by adding subdivisions; 176.102, subdivisions 1, 2, 3, 3a, 4, 6, 7, 9, and 11; 176.105, subdivisions 1 and 4; 176.111, subdivisions 6, 7, 8, 12, 14, 15, 18, 20, and 21; 176.131, subdivision 8, and by adding a subdivision; 176.132, subdivisions 1, 2, and 3; 176.135, subdivisions 1, 1a, 5, 6, and 7; 176.136, subdivisions 1, 2, and by adding subdivisions; 176.179; 176.183, subdivision 1; 176.215, by adding a subdivision; 176.221, subdivision 6a; 176.305, subdivision 1; 176.351, subdivision 2a; 176.421, subdivision 7; 176.442; 176.461; 176.645, subdivisions 1 and 2; 176.66, subdivision 11; 176.82; 176.83, subdivisions 5, 6, and by adding a subdivision; 176A.03, by adding a subdivision; 221.141, subdivision 1; 268.08, subdivision 3; 353.33, subdivision 5; and 480A.06, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapters 79; and 176; repealing Minnesota Statutes 1990, sections 79.54; 79.57; 79.58, subdivision 1; 175A.01; 175A.02; 175A.03; 175A.04; 175A.05; 175A.06; 175A.07; 175A.08; 175A.09; 175A.10; 176.011, subdivision 26; 176.101, subdivisions 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3m, 3n, 3o, 3p, 3q, 3r, 3s, 3t, and 3u; 176.106; 176.111, subdivision 8a; 176.135, subdivision 3; and 176.136, subdivision 5.”

Signed: Stanius; Johnson, V.; Gruenes; Frerichs; Haukoos; Bishop; Morrison and Limmer.

Stanius moved that the Minority Report on H. F. No. 1422 be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Stanius and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abrams	Frederick	Kinkel	Olsen, S.	Segal
Anderson, I.	Frerichs	Knickerbocker	Olson, E.	Simoneau
Anderson, R.	Garcia	Koppendrayner	Olson, K.	Skoglund
Anderson, R. H.	Girard	Krinkie	Omann	Smith
Battaglia	Goodno	Krueger	Onnen	Solberg
Bauerly	Greenfield	Lasley	Orenstein	Sparby
Beard	Gruenes	Leppik	Orfield	Stanius
Begich	Gutknecht	Lieder	Osthoff	Steensma
Bertram	Hanson	Limmer	Ostrom	Sviggum
Bettermann	Hartle	Long	Ozment	Swenson
Bishop	Hasskamp	Lourey	Pauly	Thompson
Blatz	Haukoos	Lynch	Pellow	Tompkins
Bodahl	Hausman	Macklin	Pelowski	Trimble
Boo	Heir	Mariani	Peterson	Tunheim
Brown	Henry	Marsh	Pugh	Uphus
Carlson	Hufnagle	McEachern	Reding	Valento
Carruthers	Hugoson	McGuire	Rice	Vellenga
Clark	Jacobs	McPherson	Rodosovich	Wagenius
Dauner	Janezich	Milbert	Rukavina	Waltman
Davids	Jefferson	Morrison	Runbeck	Weaver
Dempsey	Johnson, A.	Murphy	Sarna	Wejzman
Dille	Johnson, R.	Nelson, S.	Schafer	Wenzel
Dorn	Johnson, V.	Newinski	Scheid	Winter
Erhardt	Kahn	O'Connor	Schreiber	Spk. Vanasek
Farrell	Kelso	Ogren	Seaberg	

Long moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Long moved that the Minority Report on H. F. No. 1422 be laid on the table.

A roll call was requested and properly seconded.

POINT OF ORDER

Sviggum raised a point of order pursuant to section 331 of "Mason's Manual of Legislative Procedure" relating to the application of the motion to lay on the table. The Speaker ruled the point of order not well taken.

The question recurred on the Long motion and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 76 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Greenfield	Lieder	Orfield	Sparby
Battaglia	Hanson	Long	Osthoff	Steensma
Bauerly	Hasskamp	Lourey	Pelowski	Thompson
Beard	Hausman	Mariani	Peterson	Trimble
Begich	Jacobs	McEachern	Pugh	Tunheim
Bertram	Janezich	McGuire	Reding	Vellenga
Bodahl	Jaros	Milbert	Rest	Wagenius
Brown	Jefferson	Munger	Rice	Wejman
Carlson	Johnson, A.	Murphy	Rodosovich	Welle
Carruthers	Johnson, R.	Nelson, K.	Rukavina	Wenzel
Clark	Kahn	Nelson, S.	Sarna	Winter
Cooper	Kalis	O'Connor	Scheid	Spk. Vanasek
Dawkins	Kelso	Ogren	Segal	
Dorn	Kinkel	Olson, E.	Simoneau	
Farrell	Krueger	Olson, K.	Skoglund	
Garcia	Lasley	Orenstein	Solberg	

Those who voted in the negative were:

Abrams	Frerichs	Johnson, V.	Olsen, S.	Stanius
Anderson, R.	Girard	Knickerbocker	Omann	Sviggum
Anderson, R. H.	Goodno	Koppendraye	Onnen	Swenson
Bettermann	Gruenes	Krinkie	Ostrom	Tompkins
Bishop	Gutknecht	Leppik	Ozment	Uphus
Blatz	Hartle	Limmer	Pauly	Valento
Boo	Haukoos	Lynch	Pellow	Waltman
Davids	Heir	Macklin	Runbeck	Weaver
Dempsey	Henry	Marsh	Schafer	
Dille	Hufnagle	McPherson	Schreiber	
Erhardt	Hugoson	Morrison	Seaberg	
Frederick	Jennings	Newinski	Smith	

The motion prevailed and the Minority Report on H. F. No. 1422 was laid on the table.

The question recurred on the adoption of the Majority Report from the Committee on Appropriations relating to H. F. No. 1422.

A roll call was requested and properly seconded.

Stanius moved that the Majority Report from the Committee on Appropriations relating to H. F. No. 1422 be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Stanius motion and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 56 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Johnson, V.	Olsen, S.	Stanius
Anderson, R. H.	Girard	Knickerbocker	Omman	Sviggum
Bertram	Goodno	Koppendrayer	Onnen	Swenson
Bettermann	Gruenes	Krinkie	Ostrom	Tompkins
Bishop	Gutknecht	Leppik	Ozment	Uphus
Blatz	Hartle	Limmer	Pauly	Valento
Boo	Haukoos	Lynch	Pellow	Waltman
Davids	Heir	Macklin	Runbeck	Weaver
Dempsey	Henry	Marsh	Schafer	
Dille	Hufnagle	McPherson	Schreiber	
Erhardt	Hugoson	Morrison	Seaberg	
Frederick	Jennings	Newinski	Smith	

Those who voted in the negative were:

Anderson, I.	Greenfield	Lieder	Orfield	Sparby
Anderson, R.	Hanson	Long	Osthoff	Steensma
Battaglia	Hasskamp	Lourey	Pelowski	Thompson
Bauerly	Hausman	Mariani	Peterson	Trimble
Beard	Jacobs	McEachern	Pugh	Tunheim
Begich	Janezich	McGuire	Reding	Vellenga
Bodahl	Jaros	Milbert	Rest	Wagenius
Brown	Jefferson	Munger	Rice	Wejzman
Carlson	Johnson, A.	Murphy	Rodosovich	Welle
Carruthers	Johnson, R.	Nelson, K.	Rukavina	Wenzel
Clark	Kahn	Nelson, S.	Sarna	Winter
Cooper	Kalis	O'Connor	Scheid	Spk. Vanasek
Dawkins	Kelso	Ogren	Segal	
Dorn	Kinkel	Olson, E.	Simoneau	
Farrell	Krueger	Olson, K.	Skoglund	
Garcia	Lasley	Orenstein	Solberg	

The motion did not prevail.

The question recurred on the adoption of the Majority Report from the Committee on Appropriations relating to H. F. No. 1422.

A roll call was requested and properly seconded.

The question was taken on the adoption of the Majority Report on H. F. No. 1422 and the roll was called.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 77 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Farrell	Krueger	Olson, K.	Solberg
Anderson, R.	Garcia	Lasley	Orenstein	Sparby
Battaglia	Greenfield	Lieder	Orfield	Steensma
Bauerly	Hanson	Long	Osthoff	Thompson
Beard	Hasskamp	Lourey	Peterson	Trimble
Begich	Hausman	Mariani	Pugh	Tunheim
Bertram	Jacobs	McEachern	Reding	Vellenga
Bodahl	Janezich	McGuire	Rest	Wagenius
Brown	Jaros	Milbert	Rice	Wejman
Carlson	Jefferson	Munger	Rodosovich	Welle
Carruthers	Johnson, A.	Murphy	Rukavina	Wenzel
Clark	Johnson, R.	Nelson, K.	Sarna	Winter
Cooper	Kahn	Nelson, S.	Scheid	Spk. Vanasek
Dauner	Kalis	O'Connor	Segal	
Dawkins	Kelso	Ogren	Simoneau	
Dorn	Kinkel	Olson, E.	Skoglund	

Those who voted in the negative were:

Abrams	Girard	Knickerbocker	Omann	Stanius
Anderson, R. H.	Goodno	Koppendraye	Onnen	Sviggum
Bettermann	Gruenes	Krinkie	Ostrom	Swenson
Bishop	Gutknecht	Leppik	Ozment	Tompkins
Blatz	Hartle	Limmer	Pauly	Uphus
Boo	Haukoos	Lynch	Pellow	Valento
Davids	Heir	Macklin	Pelowski	Waltman
Dempsey	Henry	Marsh	Runbeck	Weaver
Dille	Hufnagle	McPherson	Schafer	
Erhardt	Hugoson	Morrison	Schreiber	
Frederick	Jennings	Newinski	Seaberg	
Frerichs	Johnson, V.	Olsen, S.	Smith	

The Majority Report on H. F. No. 1422 was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 20, 49, 67, 121, 124, 143, 165, 181, 228, 313, 317, 470, 474, 530, 571, 647, 664, 684, 688, 693, 747, 766, 786, 806, 878, 882, 883, 886, 922, 932, 943, 954, 999, 1025, 1132, 1147, 1179, 1194, 1197, 1201, 1238, 1264, 1269, 1320, 1326, 1389, 1392, 1405, 1415, 1422, 1433, 1455, 1459, 1475, 1492, 1509, 1521, 1528, 1529, 1536, 1541, 1551, 1584 and 1592 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 391, 224 and 231 were read for the second time.

CALL OF THE HOUSE LIFTED

Long moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Rodosovich and Lieder introduced:

H. F. No. 1600, A bill for an act relating to gambling; allowing euchre to be played; amending Minnesota Statutes 1990, sections 609.75, subdivisions 1 and 3; and 609.761, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Trimble and Farrell introduced:

H. F. No. 1601, A bill for an act relating to housing; modifying certain annual housing impact reporting and replacement housing requirements; amending Minnesota Statutes 1990, sections 504.33, subdivision 2; 504.34, subdivision 1; and 504.35.

The bill was read for the first time and referred to the Committee on Housing.

Milbert introduced:

H. F. No. 1602, A bill for an act relating to claims; appropriating money for payment of a claim for Keith Hennes.

The bill was read for the first time and referred to the Committee on Appropriations.

Dempsey introduced:

H. F. No. 1603, A bill for an act relating to public safety; providing for revocation of driver's licenses and permits, motor vehicle registration certificates, and motor vehicle certificates of title when persons pay for issuance of these documents with bad checks; proposing coding for new law in Minnesota Statutes, chapter 299A.

The bill was read for the first time and referred to the Committee on Transportation.

Stanius, Swenson, Krinkie, Newinski and McGuire introduced:

H. F. No. 1604, A bill for an act relating to education; authorizing construction at Northeast Metro Technical College.

The bill was read for the first time and referred to the Committee on Education.

Ozment, Stanius, Tompkins and Solberg introduced:

H. F. No. 1605, A bill for an act relating to crime; requiring mandatory HIV antibody testing when a person has been convicted of criminal sexual conduct; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Judiciary.

Johnson, A., and Ogren introduced:

H. F. No. 1606, A resolution memorializing the President and Congress to condemn the use of Soviet military force in the Baltic Republics and support the Baltic Republics for their self-determination.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Hasskamp, Rukavina, Ogren, Kinkel and Anderson, R., introduced:

H. F. No. 1607, A bill for an act relating to taxation; sales tax; modifying the accelerated payment of June sales tax liability; amending Minnesota Statutes 1990, section 289A.60, subdivision 15.

The bill was read for the first time and referred to the Committee on Taxes.

Garcia, Wagenius, Orenstein, Skoglund and Vellenga introduced:

H. F. No. 1608, A bill for an act relating to metropolitan government; providing for certain noise control measures at the Minneapolis-St. Paul International Airport; amending Minnesota Statutes 1990, section 473.608, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Pellow; Morrison; Anderson, I.; Sarna and Johnson, V., introduced:

H. F. No. 1609, A bill for an act relating to the city of New Brighton; permitting the city to acquire granular carbon without a bond.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Pugh, Carruthers, Weaver, Rest and Olsen, S., introduced:

H. F. No. 1610, A bill for an act relating to creditors' remedies; making clarifying and technical changes to garnishment and execution laws; amending Minnesota Statutes 1990, sections 550.136, subdivisions 3 and 10; 551.06, subdivisions 3 and 10; 571.75, subdivision 2; and 571.922.

The bill was read for the first time and referred to the Committee on Judiciary.

Nelson, S.; Anderson, R.; Brown; Knickerbocker and Dauner introduced:

H. F. No. 1611, A bill for an act relating to game and fish; repealing the requirement that deer licenses be accompanied by applications for absentee ballots; repealing Minnesota Statutes 1990, section 97A.485, subdivision 1a.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Schafer introduced:

H. F. No. 1612, A bill for an act relating to taxation; property; allowing a special levy for McLeod county; providing for a levy limit base adjustment for McLeod county.

The bill was read for the first time and referred to the Committee on Taxes.

Carruthers introduced:

H. F. No. 1613, A bill for an act relating to commerce; removing or modifying certain bond requirements; amending Minnesota Statutes 1990, sections 6.26; 10.38; 46.08, subdivision 1; 84.01, subdivision 4; 115A.06, subdivision 12; 116.03, subdivision 4; 233.08; 234.06; 241.08, subdivision 1; 246.15, subdivision 1; 257.05, subdivision 1; 280.27; 281.38; 299C.08; 299D.01, subdivision 4; 299D.03, subdivision 1; 340A.316; 375.03; 386.06; 388.01; 390.05; 398.10; 473.375, subdivision 5; 480.09, subdivision 2; 480.11, subdivision 1; and 488A.20, subdivision 2; repealing Minnesota Statutes 1990, sections 60B.08; 84.081, subdivision 2; 160.24, subdivision 5; 166.04; 196.02, subdivision 2; 234.07; 246.03; 340A.302, subdivision 4; 383A.20, subdivision 8; and 514.52.

The bill was read for the first time and referred to the Committee on Commerce.

Vellenga, Greenfield, Onnen, Gruenes and Jefferson introduced:

H. F. No. 1614, A bill for an act relating to the prevention of child abuse and neglect; authorizing the commissioner of state planning to award grants for programs designed to prevent child abuse and neglect; authorizing the commissioner of health to award grants for programs to prevent child abuse and neglect; establishing a bonus incentive for counties to provide family-based services; amending Minnesota Statutes 1990, section 256F.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116K and 145.

The bill was read for the first time and referred to the Committee on Judiciary.

Kalis introduced:

H. F. No. 1615, A bill for an act relating to education; allowing certain fund transfers.

The bill was read for the first time and referred to the Committee on Education.

Wagenius and Rest introduced:

H. F. No. 1616, A bill for an act relating to crimes; missing children; repealing restrictions on felony prosecutions for taking, detaining, or failing to return a child; repealing Minnesota Statutes 1990, section 609.26, subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

Simoneau introduced:

H. F. No. 1617, A bill for an act relating to public employment; removing certain limits on negotiation of health insurance for retired public employees; increasing investment options for public employee deferred compensation plans; amending Minnesota Statutes 1990, sections 179A.20, subdivision 2a; and 356.24; proposing coding for new law in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1990, section 179A.16, subdivision 9.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Runbeck, Milbert and Krinkie introduced:

H. F. No. 1618, A bill for an act relating to housing; requiring disclosure of conditions in sales of used manufactured homes; creating a used manufactured home transfer disclosure form; authorizing the commissioner of commerce to adopt rules; proposing coding for new law in Minnesota Statutes, chapter 327B.

The bill was read for the first time and referred to the Committee on Housing.

Ogren and Lourey introduced:

H. F. No. 1619, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Aitkin county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Steensma introduced:

H. F. No. 1620, A bill for an act relating to traffic regulations; authorizing the use of studded tires by rural mail carriers; amending Minnesota Statutes 1990, section 169.72, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Vellenga introduced:

H. F. No. 1621, A bill for an act relating to crimes; expanding the definition of drug free zones to include post-secondary and technical colleges and public housing property; requiring the sentencing guidelines commission to develop a model set of local correctional guidelines; authorizing special levies for local correctional services that do not involve incarceration; changing the name and duties of the drug abuse prevention resource council; providing incentives for judicial districts to adopt local correctional guidelines; requiring reporting of felony convictions; requiring chemical use assessments of persons convicted of felonies; requiring studies; appropriating money; amending Minnesota Statutes 1990, sections 152.01, subdivision 14a, and by adding a subdivision; 152.022, subdivision 1; 152.023, subdivision 2; 244.095, subdivisions 1 and 2; 275.50, subdivision 5; 275.51, subdivision 3f; 299A.30; 299A.31, subdivision 1; 299A.32; 401.14, by adding a subdivision; 485.16; and 609.115, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 244; repealing Minnesota Statutes 1990, sections 244.095, subdivision 3; 299A.29; and 299A.30.

The bill was read for the first time and referred to the Committee on Judiciary.

Dille introduced:

H. F. No. 1622, A bill for an act relating to traffic regulations; allowing use of studded tires on emergency vehicles; amending Minnesota Statutes 1990, section 169.72, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

HOUSE ADVISORIES

The following House Advisory was introduced:

Wejcmán, Kahn, Mariani, Vellenga and Segal introduced:

H. A. No. 9, A proposal to study health services in secondary schools.

The advisory was referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 795, A bill for an act relating to counties; removing certain restrictions on county morgues; amending Minnesota Statutes 1990, sections 390.06 and 390.07.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 196, A resolution memorializing the Congress of the United States to enact the POW/MIA truth bill, that relates to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea, and Vietnam.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 328, 339, 473, 531, 732 and 925.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 328, A bill for an act relating to insurance; Medicare supplement; conforming state Medicare supplement policy requirements to federal law; requiring certain foreign travel coverages to be added to the basic plan; amending Minnesota Statutes 1990, sections 62A.31, subdivision 1; 62A.316; 62A.36, subdivision 1a; and 62A.43, subdivision 1.

The bill was read for the first time.

Skoglund moved that S. F. No. 328 and H. F. No. 32, now on

General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 339, A bill for an act relating to taxation; providing that certain nonprofit organizations that provide athletic programs qualify for a sales tax exemption on their purchases.

The bill was read for the first time.

Trimble moved that S. F. No. 339 and H. F. No. 390, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 473, A bill for an act relating to health; allowing nursing homes to transfer medical assistance certification among beds; amending Minnesota Statutes 1990, section 144A.071, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

S. F. No. 531, A bill for an act relating to waste; authorizing a water or sewer commission to issue bonds; amending Minnesota Statutes 1990, section 116A.24, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 732, A bill for an act relating to natural resources; offering an alternative to bond or deposit requirements on contracts for cutting timber; allowing reduction in value of letters of credit given as security for timber permits; amending Minnesota Statutes 1990, section 90.173; proposing coding for new law in Minnesota Statutes, chapter 90.

The bill was read for the first time.

Johnson, R., moved that S. F. No. 732 and H. F. No. 747, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 925, A bill for an act relating to insurance; medical expense benefits; including language translation services as medical expense benefits for insurance; amending Minnesota Statutes 1990, section 65B.44, subdivision 2.

The bill was read for the first time.

Dawkins moved that S. F. No. 925 and H. F. No. 234, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Long, from the Committee on Rules and Legislative Administration, pursuant to rule 1.09, designated the following bills as Special Orders to be acted upon immediately preceding General Orders for today, Monday, April 15, 1991:

H. F. No. 21; S. F. No. 187; H. F. Nos. 274, 726 and 299; S. F. No. 734; H. F. Nos. 611, 683, 173, 716, 808, 815, 977, 1001, 1017 and 1035; S. F. Nos. 34 and 254; and H. F. Nos. 739, 782, 248, 478 and 756.

The Speaker called Krueger to the Chair.

CONSENT CALENDAR

H. F. No. 1112 was reported to the House.

Dawkins moved that H. F. No. 1112 be placed on General Orders. The motion prevailed.

S. F. No. 252, A bill for an act relating to housing; authorizing a multicounty housing and redevelopment authority to appoint additional commissioners; amending Minnesota Statutes 1990, section 469.006, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Anderson, R. H.	Beard	Bettermann	Bodahl
Anderson, I.	Battaglia	Begich	Bishop	Boo
Anderson, R.	Bauerly	Bertram	Blatz	Brown

Carlson	Hausman	Limmer	Orenstein	Solberg
Carruthers	Heir	Long	Orfield	Sparby
Clark	Henry	Lourey	Osthoff	Stanius
Cooper	Hufnagle	Lynch	Ostrom	Steensma
Dauner	Hugoson	Macklin	Ozment	Sviggum
Davids	Jacobs	Mariani	Pauly	Swenson
Dawkins	Janezich	Marsh	Pellow	Thompson
Dempsey	Jaros	McEachern	Pelowski	Tompkins
Dille	Jefferson	McGuire	Peterson	Trimble
Dorn	Jennings	McPherson	Pugh	Tunheim
Erhardt	Johnson, A.	Milbert	Reding	Uphus
Farrell	Johnson, R.	Morrison	Rest	Valento
Frederick	Johnson, V.	Munger	Rice	Vellenga
Frerichs	Kahn	Murphy	Rodosovich	Wagenius
Garcia	Kalis	Nelson, K.	Rukavina	Waltman
Girard	Kelso	Nelson, S.	Runbeck	Weaver
Goodno	Kinkel	Newinski	Sarna	Wejcmán
Greenfield	Knickerbocker	O'Connor	Schafer	Welle
Gruenes	Koppendrayner	Ogren	Scheid	Wenzel
Gutknecht	Krinkie	Olsen, S.	Schreiber	Winter
Hanson	Krueger	Olson, E.	Seaberg	Spk. Vanasek
Hartle	Lasley	Olson, K.	Segal	
Hasskamp	Leppik	Omann	Simoneau	
Haukoos	Lieder	Onnen	Smith	

The bill was passed and its title agreed to.

H. F. No. 456, A bill for an act relating to adoption; clarifying the requirements for consents; amending Minnesota Statutes 1990, section 259.24, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Jacobs	Macklin	Ostrom
Anderson, I.	Dille	Jaros	Mariani	Ozment
Anderson, R.	Dorn	Jefferson	Marsh	Pauly
Anderson, R. H.	Erhardt	Jennings	McEachern	Pellow
Battaglia	Farrell	Johnson, A.	McGuire	Pelowski
Bauerly	Frederick	Johnson, R.	McPherson	Peterson
Beard	Frerichs	Johnson, V.	Milbert	Pugh
Begich	Garcia	Kahn	Morrison	Reding
Bertram	Girard	Kalis	Munger	Rest
Bettermann	Goodno	Kelso	Murphy	Rice
Bishop	Greenfield	Kinkel	Nelson, S.	Rodosovich
Blatz	Gruenes	Knickerbocker	Newinski	Rukavina
Bodahl	Gutknecht	Koppendrayner	O'Connor	Runbeck
Boo	Hanson	Krinkie	Ogren	Sarna
Brown	Hartle	Krueger	Olsen, S.	Schafer
Carlson	Hasskamp	Lasley	Olson, E.	Scheid
Carruthers	Haukoos	Leppik	Olson, K.	Schreiber
Clark	Hausman	Lieder	Omann	Seaberg
Cooper	Heir	Limmer	Onnen	Segal
Dauner	Henry	Long	Orenstein	Simoneau
Davids	Hufnagle	Lourey	Orfield	Skoglund
Dawkins	Hugoson	Lynch	Osthoff	Smith

Solberg	Swenson	Uphus	Weaver	Spk. Vanasek
Sparby	Thompson	Valento	Wejcmán	
Staníus	Tompkins	Vellenga	Welle	
Steensma	Trimble	Wageníus	Wenzel	
Sviggum	Tunheim	Waltman	Winter	

The bill was passed and its title agreed to.

H. F. No. 696, A bill for an act relating to education; revising membership requirements for joint vocational technical boards; authorizing joint vocational technical boards to appoint additional members; amending Minnesota Statutes 1990, section 136C.61, subdivision 1; and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kinkel	Olsen, S.	Simoneau
Anderson, I.	Frerichs	Knickerbocker	Olson, E.	Skoglund
Anderson, R.	Garcia	Koppendrayner	Olson, K.	Smith
Anderson, R. H.	Girard	Krinkie	Omann	Solberg
Battaglia	Goodno	Krueger	Onnen	Sparby
Bauerly	Greenfield	Lasley	Orenstein	Staníus
Beard	Gruenes	Leppik	Orfield	Steensma
Begich	Gutknecht	Lieder	Osthoff	Sviggum
Bertram	Hanson	Limmer	Ostrom	Swenson
Bettermann	Hartle	Long	Ozment	Thompson
Bishop	Hasskamp	Lourey	Pauly	Tompkins
Blatz	Haukoos	Lynch	Pellow	Trimble
Bodahl	Hausman	Macklin	Pelowski	Tunheim
Boo	Heir	Mariani	Peterson	Uphus
Brown	Henry	Marsh	Pugh	Valento
Carlson	Hufnagle	McEachern	Reding	Vellenga
Carruthers	Hugoson	McGuire	Rest	Wageníus
Clark	Jacobs	McPherson	Rice	Waltman
Cooper	Jaros	Milbert	Rodosovich	Weaver
Dauner	Jefferson	Morrison	Rukavina	Wejcmán
Davids	Jennings	Munger	Runbeck	Welle
Dawkins	Johnson, A.	Murphy	Sarna	Wenzel
Dempsey	Johnson, R.	Nelson, K.	Schafer	Winter
Dille	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Dorn	Kahn	Newinski	Schreiber	
Erhardt	Kalis	O'Connor	Seaberg	
Farrell	Kelso	Ogren	Segal	

The bill was passed and its title agreed to.

H. F. No. 594, A bill for an act relating to foreign money claims; enacting the uniform foreign-money claims act; proposing coding for new law in Minnesota Statutes, chapter 548.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olsen, E.	Skoglund
Anderson, R. H.	Girard	Koppendrayer	Olsen, K.	Smith
Battaglia	Goodno	Krinkie	Omann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Swiggum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Davids	Jefferson	Morrison	Rukavina	Wejcmann
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Schreiber	
Farrell	Kalis	O'Connor	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 772, A bill for an act relating to agriculture; changing the composition of county extension committees; amending Minnesota Statutes 1990, section 38.36, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abrams	Bishop	Cooper	Frederick	Hausman
Anderson, I.	Blatz	Davids	Frerichs	Heir
Anderson, R.	Bodahl	Dawkins	Garcia	Henry
Anderson, R. H.	Boo	Dempsey	Girard	Hufnagle
Battaglia	Brown	Dille	Goodno	Hugoson
Begich	Carlson	Dorn	Gruenes	Jacobs
Bertram	Carruthers	Erhardt	Gutknecht	Janezich
Bettermann	Clark	Farrell	Hartle	Jaros

Jefferson	Long	Olson, E.	Rice	Tunheim
Jennings	Lourey	Olson, K.	Rodosovich	Uphus
Johnson, A.	Lynch	Omman	Rukavina	Valento
Johnson, V.	Macklin	Onnen	Schafer	Vellenga
Kahn	Mariani	Orenstein	Schreiber	Wagenius
Kalis	Marsh	Orfield	Seaberg	Waltman
Kelso	McGuire	Ostrom	Segal	Weaver
Knickerbocker	McPherson	Ozment	Simoneau	Wejcman
Koppendrayer	Milbert	Pauly	Smith	Welle
Krinkie	Morrison	Pellow	Stanis	Wenzel
Krueger	Munger	Pelowski	Steensma	Winter
Lasley	Nelson, K.	Peterson	Sviggum	Spk. Vanasek
Leppik	Newinski	Pugh	Swenson	
Lieder	Ogren	Reding	Tompkins	
Limmer	Olsen, S.	Rest	Trimble	

Those who voted in the negative were:

Bauerly	Hanson	Kinkel	O'Connor	Skoglund
Beard	Hasskamp	McEachern	Osthoff	Solberg
Dauner	Haukoos	Murphy	Sarna	Sparby
Greenfield	Johnson, R.	Nelson, S.	Scheid	Thompson

The bill was passed and its title agreed to.

H. F. No. 807 was reported to the House.

Rice moved to amend H. F. No. 807, the first engrossment, as follows:

Page 3, line 26, delete everything after the period

Page 3, delete line 27

The motion prevailed and the amendment was adopted.

H. F. No. 807, A bill for an act relating to commerce; requiring real estate brokers and salespersons to receive instruction in fair housing laws; amending Minnesota Statutes 1990, section 82.22, subdivisions 6 and 13.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Anderson, R. H.	Beard	Bettermann	Bodahl
Anderson, I.	Battaglia	Begich	Bishop	Boo
Anderson, R.	Bauerly	Bertram	Blatz	Brown

Carlson	Hausman	Limmer	Orfield	Solberg
Carruthers	Heir	Long	Osthoff	Stanius
Clark	Henry	Lourey	Ostrom	Steensma
Cooper	Hufnagle	Lynch	Ozment	Sviggum
Dauner	Hugoson	Macklin	Pauly	Swenson
Davids	Jacobs	Mariani	Pellow	Thompson
Dawkins	Janezich	Marsh	Pelowski	Tompkins
Dempsey	Jaros	McEachern	Peterson	Trimble
Dille	Jefferson	McGuire	Pugh	Tunheim
Dorn	Jennings	McPherson	Reding	Uphus
Erhardt	Johnson, A.	Milbert	Rest	Valento
Farrell	Johnson, R.	Morrison	Rice	Vellenga
Frederick	Johnson, V.	Murphy	Rodosovich	Wagenius
Frerichs	Kahn	Nelson, K.	Rukavina	Waltman
Garcia	Kalis	Nelson, S.	Runbeck	Weaver
Girard	Kelso	Newinski	Sarna	Wejcmann
Goodno	Kinkel	O'Connor	Schafer	Welle
Greenfield	Knickerbocker	Ogren	Scheid	Wenzel
Gruenes	Koppendrayner	Olsen, S.	Schreiber	Winter
Gutknecht	Krinkie	Olson, E.	Seaberg	Spk. Vanasek
Hanson	Krueger	Olson, K.	Segal	
Hartle	Lasley	Omann	Simoneau	
Hasskamp	Leppik	Onnen	Skoglund	
Haukoos	Lieder	Orenstein	Smith	

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

H. F. No. 1299, A bill for an act relating to agriculture; abolishing refund of checkoff fee paid by paddy wild rice producers; changing the definition of restricted seed potato growing area; amending Minnesota Statutes 1990, sections 17.63; and 21.1196, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Hufnagle	Limmer	Omann
Anderson, I.	Dempsey	Hugoson	Long	Onnen
Anderson, R.	Dille	Jacobs	Lourey	Orenstein
Anderson, R. H.	Dorn	Janezich	Lynch	Orfield
Battaglia	Erhardt	Jaros	Macklin	Osthoff
Bauerly	Farrell	Jefferson	Mariani	Ostrom
Beard	Frederick	Jennings	Marsh	Ozment
Begich	Frerichs	Johnson, A.	McEachern	Pauly
Bertram	Garcia	Johnson, R.	McGuire	Pellow
Bettermann	Girard	Johnson, V.	McPherson	Pelowski
Bishop	Goodno	Kahn	Morrison	Peterson
Blatz	Greenfield	Kalis	Munger	Pugh
Bodahl	Gruenes	Kelso	Murphy	Reding
Boo	Gutknecht	Kinkel	Nelson, K.	Rest
Brown	Hanson	Knickerbocker	Nelson, S.	Rice
Carlson	Hartle	Koppendrayner	Newinski	Rodosovich
Carruthers	Hasskamp	Krinkie	O'Connor	Rukavina
Clark	Haukoos	Krueger	Ogren	Runbeck
Cooper	Hausman	Lasley	Olsen, S.	Sarna
Dauner	Heir	Leppik	Olson, E.	Schafer
Davids	Henry	Lieder	Olson, K.	Scheid

Schreiber	Solberg	Thompson	Vellenga	Wenzel
Seaberg	Sparby	Tompkins	Wagenius	Winter
Segal	Stanius	Trimble	Waltman	Spk. Vanasek
Simoneau	Steenasma	Tunheim	Weaver	
Skoglund	Sviggrum	Uphus	Wejman	
Smith	Swenson	Valento	Welle	

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 471, A resolution memorializing the International Special Olympics Committee in support of the 1991 International Special Olympics Games.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Girard	Koppendrayner	Olson, K.	Smith
Battaglia	Goodno	Krinkie	Omann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steenasma
Bertram	Hanson	Lieder	Osthoff	Sviggrum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Davids	Jefferson	Morrison	Rukavina	Wejman
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Schreiber	
Farrell	Kalis	O'Connor	Seaberg	

The bill was passed and its title agreed to.

SPECIAL ORDERS

H. F. No. 21, A bill for an act relating to waste management; requiring air emission permits for new or expanded infectious waste incinerators; requiring environmental impact statements for the incinerators until new rules are adopted; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Segal
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R. H.	Girard	Koppendrayner	Olson, K.	Smith
Battaglia	Goodno	Krinkie	Omann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Sviggum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Davids	Jefferson	Morrison	Rukavina	Wejcmann
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Schreiber	
Farrell	Kalis	O'Connor	Seaberg	

The bill was passed and its title agreed to.

Olsen, S., was excused for the remainder of today's session.

S. F. No. 187 was reported to the House.

Greenfield moved to amend S. F. No. 187, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 253B.03, is amended to read:

253B.03 [RIGHTS OF PATIENTS.]

Subdivision 1. [RESTRAINTS.] A patient has the right to be free from restraints. Restraints shall not be applied to a patient unless the head of the treatment facility or a member of the medical staff determines that they are necessary for the safety of the patient or others. Restraints shall not be applied to patients with mental retardation except as permitted under section 245.825 and rules of the commissioner of human services. Consent must be obtained from the person or person's guardian except for emergency procedures as permitted under rules of the commissioner adopted under section 245.825. Each use of a restraint and reason for it shall be made part of the clinical record of the patient under the signature of the head of the treatment facility.

Subd. 2. [CORRESPONDENCE.] A patient has the right to correspond freely without censorship. The head of the treatment facility may restrict correspondence on determining that the medical welfare of the patient requires it. For patients in regional facilities, that determination may be reviewed by the commissioner. Any limitation imposed on the exercise of a patient's correspondence rights and the reason for it shall be made a part of the clinical record of the patient. Any communication which is not delivered to a patient shall be immediately returned to the sender.

Subd. 3. [VISITORS AND PHONE CALLS.] Subject to the general rules of the treatment facility, a patient has the right to receive visitors and make phone calls. The head of the treatment facility may restrict visits and phone calls on determining that the medical welfare of the patient requires it. Any limitation imposed on the exercise of the patient's visitation and phone call rights and the reason for it shall be made a part of the clinical record of the patient.

Subd. 4. [SPECIAL VISITATION; RELIGION.] A patient has the right to meet with or call a personal physician, spiritual advisor, and counsel at all reasonable times. The patient has the right to continue the practice of religion.

Subd. 5. [PERIODIC ASSESSMENT.] A patient has the right to periodic medical assessment. The head of a treatment facility shall have the physical and mental condition of every patient assessed as frequently as necessary, but not less often than annually. If a person is committed as mentally retarded for an indeterminate period of time, the three-year judicial review must include the annual reviews for each year as outlined in Minnesota Rules, part 9525.0075, subpart 6.

Subd. 6. [CONSENT FOR MEDICAL PROCEDURE.] A patient

has the right to prior consent to any medical or surgical treatment, other than ~~the treatment of mental illness or for chemical dependency or nonintrusive treatment for mental illness~~. A patient with ~~mental retardation or the patient's guardian or conservator~~ has the right to give or withhold consent before:

(1) ~~the implementation of any aversive or deprivation procedure except for emergency procedures permitted in rules of the commissioner adopted under section 245.825; or~~

(2) ~~the administration of psychotropic medication.~~

The following procedures shall be used to obtain consent for any treatment necessary to preserve the life or health of any committed patient:

(a) The written, informed consent of a competent adult patient for the treatment is sufficient.

(b) If the patient is subject to guardianship or conservatorship which includes the provision of medical care, the written, informed consent of the guardian or conservator for the treatment is sufficient.

(c) If the head of the treatment facility determines that the patient is not competent to consent to the treatment and the patient has not been adjudicated incompetent, written, informed consent for the surgery or medical treatment shall be obtained from the nearest proper relative. For this purpose, the following persons are proper relatives, in the order listed: the patient's spouse, parent, adult child, or adult sibling. If the nearest proper relatives cannot be located or refuse to consent to the procedure, the head of the treatment facility or an interested person may petition the committing court for approval for the treatment or may petition a court of competent jurisdiction for the appointment of a guardian or conservator. The determination that the patient is not competent, and the reasons for the determination, shall be documented in the patient's clinical record.

(d) Consent to treatment of any minor patient shall be secured in accordance with sections 144.341 to 144.346, except that a minor 16 years of age or older may give valid consent for hospitalization, routine diagnostic evaluation, and emergency or short-term acute care.

(e) In the case of an emergency when the persons ordinarily qualified to give consent cannot be located, the head of the treatment facility may give consent.

No person who consents to treatment pursuant to the provisions of

this subdivision shall be civilly or criminally liable for the performance or the manner of performing the treatment. No person shall be liable for performing treatment without consent if written, informed consent was given pursuant to this subdivision. This provision shall not affect any other liability which may result from the manner in which the treatment is performed.

Subd. 6a. [CONSENT FOR TREATMENT FOR MENTAL RETARDATION.] A patient with mental retardation or the patient's guardian or conservator has the right to give or withhold consent before:

(1) the implementation of any aversive or deprivation procedure except for emergency procedures permitted in rules of the commissioner adopted under section 245.825; or

(2) the administration of psychotropic medication.

Subd. 6b. [CONSENT FOR TREATMENT FOR MENTAL ILLNESS.] A competent person admitted or committed to a treatment facility may be subjected to intrusive treatment for mental illness only with that person's written informed consent. For purposes of this section, "intrusive treatment for mental illness" means electroshock therapy and neuroleptic medication. An incompetent person who has prepared a declaration under subdivision 6d regarding treatment with intrusive therapies must be treated in accordance with this section, except in cases of emergencies.

Subd. ~~6a.~~ 6c. [ADMINISTRATION OF NEUROLEPTIC MEDICATIONS.] (a) Neuroleptic medications may be administered to persons committed as mentally ill or mentally ill and dangerous only as described in this subdivision.

(b) A neuroleptic medication may be administered to a patient who is competent to consent to neuroleptic medications if the patient has given written, informed consent to administration of the neuroleptic medication.

(c) A neuroleptic medication may be administered to a patient who is not competent to consent to neuroleptic medications if the patient, when competent, prepared a declaration under subdivision 6d requesting the treatment or authorizing a proxy to request the treatment or if a court approves the administration of the neuroleptic medication.

(d) A neuroleptic medication may be administered without court review to a patient who has not prepared a declaration under subdivision 6d and who is not competent to consent to neuroleptic medications if:

(1) the patient does not object to or refuse the medication;

(2) a guardian ad litem appointed by the court with authority to consent to neuroleptic medications gives written, informed consent to the administration of the neuroleptic medication; and

(3) a multidisciplinary treatment review panel composed of persons who are not engaged in providing direct care to the patient gives written approval to administration of the neuroleptic medication.

(e) A neuroleptic medication may be administered without judicial review and without consent in an emergency situation for so long as the emergency continues to exist if the treating physician determines that the medication is necessary to prevent serious, immediate physical harm to the patient or to others. The treatment facility shall document the emergency in the patient's medical record in specific behavioral terms.

(f) A person who consents to treatment pursuant to this subdivision is not civilly or criminally liable for the performance of or the manner of performing the treatment. A person is not liable for performing treatment without consent if written, informed consent was given pursuant to this subdivision. This provision does not affect any other liability that may result from the manner in which the treatment is performed.

(g) The court may allow and order paid to a guardian ad litem a reasonable fee for services provided under paragraph (c), or the court may appoint a volunteer guardian ad litem.

(h) A medical director or patient may petition the committing court, or the court to which venue has been transferred, for a hearing concerning the administration of neuroleptic medication. A hearing may also be held pursuant to section 253B.08, 253B.09, 253B.12, or 253B.18. The hearing concerning the administration of neuroleptic medication must be held within 14 days from the date of the filing of the petition. The court may extend the time for hearing up to an additional 15 days for good cause shown.

Subd. 6d. [ADULT MENTAL HEALTH TREATMENT.] (a) A competent adult may make a declaration of preferences or instructions regarding intrusive mental health treatment. These preferences or instructions may include, but are not limited to, consent to or refusal of these treatments.

(b) A declaration may designate a proxy to make decisions about intrusive mental health treatment. A proxy designated to make decisions about intrusive mental health treatments and who agrees to serve as proxy may make decisions on behalf of a declarant

consistent with any desires the declarant expresses in the declaration.

(c) A declaration is effective only if it is signed by the declarant and is either signed by two witnesses or is notarized. A declaration becomes operative when it is delivered to the declarant's physician or other mental health treatment provider. The physician or provider must comply with it to the fullest extent possible, consistent with reasonable medical practice, the availability of treatments requested, and applicable law. The physician or provider shall continue to obtain the declarant's informed consent to all intrusive mental health treatment decisions if the declarant is capable of informed consent. No treatment provider may require that a person make a declaration under this subdivision as a condition of receiving services.

(d) The physician or other provider shall make the declaration a part of the declarant's medical record. If the physician or other provider is unwilling at any time to comply with the declaration, the physician or provider must promptly notify the declarant and document the notification in the declarant's medical record. If the declarant has been committed as a patient under this chapter, the physician or provider may subject a declarant to intrusive treatment in a manner contrary to the declarant's expressed wishes, only upon order of the committing court. If the declarant is not a committed patient under this chapter, the physician or provider may subject the declarant to intrusive treatment in a manner contrary to the declarant's expressed wishes, only if a petition for commitment has been filed and a court order authorizing the treatment has been issued.

(e) A declaration under this subdivision may be revoked in whole or in part at any time and in any manner by the declarant if the declarant is competent at the time of revocation. A revocation is effective when a competent declarant communicates the revocation to the attending physician or other provider. The attending physician or other provider shall note the revocation as part of the declarant's medical record.

(f) A provider who administers intrusive mental health treatment according to and in good faith reliance upon the validity of a declaration under this subdivision is held harmless from any liability resulting from a subsequent finding of invalidity.

(g) In addition to making a declaration under this subdivision, a competent adult may delegate parental powers under section 524.5-505 or may nominate a guardian or conservator under section 525.544.

Subd. 7. [PROGRAM PLAN.] A person receiving services under this chapter has the right to receive proper care and treatment, best

adapted, according to contemporary professional standards, to rendering further custody, institutionalization, or other services unnecessary. The treatment facility shall devise a written program plan for each person which describes in behavioral terms the case problems, the precise goals, including the expected period of time for treatment, and the specific measures to be employed. Each plan shall be reviewed at least quarterly to determine progress toward the goals, and to modify the program plan as necessary. The program plan shall be devised and reviewed with the designated agency and with the patient. The clinical record shall reflect the program plan review. If the designated agency or the patient does not participate in the planning and review, the clinical record shall include reasons for nonparticipation and the plans for future involvement. The commissioner shall monitor the program plan and review process for regional centers to insure compliance with the provisions of this subdivision.

Subd. 8. [MEDICAL RECORDS.] A patient has the right to access to personal medical records. Notwithstanding the provisions of section 144.335, subdivision 2, every person subject to a proceeding or receiving services pursuant to this chapter shall have complete access to all medical records relevant to the person's commitment.

Subd. 9. [RIGHT TO COUNSEL.] A patient has the right to be represented by counsel at any proceeding under this chapter. The court shall appoint counsel to represent the proposed patient if neither the proposed patient nor others provide counsel. Counsel shall be appointed at the time a petition is filed pursuant to section 253B.07. Counsel shall have the full right of subpoena. In all proceedings under this chapter, counsel shall: (1) consult with the person prior to any hearing; (2) be given adequate time to prepare for all hearings; (3) continue to represent the person throughout any proceedings under this charge unless released as counsel by the court; and (4) be a vigorous advocate on behalf of the client.

Subd. 10. [NOTIFICATION.] All persons admitted or committed to a treatment facility shall be notified in writing of their rights under this chapter at the time of admission.

Sec. 2. Minnesota Statutes 1990, section 253B.18, subdivision 4b, is amended to read:

Subd. 4b. [PASS-ELIGIBLE STATUS; NOTIFICATION.] The following patients committed to the Minnesota security hospital shall not be placed on pass-eligible status unless that status has been approved by the medical director of the Minnesota security hospital:

(a) a patient who has been committed as mentally ill and dangerous and who

(1) was found incompetent to proceed to trial for a felony or was

found not guilty by reason of mental illness of a felony immediately prior to the filing of the commitment petition;

(2) was convicted of a felony immediately prior to or during commitment as mentally ill and dangerous; or

(3) is subject to a commitment to the commissioner of corrections; and

(b) a patient who has been committed as a psychopathic personality, as defined in section 526.09.

At least ten days prior to a determination on the status, the medical director shall notify the committing court, the county attorney of the county of commitment, the designated agency, an interested person, the petitioner, and the petitioner's counsel of the proposed status, and their right to request review by the special review board. If within ten days of receiving notice any notified person requests review by filing a notice of objection with the commissioner and the head of the treatment facility, a hearing shall be held before the special review board. The proposed status shall not be implemented unless it receives a favorable recommendation by a majority of the board and approval by the commissioner. The order of the commissioner is appealable as provided in section 253B.19.

Nothing in this subdivision shall be construed to give a patient an affirmative right to seek pass-eligible status from the special review board.

Sec. 3. Minnesota Statutes 1990, section 253B.18, subdivision 5, is amended to read:

Subd. 5. [PETITION; NOTICE OF HEARING; ATTENDANCE; ORDER.] A petition for an order of transfer, discharge, provisional discharge, or revocation of provisional discharge shall be filed with the commissioner and may be filed by the patient or by the head of the treatment facility. The special review board shall hold a hearing on each petition prior to making any recommendation. Within 45 days of the filing of the petition, the committing court, the county attorney of the county of commitment, the designated agency, an interested person, the petitioner and petitioner's counsel shall be given written notice by the commissioner of the time and place of the hearing before the special review board. Only those entitled to statutory notice of the hearing or those administratively required to attend may be present at the hearing. The commissioner shall issue an order no later than 14 days after receiving the recommendation of the special review board. A copy of the order shall be sent by certified mail to every person entitled to statutory notice of the hearing within five days after it is issued. No order by the commissioner shall be effective sooner than 15 days after it is issued.

Sec. 4. Minnesota Statutes 1990, section 253B.19, subdivision 2, is amended to read:

Subd. 2. [PETITION; HEARING.] The committed person or the county attorney of the county from which a patient as mentally ill and dangerous to the public was committed may petition the appeal panel for a rehearing and reconsideration of a decision by the commissioner. The petition shall be filed with the supreme court within 30 days after the decision of the commissioner. The supreme court shall refer the petition to the chief judge of the appeal panel. The chief judge shall notify the patient, the county attorney of the county of commitment, the designated agency, the commissioner, the head of the treatment facility, any interested person, and other persons the chief judge designates, of the time and place of the hearing on the petition. The notice shall be given at least 14 days prior to the date of the hearing. The hearing shall be within 45 days of the filing of the petition. Any person may oppose the petition. The appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, patient's counsel, and the county attorney of the committing county may be present and present and cross-examine all witnesses."

The motion prevailed and the amendment was adopted.

Bishop and Greenfield moved to amend S. F. No. 187, as amended, as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1990, section 145B.01, is amended to read:

145B.01 [CITATION.]

This chapter may be cited as the "~~adult health care decisions act.~~" "Minnesota living will act."

Page 11, after line 1, insert:

"Sec. 5. [INSTRUCTION TO THE REVISOR.]

In Minnesota Statutes 1992 and subsequent editions of the statutes, the revisor of statutes is directed to change the term "declaration" to "living will" wherever that term appears in chapter 145B."

Renumber the remaining sections in sequence

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Bishop and Greenfield amendment and the roll was called. There were 88 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Knickerbocker	Ogren	Sarna
Anderson, R.	Frerichs	Krueger	Olson, E.	Schreiber
Anderson, R. H.	Garcia	Lasley	Olson, K.	Segal
Bauerly	Greenfield	Leppik	Orenstein	Simoneau
Beard	Gutknecht	Lieder	Orfield	Skoglund
Bishop	Hanson	Limmer	Osthoff	Solberg
Blatz	Hartle	Long	Ostrom	Stanius
Boo	Hausman	Lourey	Pauly	Swenson
Brown	Henry	Macklin	Pellow	Thompson
Carlson	Jacobs	Mariani	Pelowski	Tompkins
Carruthers	Janezich	McEachern	Peterson	Trimble
Clark	Jaros	McGuire	Pugh	Vellenga
Cooper	Jefferson	Morrison	Reding	Wagenius
Dauner	Jennings	Munger	Rest	Wejman
Dawkins	Johnson, A.	Murphy	Rice	Welle
Dille	Johnson, R.	Nelson, K.	Rodosovich	Spk. Vanasek
Dorn	Kahn	Nelson, S.	Rukavina	
Erhardt	Kelso	O'Connor	Runbeck	

Those who voted in the negative were:

Anderson, I.	Frederick	Johnson, V.	Newinski	Svigum
Battaglia	Girard	Kalis	Omann	Tunheim
Begich	Goodno	Kinkel	Onnen	Uphus
Bertram	Gruenes	Koppendrayer	Schafer	Valento
Bettermann	Haukoos	Krinkie	Seaberg	Waltman
Bodahl	Heir	Marsh	Smith	Weaver
Davids	Hufnagle	McPherson	Sparby	Wenzel
Dempsey	Hugoson	Milbert	Steensma	Winter

The motion prevailed and the amendment was adopted.

S. F. No. 187, A bill for an act relating to mental health; authorizing competent persons to make advance declarations regarding mental health treatment; requiring certain notices to be given to the designated agency; amending Minnesota Statutes 1990, sections 253B.03; 253B.18, subdivisions 4b and 5; and 253B.19, subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Abrams	Garcia	Knickerbocker	Olson, E.	Segal
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Simoneau
Battaglia	Goodno	Krinkie	Omann	Skoglund
Bauerly	Greenfield	Krueger	Onnen	Smith
Beard	Gruenes	Lasley	Orenstein	Solberg
Begich	Gutknecht	Leppik	Orfield	Sparby
Bettermann	Hanson	Lieder	Osthoff	Stanius
Bishop	Hartle	Limmer	Ozment	Sviggum
Blatz	Haukoos	Long	Pauly	Swenson
Bodahl	Hausman	Lourey	Pellow	Tompkins
Boo	Henry	Lynch	Pellowski	Trimble
Carlson	Hugoson	Macklin	Peterson	Tunheim
Carruthers	Jacobs	Mariani	Pugh	Valento
Clark	Janezich	McEachern	Reding	Vellenga
Cooper	Jaros	McGuire	Rest	Wagenius
Dauner	Jefferson	Milbert	Rice	Waltman
Dawkins	Jennings	Morrison	Rodosovich	Weaver
Dempsey	Johnson, A.	Munger	Rukavina	Wejzman
Dille	Johnson, R.	Murphy	Runbeck	Welle
Dorn	Johnson, V.	Nelson, K.	Sarna	Winter
Erhardt	Kahn	Nelson, S.	Schafer	Spk. Vanasek
Farrell	Kelso	O'Connor	Scheid	
Frerichs	Kinkel	Ogren	Seaberg	

Those who voted in the negative were:

Anderson, I.	Frederick	Kalis	Newinski	Wenzel
Bertram	Heir	Marsh	Steensma	
Dauids	Hufnagle	McPherson	Uphus	

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

H. F. No. 274, A bill for an act relating to commerce; motor vehicle sales and distribution; regulating franchises; proscribing certain acts; providing remedies; amending Minnesota Statutes 1990, sections 80E.04, subdivision 1, and by adding a subdivision; 80E.05; 80E.06, subdivision 2; 80E.12; and 80E.13.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bishop	Dauids	Girard	Heir
Anderson, I.	Blatz	Dawkins	Goodno	Henry
Anderson, R.	Bodahl	Dempsey	Greenfield	Hufnagle
Anderson, R. H.	Boo	Dille	Gruenes	Hugoson
Battaglia	Brown	Dorn	Gutknecht	Jacobs
Bauerly	Carlson	Erhardt	Hanson	Janezich
Beard	Carruthers	Farrell	Hartle	Jaros
Begich	Clark	Frederick	Hasskamp	Jefferson
Bertram	Cooper	Frerichs	Haukoos	Jennings
Bettermann	Dauner	Garcia	Hausman	Johnson, A.

Johnson, R.	Macklin	Omann	Runbeck	Tompkins
Johnson, V.	Mariani	Onnen	Sarna	Trimble
Kahn	Marsh	Orenstein	Schafer	Tunheim
Kalis	McEachern	Orfield	Scheid	Uphus
Kelso	McGuire	Osthoff	Schreiber	Valento
Kinkel	McPherson	Ostrom	Seaberg	Vellenga
Knickerbocker	Milbert	Ozment	Segal	Wagenius
Koppendrayner	Morrison	Pauly	Simoneau	Waltman
Krinkie	Munger	Pellow	Skoglund	Weaver
Krueger	Murphy	Pelowski	Smith	Wejcman
Lasley	Nelson, K.	Peterson	Solberg	Welle
Leppik	Nelson, S.	Pugh	Sparby	Wenzel
Lieder	Newinski	Reding	Stanius	Winter
Limmer	O'Connor	Rest	Steensma	Spk. Vanasek
Long	Ogren	Rice	Sviggum	
Lourey	Olson, E.	Rodosovich	Swenson	
Lynch	Olson, K.	Rukavina	Thompson	

The bill was passed and its title agreed to.

H. F. No. 726, A bill for an act relating to real property; providing for cause of action on an interest in real property of a married person when the property was conveyed by the person's spouse before March 1, 1977; amending Minnesota Statutes 1990, section 519.101.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kalis	Newinski	Seaberg
Anderson, I.	Frederick	Kelso	O'Connor	Segal
Anderson, R.	Frerichs	Kinkel	Ogren	Simoneau
Anderson, R. H.	Garcia	Knickerbocker	Olson, K.	Skoglund
Battaglia	Girard	Koppendrayner	Omann	Smith
Bauerly	Goodno	Krinkie	Onnen	Solberg
Beard	Greenfield	Krueger	Orenstein	Stanius
Begich	Gruenes	Lasley	Orfield	Steensma
Bertram	Gutknecht	Leppik	Osthoff	Sviggum
Bettermann	Hanson	Lieder	Ostrom	Swenson
Bishop	Hartle	Limmer	Ozment	Thompson
Blatz	Hasskamp	Long	Pauly	Tompkins
Bodahl	Haukoos	Lourey	Pellow	Trimble
Boo	Hausman	Lynch	Pelowski	Tunheim
Brown	Heir	Macklin	Peterson	Uphus
Carlson	Henry	Mariani	Pugh	Valento
Carruthers	Hufnagle	Marsh	Reding	Vellenga
Clark	Hugoson	McEachern	Rest	Wagenius
Cooper	Jacobs	McGuire	Rice	Waltman
Dauner	Janezich	McPherson	Rodosovich	Weaver
Davids	Jaros	Milbert	Rukavina	Welle
Dawkins	Jefferson	Morrison	Runbeck	Wenzel
Dempsey	Jennings	Munger	Sarna	Winter
Dille	Johnson, A.	Murphy	Schafer	Spk. Vanasek
Dorn	Johnson, R.	Nelson, K.	Scheid	
Erhardt	Johnson, V.	Nelson, S.	Schreiber	

The bill was passed and its title agreed to.

H. F. No. 299, A bill for an act relating to state government; describing conditions of certain employee interchange programs; authorizing the continuation of surviving spouse benefits for local police and salaried firefighter relief associations in the event of remarriage; amending Minnesota Statutes 1990, section 15.53, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 352 and 423A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olson, E.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, K.	Smith
Anderson, R. H.	Girard	Koppendrayer	Omann	Solberg
Battaglia	Goodno	Krinkie	Onnen	Sparby
Bauerly	Greenfield	Krueger	Orenstein	Stanius
Beard	Gruenes	Lasley	Orfield	Steensma
Begich	Gutknecht	Leppik	Osthoff	Sviggum
Bertram	Hanson	Lieder	Ostrom	Swenson
Bettermann	Hartle	Limmer	Ozment	Thompson
Bishop	Hasskamp	Long	Pauly	Tompkins
Blatz	Haukoos	Lourey	Pellow	Trimble
Bodahl	Hausman	Lynch	Pellowski	Tunheim
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejcman
Davids	Jefferson	Morrison	Runbeck	Welle
Dawkins	Jennings	Munger	Sarna	Wenzel
Dempsey	Johnson, A.	Murphy	Schafer	Winter
Dille	Johnson, R.	Nelson, K.	Scheid	Spk. Vanasek
Dorn	Johnson, V.	Nelson, S.	Schreiber	
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

S. F. No. 734, A bill for an act relating to retirement; highway patrol refund of certain employee contributions upon death; amending Minnesota Statutes 1990, section 352B.11, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olson, E.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, K.	Smith
Anderson, R. H.	Girard	Koppendrayer	Omann	Solberg
Battaglia	Goodno	Krinkie	Onnen	Sparby
Bauerly	Greenfield	Krueger	Orenstein	Stanius
Beard	Gruenes	Lasley	Orfield	Steensma
Begich	Gutknecht	Leppik	Osthoff	Sviggum
Bertram	Hanson	Lieder	Ostrom	Swenson
Bettermann	Hartle	Limmer	Ozment	Thompson
Bishop	Hasskamp	Long	Pauly	Tompkins
Blatz	Haukoos	Lourey	Pellow	Trimble
Bodahl	Hausman	Lynch	Pelowski	Tunheim
Boo	Heir	Macklin	Peterson	Uphus
Brown	Henry	Mariani	Pugh	Valento
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejzman
Davids	Jefferson	Morrison	Runbeck	Welle
Dawkins	Jennings	Munger	Sarna	Wenzel
Dempsey	Johnson, A.	Murphy	Schafer	Winter
Dille	Johnson, R.	Nelson, K.	Scheid	Spk. Vanasek
Dorn	Johnson, V.	Nelson, S.	Schreiber	
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 611, A bill for an act relating to retirement; local police and salaried firefighters relief associations; authorizing the payment of a refund to the designated beneficiary of certain decedents; proposing coding for new law in Minnesota Statutes, chapter 423A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Begich	Carlson	Dempsey	Garcia
Anderson, I.	Bertram	Carruthers	Dille	Girard
Anderson, R.	Bettermann	Clark	Dorn	Goodno
Anderson, R. H.	Blatz	Cooper	Erhardt	Greenfield
Battaglia	Bodahl	Dauner	Farrell	Gruenes
Bauerly	Boo	Davids	Frederick	Gutknecht
Beard	Brown	Dawkins	Frerichs	Hanson

Hartle	Knickerbocker	Murphy	Reding	Swenson
Hasskamp	Koppendraye	Nelson, K.	Rest	Thompson
Haukoos	Krinkie	Nelson, S.	Rice	Tompkins
Hausman	Krueger	Newinski	Rodosovich	Trimble
Heir	Lasley	O'Connor	Rukavina	Tunheim
Henry	Leppik	Ogren	Runbeck	Uphus
Hufnagle	Lieder	Olson, E.	Sarna	Valento
Hugoson	Limmer	Olson, K.	Schafcr	Vellenga
Jacobs	Long	Omann	Scheid	Wagenius
Janezich	Lourey	Onnen	Schreiber	Waltman
Jaros	Lynch	Orenstein	Seaberg	Weaver
Jefferson	Macklin	Orfield	Segal	Wejeman
Jennings	Mariani	Osthoff	Simoneau	Welle
Johnson, A.	Marsh	Ostrom	Skoglund	Wenzel
Johnson, R.	McEachern	Ozment	Smith	Winter
Johnson, V.	McGuire	Pauly	Solberg	Spk. Vanasek
Kahn	McPherson	Pellow	Sparby	
Kalis	Milbert	Pelowski	Stanius	
Kelso	Morrison	Peterson	Stoensma	
Kinkel	Munger	Pugh	Sviggum	

The bill was passed and its title agreed to.

Long moved that the remaining bills on Special Orders for today be continued. The motion prevailed.

GENERAL ORDERS

Long moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Pelowski moved that the name of Olsen, S., be added as an author on H. F. No. 99. The motion prevailed.

Clark moved that the name of Ostrom be shown as chief author on H. F. No. 724. The motion prevailed.

Bishop moved that the name of Sparby be added as an author on H. F. No. 1045. The motion prevailed.

Dempsey moved that the name of Solberg be added as an author on H. F. No. 1162. The motion prevailed.

Dempsey moved that the name of Solberg be added as an author on H. F. No. 1163. The motion prevailed.

Johnson, R., moved that the name of Marsh be stricken and the name of Johnson, V., be added as an author on H. F. No. 1220. The motion prevailed.

Wagenius moved that the name of Carruthers be stricken and the name of Milbert be added as an author on H. F. No. 1277. The motion prevailed.

Segal moved that the names of Frerichs, Krueger, Sparby and Winter be added as authors on H. F. No. 1521. The motion prevailed.

Orenstein moved that H. F. No. 1221 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Reding moved that H. F. No. 165, now on Technical General Orders, be re-referred to the Committee on Governmental Operations. The motion prevailed.

McGuire moved that H. F. No. 766, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Segal moved that H. F. No. 1521, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Simoneau moved that H. F. No. 1320, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Gruenes moved that H. F. No. 1529, now on the Technical Consent Calendar, be re-referred to the Committee on Appropriations. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 12:30 p.m., Wednesday, April 17, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:30 p.m., Wednesday, April 17, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

THIRTY-FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 17, 1991

The House of Representatives convened at 12:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Representative Mary Murphy, District 8A, Hermantown, Minnesota.

The roll was called and the following members were present:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejzman
Davids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

A quorum was present.

Schreiber was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Gruenes moved that further reading of the Journal be dispensed

with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 328 and H. F. No. 32, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Skoglund moved that the rules be so far suspended that S. F. No. 328 be substituted for H. F. No. 32 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 339 and H. F. No. 390, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Trimble moved that S. F. No. 339 be substituted for H. F. No. 390 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 732 and H. F. No. 747, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Johnson, R., moved that the rules be so far suspended that S. F. No. 732 be substituted for H. F. No. 747 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 925 and H. F. No. 234, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Dawkins moved that the rules be so far suspended that S. F. No. 925 be substituted for H. F. No. 234 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 5, A bill for an act relating to health; establishing a health benefit plan for small employers; establishing mechanisms for containing health care costs; requiring long-term goals for improving the health of Minnesotans; requiring a plan for health program consolidation; establishing a health care analysis unit and requiring data collection and research initiatives; establishing an outcomes-based pilot project; appropriating money; amending Minnesota Statutes 1990, section 147.091, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 62K; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Page 23, line 6, delete "11" and insert "12"

Page 23, after line 16, insert:

"(6) a representative of the medical products industry;"

Renumber remaining clauses in sequence

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 218, A bill for an act relating to occupations and professions; requiring residential building contractors, remodelers, and specialty contractors to be licensed by the state; establishing a builders state advisory council; providing penalties; appropriating money; amending Minnesota Statutes 1990, section 45.027, subdivisions 1, 2, 5, 6, 7, and 8; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 7, line 18, delete "competency"

Page 9, line 16, delete “; and” and insert a period

Page 9, delete lines 17 to 19

Page 9, line 30, after “30” insert “business”

Page 9, line 31, delete “application”

Page 13, delete lines 22 to 36, and insert:

“Sec. 18. [326.94] [BOND; INSURANCE.]

Subdivision 1. [BOND.] (a) Residential building contractors, remodelers, and specialty contractors licensed under section 8 must post a license bond with the commissioner, conditioned that the applicant shall faithfully perform the duties and in all things comply with all laws, ordinances, and regulations pertaining to the license or permit applied for. The bond must be continuous and maintained for so long as the licensee remains licensed. The aggregate liability of the surety on the bond to any and all persons, regardless of the number of claims made against the bond or the number of years the bond remains in force, shall not exceed the amount of the bond. The bond may be canceled as to future liability by the surety upon 30 days written notice mailed to the commissioner by regular mail.

(b) The commissioner shall establish by rule a bond scale based on the gross annual receipts of the licensee. The residential building contractor and remodeler licensees must post a bond of at least \$5,000 and not to exceed \$50,000. A specialty contractor licensee must post a bond of at least \$2,500. The bond amounts for specialty contractor licensees must be based upon the same classifications as a residential building contractor and remodeler licensee.”

Page 14, delete lines 1 and 2

Page 15, line 6, delete “January 1” and insert “March 31”

Page 15, line 12, after the period insert “The commissioner may stagger the dates of license renewal.”

Page 15, after line 18, insert:

“Sec. 24. [EFFECTIVE DATE.]

Sections 9 and 22 are effective the day after final enactment.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 371, A bill for an act relating to retirement; providing certain disability benefits to certain persons under the public employees retirement association police and fire plan.

Reported the same back with the following amendments:

Page 1, line 7, delete "police officer" and insert "person who was"

Page 1, line 9, delete "shall" and insert ", and who died before July 1, 1990, is entitled to"

Page 1, line 12, delete "officer" and insert "spouse and the decedent" and after "married" insert "for a period of" and delete "prior" and insert "before"

Page 1, line 13, delete "to his" and insert "the date of" and after "death" insert "of the decedent"

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 409, A bill for an act relating to retirement; police state aid program; requiring payments equivalent to automobile insurance premium taxes by self-insurers; expanding the permissible use of police state aid; amending Minnesota Statutes 1990, sections 69.021, subdivisions 5 and 6; and 69.031, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 60A.

Reported the same back with the following amendments:

Page 4, delete section 4

Page 6, line 21, delete "5" and insert "4"

Page 6, line 22, delete "to 4" and insert "and 3"

Amend the title as follows:

Page 1, line 4, delete "expanding the"

Page 1, line 5, delete "permissible use of police state aid;"

Page 1, line 6, delete "sections" and insert "section"

Page 1, line 7, delete "and 69.031, subdivision 5;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 425, A bill for an act relating to state lands; directing sale of two tracts of state-owned land in St. Louis county.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 458, A bill for an act relating to child care; establishing the Minnesota early childhood care and education council; specifying duties and membership; specifying new duties for regional resource and referral agencies; appropriating money; amending Minnesota Statutes 1990, sections 256H.03, by adding a subdivision; 256H.09, by adding a subdivision; 256H.15, subdivision 1; 256H.20; 256H.21, subdivisions 6 and 10; 256H.22, subdivisions 1, 2, 3, 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapter 256H; repealing Minnesota Statutes 1990, sections 256H.22, subdivisions 10 and 11; and 256H.25.

Reported the same back with the following amendments:

Page 3, line 15, delete "21" and insert "19"

Page 3, line 24, delete "a Minnesota county organization" and insert "representatives of two Minnesota counties"

Page 3, line 33, delete "21" and insert "19"

Page 4, delete lines 11 to 35 and insert:

"Subd. 3. [DUTIES AND POWERS.] The council has the following duties and powers:

(1) develop a biennial plan for early childhood care and education in the state;

(2) take a leadership role in developing its recommendations in conjunction with the recommendations of other state agencies on the state budget for early childhood care and education;

(3) apply for and receive state money and public and private grant money;

(4) participate in and facilitate the development of interagency agreements on early childhood care and education issues;

(5) review state agency policies on early childhood care and education issues so that they do not conflict;

(6) advocate for an effective and coordinated early childhood care and education system with state agencies and programs;

(7) study the need for child care funding for special populations whose needs are not being met by current programs;

(8) assure that the early childhood care and education system reflects community diversity;

(9) be responsible for advocating policies and funding for early childhood care and education; and

(10) provide a report to the legislature on January 1 of every odd-numbered year, containing a description of the activities and the work plan of the council and any legislative recommendations developed by the council."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 467, A bill for an act relating to agriculture; providing for state inspection of certain meat processing facilities; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 540, A bill for an act relating to crimes; regulating the display of firearms ammunition for sale to the public; providing criminal penalties; amending Minnesota Statutes 1990, section 609.66, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 471.633, is amended to read:

471.633 [FIREARMS.]

The legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that:

(a) a governmental subdivision may regulate the discharge of firearms; and

(b) a governmental subdivision may regulate the display of firearms ammunition for sale to the public in a manner that does not prohibit or deter the lawful sale of the ammunition; and

(c) a governmental subdivision may adopt regulations identical to state law.

Local regulation inconsistent with this section is void.”

Delete the title and insert:

“A bill for an act relating to local government; permitting governmental subdivisions to regulate the display of firearms ammunition for sale to the public; amending Minnesota Statutes 1990, section 471.633.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 660, A bill for an act relating to public safety; requiring commissioner of public safety to implement a state hazardous materials incident response plan; creating the hazardous materials incident response account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 669, A bill for an act relating to agriculture; providing a “Minnesota pure” category of dairy products; proposing coding for new law in Minnesota Statutes, chapter 32.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [32.65] [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in sections 1 to 6, the terms defined in this section have the meanings given.

Subd. 2. [COMMISSIONER.] “Commissioner” means the commissioner of agriculture or a designated representative.

Subd. 3. [MINNESOTA EXTRA.] “Minnesota extra” means a dairy product that meets the requirements in section 2.

Subd. 4. [PRODUCER.] “Producer” means a person who is responsible for raising dairy cattle to produce milk for dairy products for human consumption.

Sec. 2. [32.66] [REQUIREMENTS; PROCEDURES.]

(a) The term “Minnesota extra” may only be used on dairy products made from milk from dairy cows certified by the producer to be free from drugs and hormones administered primarily for the purpose of increasing milk production. These dairy cattle may be given drugs or medications administered primarily for disease prevention or for humane treatment of the animals.

(b) The term “Minnesota extra” may only be used on dairy products processed or manufactured by participating processors.

(c) The term “Minnesota extra” may only be used on dairy products manufactured from milk that, upon receipt by the processor or manufacturer, does not exceed a bacterial count of 50,000 and a somatic cell count of 300,000 per milliliter.

(d) Participation in the Minnesota extra program is strictly voluntary for both producers and processors.

(e) To participate in the Minnesota extra program, a producer must certify to the producer’s milk processor, on forms provided by the commissioner, compliance with the requirements of paragraphs (a) to (c). The participating processor must provide to the commissioner a list of producer applicants for the program. The commissioner shall mail to each applicant a certificate of compliance with the requirements of paragraphs (a) to (c).

Sec. 3. [32.67] [RECORD KEEPING.]

Producers, manufacturers, and sellers of Minnesota extra dairy products shall produce for the commissioner on demand the certificate required in section 2 and records necessary to document the claims made to acquire and maintain that certification.

Sec. 4. [32.68] [PROCESSORS MUST PAY PREMIUM.]

A participating processor that manufactures fluid milk products for sale as Minnesota extra products must pay the producer of milk

certified under section 2 a price \$1 per hundredweight higher than is paid to noncertified milk producers.

Sec. 5. [32.69] [COMMISSIONER DUTIES.]

The commissioner shall enforce sections 1 to 5. The commissioner shall withhold from sale or trade any dairy product sold, labeled, or advertised in violation of sections 1 to 5.

The commissioner shall investigate the offering for sale, labeling, or advertising of a dairy product as Minnesota extra if there is reason to believe that action is in violation of sections 1 to 5.

The commissioner may charge a fee to participants in the Minnesota extra dairy program to cover administrative costs of the Minnesota extra program.

The commissioner may adopt rules establishing minimum quality standards for milk produced and marketed under the Minnesota extra program. The rules must represent the highest practicable milk quality standards in the United States.

The commissioner may adopt rules, including emergency rules, that set fees and further clarify standards and marketing practices for Minnesota extra dairy products.

Sec. 6. [EXEMPTION FROM FEDERAL NUTRITION LABELING PREEMPTION.]

The commissioner shall petition the United States Secretary of Agriculture to grant an exemption from nutrition labeling preemption provisions of the Nutrition Labeling and Education Act of 1990, Public Law Number 101-535, for dairy products produced and marketed under the Minnesota extra program."

Delete the title and insert:

"A bill for an act relating to agriculture; providing a "Minnesota extra" category of dairy products; proposing coding for new law in Minnesota Statutes, chapter 32."

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 702, A bill for an act relating to agriculture; transferring the rural finance authority to the department of agriculture; providing for an agricultural development bond program to finance agricultural business enterprises and beginning farmers; establishing a dairy upgrading program; appropriating funds; amending Minnesota Statutes 1990, sections 41B.025, subdivisions 1, 3, 5, and 6; 41B.211; 474A.02, subdivisions 13a and 23a; 474A.03, subdivision 1; 474A.061, subdivisions 1, 2b, 3, and 4; 474A.081; 474A.091; 474A.14; proposing coding for new law in Minnesota Statutes, chapter 41B; proposing coding for new law as Minnesota Statutes, chapter 41C.

Reported the same back with the following amendments:

Page 1, line 25, delete "41C.01 to 41C.XX" and insert "chapter 41C"

Page 6, line 26, delete everything after "(a)"

Page 6, line 27, delete "available to the authority for this program,"

Page 6, line 28, delete "mortgage"

Page 6, line 31, delete "mortgage"

Page 6, line 33, delete "shall" and insert "may" and delete everything after "assigned"

Page 6, line 34, delete "or agricultural lender originating the loan" and delete "the sole"

Page 6, line 35, delete "authorities" and insert "authority's"

Page 7, line 3, delete everything after "enterprise"

Page 7, line 4, delete everything before the period

Page 7, line 8, delete "as the sole security for the authorities bond" and insert "without recourse"

Page 7, line 9, delete "Mortgages" and insert "Loan documents"

Page 7, line 24, delete "mortgage" and insert "loan document"

Page 7, line 25, delete "made pursuant to" and insert "entered into in connection with"

Page 7, line 27, delete "mortgages" and insert "loans"

Page 7, line 35, delete "mortgages" and insert "loans"

Page 8, line 3, delete "mortgages" and insert "loan documents"

Page 8, line 5, delete "mortgage" and insert "loan"

Page 8, line 8, delete "mortgage"

Page 16, line 16, after "the" insert "Minnesota"

Page 16, line 30, after "bond" insert "beginning farmer and agricultural business enterprise loan"

Page 17, line 32, after "bond" insert "beginning farmer and agricultural business enterprise loan"

Page 26, line 13, after "the" insert "Minnesota"

Amend the title as follows:

Page 1, line 3, after the semicolon insert "changing the makeup and certain duties and procedures of the authority;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 761, A bill for an act relating to education; establishing the Minnesota training institute to ensure quality services to persons with developmental disabilities; requiring the institute to ensure appropriate training programs and materials; establishing a board to govern the training institute; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [TRAINING MATERIALS FOR DIRECT CARE STAFF.]

Subdivision 1. [FINDINGS.] In order to provide quality services to persons with developmental disabilities, the legislature finds it necessary to ensure that all persons who provide the services receive appropriate training. The training must promote the dignity of persons being served and contain outcome-based criteria.

Subd. 2. [TRAINING AND EDUCATION MATERIALS.] The state board of technical colleges shall develop training and education materials for individuals and families who provide services to persons with developmental disabilities. To assist in the development of appropriate training materials, the chancellor of the technical college system shall appoint a 15-member task force. Six members of the task force shall represent consumers, parents, and advocacy organizations. Five members of the task force shall represent state employee unions, organizations, and individuals who provide direct services to persons with developmental disabilities. Four members of the task force shall represent post-secondary education and concerned citizens of the state.

Subd. 3. [COORDINATION WITH STATE AGENCIES.] The technical college system shall coordinate the development of training materials with the departments of human services, health, education, and jobs and training. Each of these state agencies shall designate staff to support the development of training materials.

Subd. 4. [REPORT.] The task force shall report to the state board, other appropriate state agencies, and the legislature on changes needed in preservice and continuing education programs and training for persons who provide services to people with developmental disabilities.

Sec. 2. [APPROPRIATION.]

§..... is appropriated from the general fund to the state board of technical colleges for the purposes of section 1.”

Delete the title and insert:

“A bill for an act relating to education; requiring the state board of technical colleges to develop training materials for people who provide services to people with developmental disabilities; creating an advisory task force; requiring a report; appropriating money.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Welle from the Committee on Health and Human Services to which was referred:

H. F. No. 781, A bill for an act relating to health; infectious waste control; clarifying that veterinarians are also covered by the act; clarifying requirements for management and generators' plans; amending Minnesota Statutes 1990, sections 116.77; and 116.79, subdivisions 1 and 3.

Reported the same back with the following amendments:

Page 4, after line 18, insert:

“(9) for a licensed home care agency with two or less generating employees, a fee of \$40;

“(10) for a licensed home care agency with more than two generating employees, a fee of \$20 for each additional generating employee, up to a maximum total fee of \$225; and”

Page 4, line 19, delete “(9)” and insert “(11)”

Page 4, after line 35, insert:

“Sec. 4. [MEDICAL WASTE TASK FORCE.]

(a) The chair of the legislative commission on waste management shall appoint a medical waste task force to include representatives of the pollution control agency, the department of health, the office of waste management, representatives of local government units, citizens groups, environmental organizations, organized labor, the academic community, medical waste generators, and persons in the business of managing medical waste. Members of the task force shall serve without compensation.

(b) The medical waste task force shall:

(1) estimate the quantity and composition of medical waste currently generated in the state;

(2) assess current infectious waste decontamination capacity in the state;

(3) design a state policy that focuses on alternatives to incineration as the primary means of infectious waste decontamination according to the order of preference in Minnesota Statutes, section 115A.02, paragraph (b); and

(4) submit, by September 1, 1992, a medical waste management strategy report to the commission and to the committees on the environment and natural resources and health and human services of the legislature recommending a statewide medical waste management policy."

Amend the title as follows:

Page 1, line 5, after the semicolon insert "creating a medical waste task force,"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 822, A bill for an act relating to human services; permitting energy conservation activities to be funded through the Minnesota future resources fund; describing community action program grants; appropriating money; amending Minnesota Statutes 1990, sections 116P.13, subdivision 3; and 268.52, subdivision 2, and by adding a subdivision.

Reported the same back that the bill be re-referred to the Committee on Appropriations and without further recommendation.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 897, A bill for an act relating to retirement; Minneapolis municipal employees; changing interest and salary assumptions and the target date for amortization of unfunded liabilities; providing for certain postretirement adjustments; providing for certain optional annuities; increasing survivor benefits; amending Minnesota Stat-

utes 1990, sections 356.215, subdivisions 4d and 4g; 422A.101; 422A.17; and 422A.23, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 356.

Reported the same back with the following amendments:

Page 6, after line 7, insert:

“Sec. 4. Minnesota Statutes 1990, section 422A.05, is amended by adding a subdivision to read:

Subd. 2e. [STANDING; PARTIES.] In addition to other parties with claims under statute or the common law, the state and a political subdivision that helps to finance a plan have standing to sue on behalf of all taxpayers and the plan beneficiaries for an alleged breach of fiduciary duty. If a suit is brought by the state or a political subdivision under this subdivision, no separate suit regarding the same claims on behalf of taxpayers of the state or a political subdivision or of beneficiaries may be allowed, and any suit then pending on behalf of taxpayers of the state or a political subdivision or of beneficiaries must be dismissed unless the court determines that its dismissal would prejudice or limit the rights or claims of the taxpayers or beneficiaries. Nothing in this subdivision precludes suits by both the state and an affected political subdivision.

Sec. 5. Minnesota Statutes 1990, section 422A.05, is amended by adding a subdivision to read:

Subd. 2f. [ATTORNEY FEES.] The court shall award reasonable attorney fees and costs of litigation, in addition to damages and other relief, in a suit where a breach of fiduciary duty is found under subdivision 2a or chapter 356A.”

Page 12, after line 8, insert:

“Subd. 4. [ADDITIONAL EMPLOYER CONTRIBUTION IN CERTAIN INSTANCES.] If assets in the deposit accumulation fund are insufficient to make a transfer to the retirement benefit fund, the city of Minneapolis shall pay the amount of that insufficiency to the retirement benefit fund within three days of certification of the insufficiency by the executive director of the fund. The city of Minneapolis may bill any other participating employing unit other than the state for its proportion of the amount paid.”

Page 13, line 36, reinstate the stricken language and delete the new language

Page 14, line 5, reinstate the stricken language and delete the new language

Page 14, line 12, reinstate the stricken language and delete the new language

Page 15, line 2, after the period, insert "Section 4 is effective the day following final enactment and applies to all claims pending on that date or filed on or after that date."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 916, A bill for an act relating to torts; providing immunity against tort liability for claims arising out of the use of highways that provide access to timber; amending Minnesota Statutes 1990, sections 3.736, subdivision 3; 87.025; and 466.03, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, line 13, after "person's" insert "recreational"

Page 3, delete section 2

Page 4, line 3, delete "3" and insert "2"

Page 4, line 5, after "person's" insert "recreational"

Amend the title as follows:

Page 1, line 6, delete "87.025;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 958, A bill for an act relating to agriculture; providing for development of aquaculture; amending Minnesota Statutes 1990, sections 17.49; and 500.24, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Page 4, delete lines 15 to 17

Page 5, delete section 11

Page 10, line 20, delete "12" and insert "11"

Page 10, line 21, delete "11" and insert "10"

Amend the title as follows:

Page 1, line 4, delete "sections" and insert "section" and delete "and 500.24, subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 989, A bill for an act relating to economic development; changing the name of the Greater Minnesota Corporation; adding duties; providing for a new structure for the board of directors; amending Minnesota Statutes 1990, sections 116O.03, subdivision 2; and 116O.04, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 116O; repealing Minnesota Statutes 1990, sections 116J.970; 116J.971; and 116O.03, subdivision 2a.

Reported the same back with the following amendments:

Page 1, line 18, delete "20" and insert "22"

Page 2, line 6, delete "six" and insert "eight"

Page 2, line 17, delete "Fifty percent" and insert "Ten"

Page 3, line 29, delete "four" and insert "six"

With the recommendation that when so amended the bill pass.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 1002, A bill for an act relating to housing; authorizing the Minnesota housing finance agency to establish a shallow rent subsidy program, a lease-purchase housing program, a blighted property acquisition program, and a housing capital reserve program; appropriating money; amending Minnesota Statutes 1990, sections 273.124, subdivision 7; and 462A.05, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 462A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 273.124, subdivision 7, is amended to read:

Subd. 7. [LEASED BUILDINGS OR LAND.] For purposes of class 1 determinations, homesteads include:

(a) buildings and appurtenances owned and used by the occupant as a permanent residence which are located upon land the title to which is vested in a person or entity other than the occupant;

(b) all buildings and appurtenances located upon land owned by the occupant and used for the purposes of a homestead together with the land upon which they are located, if all of the following criteria are met:

(1) the occupant is using the property as a permanent residence;

(2) the occupant is paying the property taxes and any special assessments levied against the property;

(3) the occupant has signed a lease which has an option to purchase the buildings and appurtenances;

(4) the term of the lease is at least five years; and

(5) the occupant has made a down payment of at least \$5,000 in cash if the property was purchased by means of a contract for deed or subject to a mortgage; or

(c) buildings and appurtenances leased by the occupant under a lease-purchase program administered by the Minnesota housing finance agency or a city. "City" is as defined in section 462C.02, subdivision 6.

Any taxpayer meeting all the requirements of this paragraph (b) or (c) must notify the county assessor, or the assessor who has the powers of the county assessor pursuant to section 273.063, in writing, as soon as possible after signing the lease agreement and occupying the buildings as a homestead.

Sec. 2. Minnesota Statutes 1990, section 462A.05, is amended by adding a subdivision to read:

Subd. 36. [LEASE-PURCHASE HOUSING.] The agency may make grants or loans to nonprofit organizations, local government units, Indian tribes, and Indian tribal organizations to finance the acquisition, improvement, rehabilitation, and lease-purchase of single-family housing for persons of low and moderate income. A person or family is eligible to participate in a lease-purchase agreement if the person's or family's income does not exceed 60 percent of the greater of (1) state median income, or (2) area or county median income. The lease agreement must provide for a portion of the lease payment to be escrowed as a down payment on the housing. A property containing two or fewer dwelling units is eligible for financing under the lease-purchase housing program.

Sec. 3. Minnesota Statutes 1990, section 462A.05, is amended by adding a subdivision to read:

Subd. 37. [BLIGHTED RESIDENTIAL PROPERTY ACQUISITION AND REHABILITATION.] The agency may make grants to cities for the purpose of acquisition and demolition of blighted residential property and gap financing for the rehabilitation of blighted residential property or construction of new housing on the property. "Gap financing" is financing for the difference between the cost of the improvement of the blighted property, including acquisition, demolition, rehabilitation, construction, and the market value of the property upon sale. Grants under this section must be used for households with income less than or equal to the county or area median income as determined by the United States Depart-

ment of Housing and Urban Development. Cities may use the grants to establish revolving loan funds and provide loans and grants to eligible mortgagors for the acquisition and rehabilitation of blighted residential property located in a neighborhood designated by the city for neighborhood preservation. The city may determine the terms and conditions of the loans and grants.

Sec. 4. [462A.205] [SHALLOW RENT SUBSIDY PROGRAM.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them.

(a) “Caretaker parent” means a parent, relative caretaker, or minor caretaker as defined by the aid to families with dependent children program, sections 256.72 to 256.87.

(b) “Gross family income” for a family or individual receiving rental assistance under this section means the gross amount of the wages, salaries, social security payments, pensions, worker’s compensation, unemployment compensation, public assistance payments, alimony, child support, and income from assets received by the family or individual.

(c) “Local housing agency” means the agency of local government responsible for administering the department of housing and urban development’s section 8 existing voucher and certificate program.

(d) “Self-sufficiency program” means a program operated under section 256.736 or 256D.051, an employability program administered by a community action agency, a job training program administered under the job training partnership act, or courses of study at an accredited institution of higher education pursued with at least half-time student status under an employment development plan approved by the institution.

Subd. 2. [ESTABLISHMENT.] The agency may establish a shallow rent subsidy program to provide direct rental assistance for housing for individuals or families with incomes up to 50 percent of the county or area income adjusted for family size. One-half of the money appropriated for this program must be used to provide rental housing subsidies for individuals or families with incomes not exceeding 30 percent of the area median income. In order to ensure the long-term affordability of housing, one-half of the total funds appropriated for this section must be used in housing programs that provide a lease-purchase option for low-income individuals and families. The agency may contract with a local housing agency to administer the rent assistance under this section. The local housing agency must be paid an administrative fee. The administrative fee is equal to the greater than ten percent of the amount of the subsidy or \$15 per unit per month. For families or individuals receiving public assistance, rent assistance under this section must be pro-

vided in the form of vendor payments. The program must offer two options: (1) a voucher option; and (2) a project-based voucher option. When providing project-based vouchers, the agency must give priority to a project that has received public money for rehabilitation of the housing.

Subd. 3. [AMOUNT AND PAYMENT OF RENT ASSISTANCE.]

(a) Within the limits of available appropriations, eligible families and individuals may receive monthly rent assistance for a 36-month period starting with the month the family or individual first receives rent assistance under this section. The amount of the family's or individual's portion of the rental payment is equal to at least 30 percent of gross income.

(b) The rent assistance must be paid by the local housing agency to the property owner.

(c) Subject to the limitations in paragraph (d), the amount of rent assistance is the difference between the rent and the family's or individual's copayment.

(d) In no case may (1) the amount of monthly rent assistance be more than \$350; (2) the owner receive more rent for assisted units than for comparable unassisted units; or (3) the amount of monthly rent assistance be more than the difference between the family's or individual's copayment and the fair market rent for the unit as determined by the Department of Housing and Urban Development.

Subd. 4. [PROPERTY OWNER.] In order to receive rent assistance payments, the property owner must enter into a standards lease agreement with the tenant which includes a clause providing for good cause evictions only. Otherwise, the lease may be any standard lease agreement. The agency and local housing agencies must make model lease agreements available to participating families and property owners.

Subd. 5. [FAMILY STABILIZATION DEMONSTRATION PROJECT.] The agency, in consultation with the department of human services, may establish a rent assistance for family stabilization demonstration project within the shallow rent subsidy program. The purpose of the project is to provide rental assistance to families (1) receiving public assistance with a caretaker parent who is participating in a self-sufficiency program and at least one minor child, or (2) who at the time of initial eligibility for rental assistance under this section were receiving public assistance and had a caretaker parent participating in a self-sufficiency program and at least one minor child. For the purposes of this subdivision, public assistance means aid to families with dependent children, family general assistance, or family work readiness. The funds may be distributed on a request for proposal basis. The requirements

specified under subdivisions 1 to 4 apply to the demonstration project.

Sec. 5. [462A.30] [HOUSING CAPITAL RESERVE PROGRAM.]

Subdivision 1. [PROGRAM AUTHORIZATION.] The agency may establish the housing capital reserve program for the purposes of encouraging private financial institutions to participate in the preservation or rehabilitation of the existing housing stock and providing single-family home ownership and affordable rental housing opportunities. The agency may enter agreements with cities for city financial participation in the housing capital reserve program.

Subd. 2. [STATEWIDE HOUSING RESERVE FUND.] The agency may establish a statewide housing reserve fund consisting of agency and city funds for the purpose of securing housing rehabilitation loans and housing purchase-rehabilitation loans. The agency or city may issue appropriate debt capital instruments, including taxable or tax-exempt bonds, secured by the reserve fund. The agency may use the reserve fund to secure the debt instruments or for credit enhancement purposes. Proceeds may be used to make housing rehabilitation loans and housing purchase-rehabilitation loans. The reserve fund may be used to provide additional security for loans provided by public agencies and by private lenders to finance the preservation and rehabilitation of existing housing stock and provide affordable rental housing opportunities.

Subd. 3. [ELIGIBLE LOANS.] Rehabilitation loans made and pooled under this section may consist of both single and multifamily housing rehabilitation loans. Purchase-rehabilitation loans may be made and pooled for the purpose of single-family housing.

Sec. 6. Minnesota Statutes 1990, section 466A.01, subdivision 2, is amended to read:

Subd. 2. [CITY.] "City" means a city of the first class or a city with a portion of its border contiguous to a city of the first class located within the metropolitan area, or having a population of at least 55,000 as determined by the most recent federal census figures available, or a city of the second class located outside the metropolitan area. Metropolitan area has the meaning given it in section 473.121. City of the first class and city of the second class are as defined in section 410.01.

Sec. 7. Minnesota Statutes 1990, section 466A.02, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY REQUIREMENTS FOR TARGETED NEIGHBORHOODS.] (a) An area within a city of the first class is

eligible for designation as a targeted neighborhood if the area meets at least two of the following criteria:

(1) the area had an unemployment rate that was twice the unemployment rate for the Minneapolis and St. Paul standard metropolitan statistical area as determined by the 1980 most recent federal census figures available;

(2) the median household income in the area was no more than half the median household income for the Minneapolis and St. Paul standard metropolitan statistical area as determined by the 1980 most recent federal census figures available; or

(3) the area is characterized by residential dwelling units in need of substantial rehabilitation. An area qualifies under this clause if 25 percent or more of the residential dwelling units are in substandard condition as determined by the city or 70 percent or more of the residential dwelling units were built before 1940 as determined by the 1980 most recent federal census figures available.

(b) An area within an eligible city that is not a city of the first class qualifies for designation as a targeted neighborhood if the city can demonstrate that the area meets at least one of the following criteria:

(1) the area had an unemployment rate that was twice the unemployment rate for the state, excluding cities of the first class, as determined by the most recent federal census figures available;

(2) the area had an increase in crime over the past five years greater than 110 percent of the citywide increase in crime; or

(3) the area had an increase in AFDC cases over the past five years greater than 110 percent of the citywide increase in AFDC cases.

Sec. 8. Minnesota Statutes 1990, section 466A.05, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION.] Appropriation to each city of the first class shall be in proportion to the city's portion of the combined population of the cities. Appropriation to each city that is not a city of the first class shall be in proportion to the city's portion of population residing within targeted neighborhoods to the combined population of the targeted neighborhoods in all eligible non-first-class cities. The population of each city is determined by the most recent estimates available to the commissioner.

Sec. 9. [APPROPRIATION.]

\$..... is appropriated from the general fund to the Minnesota housing finance agency for the purposes of sections 1 to 5 to be available for the biennium ending June 30, 1993.

\$20,000,000 is appropriated from the general fund to the commissioner of the state planning agency for the community resources program to be available for the biennium ending June 30, 1993. \$14,000,000 is to be allocated to cities of the first class and \$6,000,000 is to be allocated to the other eligible cities with allocations to individual cities as described in section 466A.05, subdivision 2.”

Delete the title and insert:

“A bill for an act relating to housing; authorizing the Minnesota housing finance agency to establish a shallow rent subsidy program, a lease-purchase housing program and providing for homestead classification, a blighted property acquisition program, and a housing capital reserve program; changing eligibility requirements and allocation formulas for the community resource program; appropriating money; amending Minnesota Statutes 1990, sections 273.124, subdivision 7; 462A.05, by adding a subdivision; 466A.01, subdivision 2; 466A.02, subdivision 2; and 466A.05, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462A.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1010, A bill for an act relating to human services; authorizing a grant program to establish two pilot children’s safety centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256F.

Reported the same back with the following amendments:

Page 1, line 20, before the period insert “and to facilitate parental visits with children living in foster homes as a result of child abuse or neglect”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 1021, A bill for an act relating to metropolitan transit; providing for financial assistance to and the administration of opt-out transit service programs; amending Minnesota Statutes 1990, sections 473.375, subdivisions 13 and 15; 473.377, subdivision 1; and 473.388.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 473.375, subdivision 13, is amended to read:

Subd. 13. [FINANCIAL ASSISTANCE.] The board may provide financial assistance to the commission and other providers as provided in sections 473.371 to 473.377 and 473.382 to 473.449 in furtherance of and in conformance with the implementation plan of the board, and shall provide financial assistance to transit service programs as provided in section 473.388. The board may not use the proceeds of bonds issued by the council under section 473.39 to provide capital assistance to private, for-profit operators of public transit.

Sec. 2. Minnesota Statutes 1990, section 473.375, subdivision 15, is amended to read:

Subd. 15. [PERFORMANCE STANDARDS.] The board may establish performance standards for recipients of financial assistance, except that performance standards for recipients of financial assistance under section 473.388 shall be established after consultation with such recipients.

Sec. 3. Minnesota Statutes 1990, section 473.377, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] The transit board shall prepare, submit to the council, and adopt an implementation plan as provided in section 473.161. The services and systems management component of the board's plan must include a description of the special transportation service provided under section 473.386. The

board shall prepare an implementation plan meeting the requirements of this section and submit the plan to the council by August 1, 1986, and thereafter at a time prescribed by the council. The components of the implementation plan that are applicable to recipients of financial assistance under section 473.388 shall be prepared after consultation with such recipients.

Sec. 4. Minnesota Statutes 1990, section 473.388, is amended to read:

473.388 [~~REPLACEMENT~~ OPT-OUT TRANSIT SERVICE PROGRAM.]

Subdivision 1. [~~PROGRAM ESTABLISHED.~~] ~~A replacement~~ An opt-out transit service program is established to continue the metropolitan transit service demonstration program established in Minnesota Statutes 1982, section 174.265, as provided in this section.

Subd. 2. [~~REPLACEMENT~~ OPT-OUT TRANSIT SERVICE; ELIGIBILITY.] ~~The transit board may shall~~ provide assistance under the program to a statutory or home rule charter city or town or combination thereof, that:

(a) is located in the metropolitan transit taxing district;

(b) is not served by the transit commission or is served only with transit commission bus routes which begin or end within the applying city or town or combination thereof; and

(c) has fewer than four scheduled runs of metropolitan transit commission bus service during off-peak hours defined in section 473.408, subdivision 1.

Eligible cities or towns or combinations thereof may apply on behalf of a transit operator with whom they propose to contract for service.

The board may not provide assistance under this section to a statutory or home rule charter city or town unless the city or town,

(i) was receiving assistance under Minnesota Statutes 1982, section 174.265 by July 1, 1984,

(ii) had submitted an application for assistance under that section by July 1, 1984, or

(iii) had submitted a letter of intent to apply for assistance under that section by July 1, 1984, and submits an application for assistance under this section by July 1, 1988. A statutory or home

rule charter city or town has an additional 12-month extension if it has notified the board before July 1, 1988, that the city or town is in the process of completing a transportation evaluation study that includes an assessment of the local transit needs of the city or town.

Subd. 3. [APPLICATION FOR ASSISTANCE.] An application for assistance under this section must:

(a) describe the existing service provided to the applicant by the transit commission, including the estimated number of passengers carried and the routes, schedules, and fares;

(b) describe the transit service proposed for funding under the demonstration program, including the anticipated number of passengers and the routes, schedules, and fares; and

(c) indicate the total amount of available local transit funds, the portion of the available local transit funds proposed to be used to subsidize ~~replacement~~ opt-out services, and the amount of assistance requested for the ~~replacement~~ opt-out services.

Subd. 4. [FINANCIAL ASSISTANCE.] The board ~~may~~ shall grant the ~~requested financial assistance~~ available local transit funds if it determines that the proposed service is ~~consistent with the approved implementation plan~~ and is intended to replace the service to the applying city or town or combination thereof by the transit commission and that the ~~proposed service will meet the needs of the applicant at least as efficiently and effectively as the existing service, if any, and that the proposed service will provide transportation of persons for hire, or that the assistance will be used for transit-related purposes.~~

The amount of assistance which the board ~~may~~ shall provide under this section ~~may not exceed the sum of:~~

(a) the ~~portion of the available local transit funds which the applicant proposes to use to subsidize the proposed service; and~~

(b) ~~an amount of financial assistance bearing an identical proportional relationship to the amount under clause (a) as the total amount of financial assistance to the transit commission bears to the total amount of taxes collected by the board under section 473.446. The board shall pay the amount to be provided to the recipient from the assistance the board would otherwise pay to the transit commission.~~ is the total amount of available local transit funds. The board shall disburse assistance to the recipient in advance by semiannual payments on or before January 1 and on or before July 1 of the year for which assistance is requested by the recipient.

Assistance provided by the board to the recipient must be spent for transit-related purposes. Assistance that is not spent in the budget year in which it is provided may be retained by the recipient and carried over to the next budget year. Assistance that is not spent in the budget year in which it is provided may not be retained for more than two additional years. After that time, the recipient must deposit any unspent assistance with the board, who will place emphasis on the expenditure of these funds for suburban transit service.

For purposes of this section "available local transit funds" means 90 percent of the tax revenues which would accrue to the board from the ~~tax~~ it levies certified tax levy under section 473.446 in the applicant city or town or combination thereof, including the revenues which would accrue from the homestead and agricultural credit aid and disparity reduction aid.

Subd. 5. [OTHER ASSISTANCE.] A city or town receiving assistance under this section may also receive assistance from the board under section 473.384. In applying for assistance under that section an applicant must describe the portion of the available local transit funds which are not obligated to subsidize replacement service and which the applicant proposes to use to subsidize additional service. An applicant which has exhausted its available local transit funds may use any other local subsidy funds to complete the required local share.

Subd. 6. [ASSUMPTION OF PROGRAM.] The board shall certify to the commissioner of transportation when it ~~has adopted an approved interim implementation plan~~ and is ready to assume responsibility for the metropolitan transit service demonstration program administered by the commissioner under Minnesota Statutes 1982, section 174.265. On receipt of the certification the commissioner shall make no further contracts under that program and shall assign all contracts then in effect under that program to the board, and the contracts at that time become obligations of the board.

Subd. 7. [BUDGET.] A recipient of assistance under this section each year shall prepare an annual budget, and, after holding a public hearing on the budget, shall submit the budget to the board and to the legislature for review. The board shall review and comment on the consistency of the budget with its implementation plan.

Subd. 8. [ANNUAL REPORTS.] Before December 1 of each year, the recipient of assistance under this section shall prepare a report for the preceding fiscal year containing, in addition to other matters as the recipient may consider proper, the following:

(a) the activities of the recipient during the period covered by the report; and

(b) a complete accounting of the financial accounts and affairs of the recipient during the fiscal year.

A copy of each report must be filed with the board, the metropolitan council, the legislature, and the governor by November 30 of each year.

Sec. 5. [STUDIES REQUIRED.]

(a) The metropolitan council, in consultation with the board and after consultation with participants in the opt-out transit service program, must conduct a study of the costs of planning, administering and managing transit services in the metropolitan area, including the costs of coordinating and integrating services provided by different transit operators or authorities. The metropolitan council, in consultation with the board, must direct its staff to examine whether the percentage of property tax revenues raised in communities participating in the program under Minnesota Statutes, section 473.388, which accrues to the board from the tax it levies under Minnesota Statutes, section 473.446, is adequate to finance those communities' prorated share of these costs. The metropolitan council, in consultation with the board, must make a recommendation to the legislature on the appropriate percentage of property tax revenues to be used to finance these costs.

(b) The metropolitan council, in consultation with the board and after consultation with participants in the opt-out transit service program, must conduct a study of the interaction between the funding mechanisms of the program under Minnesota Statutes, section 473.388, and the reductions of levied taxes made pursuant to Minnesota Statutes, section 473.446, subdivision 1. The metropolitan council, in consultation with the board, must direct its staff to study the interaction of these provisions, including the effect of the interaction on the financing of transit services in the metropolitan area, and to report its findings to the board.

(c) The metropolitan council must report to the legislature on the results of these studies on or before February 15, 1992.

Sec. 6. [APPLICATION.]

Sections 1 to 5 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "requiring a study;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1033, A bill for an act relating to economic development; establishing a small business development center program; appropriating money.

Reported the same back with the following amendments:

Page 1, line 9, after "procurement" insert "and research grants" and delete "international trade,"

Page 1, line 10, after the first comma insert "and" and delete "quality"

Page 1, line 11, delete "control, and production analysis"

Page 1, lines 14 to 16, delete "grants to small business development centers for" and insert "cash match for federal funds received for operation of"

Page 1, after line 17, insert:

"No funds shall be released for the purposes of section 1 until the commissioner of trade and economic development has reviewed the services and determined that they do not duplicate other state services."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1052, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete

references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1990, sections 3C.04, subdivision 3; 14.47, subdivision 5; 15.39, subdivision 2; 15.45, subdivision 1; 16B.06, subdivision 2a; 16B.19, subdivision 2b; 16B.21, subdivision 1; 16B.405, subdivision 2; 18B.05, subdivision 1; 27.138, subdivision 4; 41A.066, subdivision 1; 60A.13, subdivision 3a; 60B.25; 62E.19, subdivision 1; 84B.09; 89.37, subdivision 4; 97A.101, subdivision 2; 103A.405; 103B.211, subdivision 4; 103F.215, subdivision 1; 103G.545, subdivision 2; 115A.06, subdivision 4; 115B.25, subdivision 4; 115B.26, subdivisions 1 and 4; 115B.30, subdivision 1; 115B.31; 115B.32, subdivision 1; 115C.08, subdivision 5; 115D.02; 116.733; 116J.68, subdivision 2; 121.88, subdivision 5; 123.702, subdivision 2; 124.195, subdivision 9; 124.225, subdivision 8i; 124.245, subdivision 6; 124A.036, subdivision 5; 125.032, subdivision 2; 126.036; 126.071, subdivision 1; 127.19; 136.82, subdivision 1; 144.49, subdivision 8; 144.804, subdivision 1; 144.8097, subdivision 2; 144A.29, subdivisions 2 and 3; 147.01, subdivision 1; 148.03; 148.52; 148.90, subdivision 3; 150A.02, subdivision 1; 151.03; 152.022, subdivision 1; 152.023, subdivision 2; 153.02; 154.22; 156.01; 161.17, subdivision 2; 168.325, subdivision 3; 222.63, subdivision 4; 237.161, subdivision 1; 256.035, subdivision 8; 256B.059, subdivision 4; 268.38, subdivision 12; 270.42; 273.1392; 273.1398, subdivision 5a; 275.065, subdivision 1; 275.50, subdivision 5; 290A.04, subdivision 2h; 297A.25, subdivision 8; 298.17; 299A.24, subdivision 1; 299A.41, subdivision 1; 299D.03, subdivision 12; 299F.361, subdivision 1; 299F.451, subdivision 1; 299F.72, subdivision 1; 317A.021, subdivision 7; 325E.045, subdivision 1; 326.04; 341.01; 354A.094, subdivision 7; 356.215, subdivision 4d; 384.14; 386.63, subdivision 1; 400.03, subdivision 1; 423.806, subdivision 1; 446A.10, subdivision 2; 469.129, subdivision 1; 473.844, subdivision 1; 473.845, subdivision 1; 508.36; 529.16; 551.05, subdivision 1; 571.75, subdivision 2; 571.81, subdivision 2; 604.06; 609.531, subdivision 1; 609.892, subdivision 1; Laws 1990, chapter 562, article 8, section 38; chapter 602, article 2, section 10; and chapter 606, article 4, section 1, subdivisions 2 and 6; reenacting Minnesota Statutes 1988, section 169.126, subdivision 2, as amended; repealing Minnesota Statutes 1990, sections 103B.211, subdivision 5; 103I.005, subdivision 18; 117.31; 124.47; 171.015, subdivision 4; 299D.01, subdivision 5; 299F.01, subdivision 3; 299F.362, subdivision 8; 474A.081, subdivisions 1, 2, and 4; 593.40, subdivision 6; and 626A.21.

Reported the same back with the following amendments:

Page 50, delete section 64

Renumber the sections in sequence

Correct internal references

Renumber the explanation sections in sequence

Correct internal references in explanation sections

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1054, A bill for an act relating to retirement; teachers retirement association; permitting purchases of prior services by certain employees for periods of leave.

Reported the same back with the following amendments:

Page 1, line 9, delete "who was"

Page 1, delete line 10

Page 1, line 11, delete "school year,"

Page 1, line 12, after "credit" insert "from the teachers retirement association" and delete "those two years" and insert "one year" and delete "by" and insert a period

Page 1, delete lines 13 to 15 and insert "The purchase payment amount is an amount equal to that described in Laws 1990, chapter 570, article 8, section 14, subdivisions 2, 3, and 4. The"

Page 1, line 17, delete everything after "1991" and insert a period

Page 1, delete lines 18 and 19

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1109, A bill for an act relating to economic development; creating Advantage Minnesota, Inc.; requiring a report to the legislature; appropriating money for matching funds; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 1, line 23, after the first "and" insert "serving as nonvoting members representing the legislature"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1125, A bill for an act relating to law enforcement; authorizing the Mille Lacs Band of Chippewa Indians to exercise law enforcement authority within the Mille Lacs Reservation and certain trust lands; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [626.90] [LAW ENFORCEMENT AUTHORITY; TRIBAL PEACE OFFICERS.]

Subdivision 1. [DEFINITION.] As used in this section, "band" means the federally recognized Mille Lacs Band of Chippewa Indians.

Subd. 2. [LAW ENFORCEMENT AGENCY.] (a) The band has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (h), if all of the requirements of clauses (1) to (3) are met:

(1) the band agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of a law enforcement agency function conferred by this section, to the same extent as a municipality under chapter 466, and the band further agrees, notwith-

standing section 16B.06, subdivision 6, to waive its sovereign immunity for purposes of claims of this liability;

(2) the band files with the board of peace officer standards and training a bond or certificate of insurance for liability coverage for the maximum amounts set forth in section 466.04; and

(3) the band files with the board of peace officer standards and training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution.

(b) The band shall enter into mutual aid/cooperative agreements with the Mille Lacs county sheriff under section 471.59 to define and regulate the provision of law enforcement services under this section. The agreements must define the trust property involved in the joint powers agreement.

(c) The band shall have concurrent jurisdictional authority under this section with the Mille Lacs county sheriff's department only if the requirements of paragraph (a) are met and under the following circumstances:

(1) over all persons in the geographical boundaries of the property held by the United States in trust for the Mille Lacs band or the Minnesota Chippewa Tribe;

(2) over all Minnesota Chippewa tribal members within the boundaries of the Treaty of February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota; and

(3) concurrent jurisdiction over any person who commits or attempts to commit a crime in the presence of an appointed band peace officer within the boundaries of the Treaty of February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota.

Subd. 3. [PEACE OFFICERS.] If the band complies with the requirements set forth in subdivision 2, the band is authorized to appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace officers employed by local units of government.

Subd. 4. [COUNTY JAIL.] The sheriff of the county in which the violation occurred is responsible for receiving persons arrested by peace officers appointed under subdivision 3 and acting under the authority conferred by this section.

Subd. 5. [PROSECUTING AUTHORITY.] The Mille Lacs county attorney is responsible to prosecute or initiate petitions for any person arrested, investigated, or detained by peace officers ap-

pointed under subdivision 3 and acting under the authority conferred by this section.

Subd. 6. [EFFECT ON FEDERAL LAW.] Nothing in this section shall be construed to restrict the band's authority under federal law.

Subd. 7. [CONSTRUCTION.] This section is limited to law enforcement authority only, and nothing in this section shall affect any other jurisdictional relationships or disputes involving the band or current reservation boundaries or to entitle the band as a municipality or subdivision of government to any fine or penalty revenue allocation under section 487.33.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1185, A bill for an act relating to energy; providing incentives for renewable energy sources of utility power; amending Minnesota Statutes 1990, sections 216B.164, subdivision 4; and 272.02, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 20, delete "and those social costs"

Page 1, line 22, delete "and social"

Page 2, line 11, delete everything after "energy" and insert a period

Page 2, delete line 12

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1220, A bill for an act relating to natural resources; directing a study of the potential of an adopt-a-park program by the department of natural resources.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

“Section 1. [85.045] [ADOPT-A-PARK PROGRAM.]

Subdivision 1. [CREATION.] The Minnesota adopt-a-park program is established. The commissioner shall coordinate the program through the regional offices of the department of natural resources.

Subd. 2. [PURPOSE.] The purpose of the program is to encourage business and civic groups or individuals to assist in park improvement and facility construction by volunteering to construct and improve real and personal property within state parks.

Subd. 3. [AGREEMENTS.] (a) The commissioner shall enter into informal agreements with volunteer business and civic groups or individuals to construct and add to improvements to the various parks in accordance with plans devised by the commissioner after consultation with the groups.

(b) The commissioner shall erect a sign at each entrance to the park that recognizes and thanks the volunteer group or individual agreeing to construct or improve facilities. The sign must state the nature of the construction or improvement along with an illustration if feasible. The signs must be maintained or replaced, and not removed, for as long as the construction or improvement is in progress and for a reasonable time thereafter.

(c) The commissioner may provide assistance to enhance the comfort and safety of the volunteers and to facilitate the implementation and administration of the program.

(d) This section is not subject to chapter 14.

Subd. 4. [LIABILITY.] The state and its agencies and employees are not liable for injury or damage to any person or property caused, directly or indirectly or otherwise arising from the Minnesota adopt-a-park program.”

Page 1, line 23, delete “1” and insert “2”

Renumber the sections in sequence

Delete the title and insert:

“A bill for an act relating to natural resources; establishing an adopt-a-park program administered by the department of natural resources; proposing coding for new law in Minnesota Statutes, chapter 85.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1234, A bill for an act relating to government operations; amending provisions to adopt emergency game and fish rules; providing alternative methods of publishing game and fish rules; deleting obsolete references to publication under the game and fish laws; authorizing the commissioner to protect wild animals by emergency rule; authorizing the commissioner to set seasons and limits for migratory birds and waterfowl; authorizing the commissioner to allow or prohibit hunting and fishing on certain state lands; amending Minnesota Statutes 1990, sections 3.846, subdivisions 1 and 4; 14.03, subdivision 3; 14.29, subdivision 2, and by adding a subdivision; 14.38, subdivision 6; 84.944, subdivision 1; 84A.02; 86A.06; 86B.211; 97A.045, subdivision 2; 97A.051, subdivisions 1, 2, and 4; 97A.081; 97A.141, by adding a subdivision; 97B.731, subdivision 1; and 97C.805, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97A and 97B.

Reported the same back with the following amendments:

Page 3, line 29, before “registration” insert “tagging and”

Page 10, line 14, delete “or not” and delete the comma and insert “and”

Page 10, line 15, delete “, or fishing is” and insert “are”

Page 10, line 24, before “Scientific” insert “Except as otherwise provided by law,”

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1348, A bill for an act relating to natural resources; establishing a Superior Vista bicycle and hiking trail in St. Louis county; appropriating funds for planning; amending Minnesota Statutes 1990, section 85.015, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 10, delete "northeasterly limits of the"

Page 1, after line 17, insert:

"(a) In developing a plan the commissioner shall involve the various jurisdictions through which the trail corridor would pass. This includes, but is not limited to, the St. Louis and Lake counties highway departments, the cities of Duluth and Two Harbors, the Minnesota department of transportation, and the St. Louis and Lake counties railroad authorities."

Page 1, line 18, before "\$....." insert "(b)"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1391, A bill for an act relating to agriculture; allowing exemption of certain garbage from requirements for feeding to livestock or poultry; amending Minnesota Statutes 1990, section 35.73, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 35.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1417, A bill for an act relating to state lands; prohibiting sale of state lands administered by the department of natural resources to any employee of the department; proposing coding for new law in Minnesota Statutes, chapter 92.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1435, A bill for an act relating to higher education; creating the Minnesota board for higher education; merging the state university, community college, and technical college systems; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 136E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [136E.01] [HIGHER EDUCATION BOARD.]

Subdivision 1. [MEMBERSHIP] The higher education board, referred to in sections 1 to 5 as “the board,” consists of 13 members appointed by the governor with the advice and consent of the senate. At least one member of the board must be a resident of each congressional district. One member must be a student or have graduated from an institution governed by the board within one year of the date of appointment. The remaining members must be appointed to represent the state at large.

Subd. 2. [INITIAL BOARD.] Notwithstanding subdivision 1, the initial board consists of four members each from the state board of technical colleges, state board for community colleges, and the state university board, appointed by their respective boards. These members must have served for at least one year on the board from which they were appointed. The student member shall be appointed July 1, 1993. To the extent possible the initial board must have the geographic balance required by subdivision 1.

Subd. 3. [TERM; COMPENSATION; REMOVAL; VACANCIES.] The compensation, removal of members, and filling of vacancies on

the board are as provided in section 15.0575. Members are appointed for a term of six years, except that the initial members must be appointed so that an equal number will have terms expiring in two, four, and six years. The term of the student member is two years. Terms end on June 30.

Subd. 4. [BOARD ADMINISTRATION.] The board shall elect a chair and other officers as it may desire. It shall determine its meeting dates and places.

Sec. 2. [136E.02] [HIGHER EDUCATION BOARD CANDIDATE ADVISORY COUNCIL.]

Subdivision 1. [ESTABLISHMENT.] A higher education board candidate advisory council is established to assist the governor in determining criteria for, and identifying and recruiting qualified candidates for, membership on the higher education board.

Subd. 2. [MEMBERSHIP.] The advisory council consists of 24 members. Twelve members are appointed by the subcommittee on committees of the committee on rules and administration of the senate. Twelve members are appointed by the speaker of the house of representatives. No more than one-third of the members appointed by each appointing authority may be current or former legislators. No more than two-thirds of the members appointed by each appointing authority may belong to the same political party; however, political activity or affiliation is not required for the appointment of a member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 governs the advisory council, except that the members must be appointed to six-year terms. The initial members must be appointed so that an equal number will have terms expiring in two, four, and six years.

Subd. 3. [DUTIES.] The advisory council shall:

(1) develop a statement of the selection criteria to be applied and a description of the responsibilities and duties of a member of the higher education board and shall distribute this to potential candidates; and

(2) for each position on the board, identify and recruit qualified candidates for the board, based on the background and experience of the candidates, and their potential for discharging the responsibilities of a member of the board.

Subd. 4. [RECOMMENDATIONS.] The advisory council shall recommend at least two and not more than four candidates for each seat. By March 15 of each odd-numbered year, the advisory council

shall submit its recommendations to the governor. The governor is not bound by these recommendations.

Subd. 5. [SUPPORT SERVICES.] The legislative coordinating commission shall provide administrative and support services for the advisory council.

Sec. 3. [136E.03] [MISSION.]

The mission of the board is to provide programs of study that meet the needs of students for occupational, general, baccalaureate, and graduate education. The board shall develop administrative arrangements that make possible the efficient use of the facilities and staff of the former technical colleges, community colleges, and state universities for providing these several different programs of study, so that students may have the benefit of improved and broader course offerings, coordinated financial aid, and, where educationally appropriate, ease of transfer among schools and programs, integrated course credit, and coordinated degree programs. In carrying out the merger of the three separate systems, the board shall control administrative costs by eliminating duplicative administrative positions and course offerings.

Sec. 4. [136E.04] [POWERS AND DUTIES.]

Subdivision 1. [GENERAL AUTHORITY.] The board shall manage, supervise, and control the former technical colleges, community colleges, and state universities and all related property. It shall prescribe courses of study, conditions of admission, prepare and confer diplomas, and adopt suitable policies for the institutions it manages. Sections 14.01 to 14.47 do not apply to policies and procedures of the board.

Subd. 2. [PERSONNEL.] The board shall appoint all presidents, teachers, and other necessary employees. Salaries and benefits of employees must be determined according to chapters 43A and 179A, except that the board is the state labor negotiator in all collective bargaining between the state and the exclusive representatives of teaching and service faculty units.

Subd. 3. [BUDGET.] The board shall submit to the governor and the legislature the budget request for its several different programs of study.

Subd. 4. [PROGRAM DELIVERY.] The board shall avoid offering duplicate programs in a common geographical area where such duplication is not educationally appropriate. After consulting with the local advisory committees, the board shall develop programs to meet the needs of students and the state.

Subd. 5. [TRANSFERABILITY.] The board shall place a high priority on ensuring the transferability of credit where educationally appropriate among the institutions it governs.

Subd. 6. [REGISTRATION AND FINANCIAL AID.] The board shall devise a registration system that simplifies and combines registration for the institutions it governs, improves the financial aid application process for students, and provides registration at common locations.

Sec. 5. [136E.05] [LOCAL ADVISORY COMMITTEES.]

The president, with the approval of the chancellor and the board, may appoint a local advisory committee for each campus. Committee members must be qualified people who have knowledge of and interest in the campus and must serve without compensation. The board shall define the role and authority of the advisory committees and establish procedures for the appointment, terms, and termination of members. The president or an appointee of the president shall regularly meet and consult with the local advisory committee.

Sec. 6. Minnesota Statutes 1990, section 179A.10, subdivision 2, is amended to read:

Subd. 2. [STATE EMPLOYEES.] Unclassified employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. Supervisory employees shall only be assigned to units 12 and 16. The following are the appropriate units of executive branch state employees:

- (1) law enforcement unit;
- (2) craft, maintenance, and labor unit;
- (3) service unit;
- (4) health care nonprofessional unit;
- (5) health care professional unit;
- (6) clerical and office unit;
- (7) technical unit;
- (8) correctional guards unit;
- (9) state university instructional unit;

- (10) community college instructional unit;
- (11) technical college instructional unit;
- (12) state university administrative unit;
- ~~(12)~~ (13) professional engineering unit;
- ~~(13)~~ (14) health treatment unit;
- ~~(14)~~ (15) general professional unit;
- ~~(15)~~ (16) professional state residential instructional unit; and
- ~~(16)~~ (17) supervisory employees unit.

Each unit consists of the classifications or positions assigned to it in the schedule of state employee job classification and positions maintained by the commissioner. The commissioner may only make changes in the schedule in existence on the day prior to the effective date of this section as required by law or as provided in subdivision 4.

Sec. 7. [TRANSITIONAL PROVISIONS.]

Subdivision 1. [APPOINTMENTS TO BOARD.] Appointments to the higher education board must be made by July 1, 1991.

Subd. 2. [INTERIM CHANCELLOR.] By August 1, 1991, the board shall hire a chancellor on an interim basis for the period ending June 30, 1993. Thereafter, the board shall conduct a search and hire a chancellor to serve on a continuing basis.

Subd. 3. [PERSONNEL.] The chancellor may hire employees necessary to carry out the transitional duties imposed by this section. To expedite hiring, the chancellor need not use the personnel services of the commissioner of employee relations to hire these employees.

Subd. 4. [TRANSITIONAL PLANNING PROCESS.] The board shall immediately after appointment commence planning for the merger of the technical college, community college, and state university systems. As part of the planning process, the board shall consult with the local advisory committees, representatives of student government organizations, and exclusive representatives of the employees of the state universities, community colleges, and technical colleges.

Subd. 5. [RESTRUCTURING.] The board shall submit a proposal to the 1992 legislature concerning the appropriate administrative

and funding structure for the educational institutions it governs. The proposal shall give special attention to the need to integrate the administration of programs of study now offered at institutions from different systems within the same region. The proposal shall address whether current legislative funding policies adequately promote the goals of educational quality, student retention and a reasonable allocation of limited state resources, and shall recommend appropriate changes in those policies. The proposal shall identify what cost savings and educational improvements the board anticipates will be realized from the recommended changes in administrative structure.

Subd. 6. [SCHOOL DISTRICTS.] The board shall submit proposals to the 1992 legislature concerning labor and other issues related to the transfer of technical colleges from school board governance.

Subd. 7. [PERSONNEL PRACTICES; COMPENSATION.] The board shall submit recommendations to the 1992 legislature regarding whether the board should assume the responsibilities of the commissioner of employee relations as the personnel bureau for the institutions governed by the board. The proposals must include recommendations for overcoming the difficulties encountered when trying to hire top administrators under the compensation ceiling set by Minnesota Statutes, section 15A.081, subdivision 7b.

Subd. 8. [LEGAL SERVICES.] The board shall submit to the 1992 legislature proposals for providing the board with adequate legal services.

Subd. 9. [PURCHASES; PROPERTY MANAGEMENT.] The board shall submit proposals to the 1992 legislature whereby the board will assume the responsibilities of the commissioner of administration for purchase of supplies, management of property, and construction and repair of facilities for the systems governed by the board.

Subd. 10. [ACCOUNTING SYSTEM.] The commissioner of finance shall submit proposals to the 1992 legislature that will enable the board to use a single accounting system in accord with generally accepted accounting principles for colleges and universities and eliminate the need to have a second system to account for its money in the state treasury.

Subd. 11. [BUDGET REQUESTS.] The board shall consult with the commissioner of finance, the chair of the senate finance committee, and the chair of the house appropriations committee and submit to the 1992 legislature a proposed format for its 1993 budget request. The higher education board shall use the format, as revised in accordance with instructions from the legislature, to present its budget request to the governor and the 1993 legislature.

Sec. 8. [TRANSFER OF POWERS.]

The state board of technical colleges, the state board for community colleges, and the state university board and their respective chancellors retain responsibility for operating and managing their systems until July 1, 1993. On July 1, 1993, the authority, duties, responsibilities, related property of the state board of technical colleges, school boards, intermediate school boards, joint vocational technical boards with respect to technical colleges, the state board for community colleges, and the state university board are transferred to the higher education board under Minnesota Statutes, section 15.039. The state board of technical colleges, state board for community colleges, and state university board are abolished, effective July 1, 1993.

Sec. 9. [CURRENT EMPLOYEES.]

The higher education board shall make every effort to continue the employment of employees of the former technical college, community college, and state university systems.

The board shall give preference to those employees for jobs for which they are qualified.

The board shall provide training and retraining to employees to prepare them for jobs in the institutions governed by the board.

Sec. 10. [COLLECTIVE BARGAINING.]

For purposes of collective bargaining, faculty of the technical colleges will initially be assigned to the new technical college instructional unit provided for in Minnesota Statutes, section 179A.10, subdivision 2, as amended by this act. The new bargaining unit may begin to organize on or after July 1, 1991, for negotiating contracts that become effective on or after July 1, 1993. Other technical college employees must be assigned to the appropriate existing state bargaining unit. The terms and conditions of a collective bargaining agreement covering an employee transferred to the board remain in effect until a successor agreement covering the employee becomes effective.

Sec. 11. [COOPERATION.]

The state university board, state board of technical colleges, and state board for community colleges shall cooperate with the higher education board. Each of those boards may transfer money, personnel, or equipment to the higher education board.

Sec. 12. [APPROPRIATION.]

\$1,000,000 is appropriated from the general fund to the higher education board for the purposes of this act for the biennium ending June 30, 1993.

Sec. 13. |EFFECTIVE DATE. |

This act is effective the day following final enactment, except that section 6 is effective July 1, 1991, for collective bargaining of contracts that become effective on or after July 1, 1993, and sections 4 and 5 are effective July 1, 1993."

Delete the title and insert:

"A bill for an act relating to higher education; creating the higher education board; merging the state university, community college, and technical college systems; appropriating money; amending Minnesota Statutes 1990, section 179A.10, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 136E."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1452, A bill for an act relating to agriculture; providing compensation for damage to farm crops or livestock by protected wild animals; appropriating money; amending Minnesota Statutes 1990, section 3.736, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 1457, A bill for an act relating to local government; permitting the city of Biwabik and the town of White to establish a joint east range economic development authority.

Reported the same back with the following amendments:

Page 2, line 16, delete "four" and insert "three"

Page 2, line 17, after the period, insert "The seventh commissioner shall be appointed by joint agreement of a majority of the White town board and a majority of the Biwabik city council; the jointly appointed commissioner shall serve an initial term of six years."

Page 2, line 18, after "three," insert "and" and delete ", and six"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1474, A bill for an act relating to natural resources; amending certain provisions concerned with the management of fish and wildlife; increasing certain license fees; appropriating money; amending Minnesota Statutes 1990, sections 84.944, subdivision 2; 84.96, subdivision 5; 97A.075, subdivision 2; 97A.325, subdivision 2; 97A.435, subdivision 2; 97A.475, subdivisions 2, 3, and 7; 97A.485, subdivision 7; and 97B.801; repealing Minnesota Statutes 1990, section 97B.721.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 84.82, subdivision 2, is amended to read:

Subd. 2. [APPLICATION, ISSUANCE, REPORTS.] Application for registration or reregistration shall be made to the commissioner of natural resources, or the commissioner of public safety or an authorized deputy registrar of motor vehicles in such form as the commissioner of public safety shall prescribe, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner. The commissioner of natural resources may authorize retail dealers of snowmobiles, at the request of the dealer, to serve as agents of the commissioner for purposes of snowmobile registration and reregistration. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number assigned which shall be affixed to the snowmobile in such manner as the commissioner of natural resources shall prescribe. Each deputy registrar of motor

vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements. A fee of 50 cents in addition to that otherwise prescribed by law shall be charged for each snowmobile registered by the registrar or a deputy registrar. The additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2.

Sec. 2. Minnesota Statutes 1990, section 84.82, subdivision 3, is amended to read:

Subd. 3. [FEES FOR REGISTRATION.] (a) The fee for registration of each snowmobile, other than those used for an agricultural purpose, as defined in section 84.92, subdivision 1c, or those registered by a dealer or manufacturer pursuant to clause (b) or (c) shall be as follows: ~~\$18~~ \$30 for three years and \$4 for a duplicate or transfer.

(b) The total registration fee for all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be \$50 per year.

(c) The total registration fee for all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes shall be \$150 per year. Dealer and manufacturer registrations are not transferable.

Sec. 3. Minnesota Statutes 1990, section 84.944, subdivision 2, is amended to read:

Subd. 2. [DESIGNATION OF ACQUIRED SITES.] The critical natural habitat acquired in fee title by the commissioner under this section shall be designated by the commissioner as: (1) an outdoor recreation unit pursuant to section 86A.07, subdivision 3, or (2) as provided in sections 97A.101, 97A.125, 97C.001, and 97C.011, and 97C.021. ~~The commissioner may so designate any critical natural habitat acquired in less than fee title.~~

Sec. 4. Minnesota Statutes 1990, section 84.96, subdivision 5, is amended to read:

Subd. 5. [PAYMENTS.] (a) The commissioner must make payments to the landowner under this subdivision for the easement.

(b) For a permanent easement, the commissioner must pay 50 percent of the average equalized estimated market value of cropland in the township as established by the commissioner of revenue 65

percent of the permanent marginal agricultural land payment rate as established by the board of water and soil resources for the time period when the application is made.

(c) For an easement of limited duration, the ~~landowner shall receive a lump sum payment equal to the present value of the annual payments for the term of the easement based on 50 percent of the mean adjusted cash rental for cropland in the county as established by the commissioner of revenue commissioner must pay~~ 65 percent of the permanent prairie bank easement rate for the time period when the application is made.

(d) To maintain and protect native prairies, the commissioner may enter into easements that allow selected agricultural practices. Payment must be based on paragraph (b) or (c) but may be reduced due to the agricultural practices allowed after negotiation with the landowner.

Sec. 5. Minnesota Statutes 1990, section 86B.415, subdivision 1, is amended to read:

Subdivision 1. [~~WATERCRAFT LESS THAN 19 FEET OR LESS.~~] The fee for a watercraft license for watercraft ~~less than 19 feet in length or less~~ is ~~\$12~~ \$35 except:

(1) for watercraft 19 feet in length or less that is offered for rent or lease, the fee is ~~\$6~~ \$12;

(2) for a canoe, kayak, sailboat, sailboard, paddle boat, or rowing shell 19 feet in length or less, the fee is ~~\$7~~ \$12;

(3) for a watercraft less than 17 feet in length, the fee is \$22;

(4) for a watercraft 19 feet in length or less used by a nonprofit corporation for teaching boat and water safety, the fee is as provided in subdivision 4; and

~~(4)~~ (5) for a watercraft owned by a dealer under a dealer's license, the fee is as provided in subdivision 5.

Sec. 6. Minnesota Statutes 1990, section 86B.415, subdivision 2, is amended to read:

Subd. 2. [~~WATERCRAFT OVER 19 FEET.~~] Except as provided in subdivisions 3, 4, and 5, the watercraft license fee:

(1) for a watercraft more than 19 feet but less than 26 feet in length is ~~\$20~~ \$45;

(2) for a watercraft 26 feet but less than 40 feet in length is ~~\$30~~ \$60; and

(3) for a watercraft 40 feet in length or longer is ~~\$40~~ \$80.

Sec. 7. Minnesota Statutes 1990, section 86B.415, subdivision 3, is amended to read:

Subd. 3. [WATERCRAFT OVER 19 FEET FOR HIRE.] The license fee for a watercraft more than 19 feet in length for hire with an operator is ~~\$50~~ \$80 each.

Sec. 8. Minnesota Statutes 1990, section 86B.415, subdivision 4, is amended to read:

Subd. 4. [WATERCRAFT USED BY NONPROFIT CORPORATION FOR TEACHING.] The watercraft license fee for a watercraft used by a nonprofit organization for teaching boat and water safety is ~~\$3~~ \$6 each.

Sec. 9. Minnesota Statutes 1990, section 86B.415, subdivision 5, is amended to read:

Subd. 5. [DEALER'S LICENSE.] There is no separate fee for watercraft owned by a dealer under a dealer's license. The fee for a dealer's license is ~~\$30~~ \$60.

Sec. 10. Minnesota Statutes 1990, section 86B.415, subdivision 6, is amended to read:

Subd. 6. [TRANSFER OR DUPLICATE LICENSE.] The fee to transfer a watercraft license or be issued a duplicate license is ~~\$3~~ \$4.

Sec. 11. Minnesota Statutes 1990, section 86B.415, subdivision 7, is amended to read:

Subd. 7. [WATERCRAFT SURCHARGE.] A surcharge of \$2 is placed on each watercraft licensed under subdivisions 1 to 6, ~~that is 17 feet in length or longer~~, for management of purple loosestrife and Eurasian water milfoil according to law.

Sec. 12. Minnesota Statutes 1990, section 97A.075, subdivision 2, is amended to read:

Subd. 2. [MINNESOTA MIGRATORY WATERFOWL STAMP.] The commissioner may use the revenue from the Minnesota migratory waterfowl stamps for:

(1) development of wetlands in the state and designated waterfowl management lakes for maximum migratory waterfowl production

including the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites and facilities necessary for development and management of existing migratory waterfowl habitat and the creation of migratory waterfowl management lakes;

(2) ~~protection and propagation~~ management of migratory waterfowl;

(3) development, restoration, maintenance, or preservation of migratory waterfowl habitat;

(4) acquisition of and access to structure sites; and

(5) necessary related administrative costs not to exceed ten percent of the annual revenue.

Sec. 13. Minnesota Statutes 1990, section 97A.325, subdivision 2, is amended to read:

Subd. 2. [DEER; BEAR; MOOSE; ELK; CARIBOU.] Except as provided in subdivision 1, a person that violates a provision of the game and fish laws relating to buying or selling deer, bear, moose, elk, or caribou is guilty of a gross misdemeanor.

Sec. 14. Minnesota Statutes 1990, section 97A.435, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey license shall be determined by this section and commissioner's order. A person is eligible for a turkey license only if the person is ~~a resident~~ and at least age 16 before the season opens or possesses a firearms safety certificate.

Sec. 15. Minnesota Statutes 1990, section 97A.475, subdivision 2, is amended to read:

Subd. 2. [RESIDENT HUNTING.] Fees for the following licenses, to be issued to residents only, are:

(1) for persons under age 65 to take small game, \$10;

(2) for persons age 65 or over, \$5;

(3) to take turkey, ~~\$14~~ \$20;

(4) to take deer with firearms, \$22;

(5) family license to take deer with firearms, \$84;

- (6) to take deer by archery, \$22;
- (7) to take moose, for a party of not more than four persons, \$275;
- (8) to take bear, \$33; ~~and~~
- (9) to take elk, for a party of not more than two persons, \$220; and
- (10) to take antlered deer only in multiple zones, without provision to apply for a doe permit, if the commissioner determines that there is no deleterious effect on the deer herd, \$...

Sec. 16. Minnesota Statutes 1990, section 97A.475, subdivision 3, is amended to read:

Subd. 3. [NONRESIDENT HUNTING.] Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take small game, \$56;
- (2) to take deer with firearms, \$110;
- (3) to take deer by archery, \$110;
- (4) to take bear, \$165;
- (5) to take turkey, ~~\$33~~ \$56; and
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$137.50.

Sec. 17. Minnesota Statutes 1990, section 97A.475, subdivision 7, is amended to read:

Subd. 7. [NONRESIDENT FISHING.] Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take fish by angling, ~~\$20~~ \$25;
- (2) to take fish by angling limited to seven consecutive days, \$16.50;
- (3) to take fish by angling for three consecutive days, \$13.50;
- (4) to take fish by angling for a combined license for a family, ~~\$33.50~~ \$35;
- (5) to take fish by angling for a period of 24 hours from the time of issuance, \$5; and

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days, \$25.

Sec. 18. Minnesota Statutes 1990, section 97A.485, subdivision 7, is amended to read:

Subd. 7. [COUNTY AUDITOR'S COMMISSION.] The county auditor shall retain for the county treasury a commission of four percent of all license fees collected by the auditor and the auditor's subagents, excluding the small game surcharge and issuing fees, the fishing surcharge and issuing fees, and the license to take fish by angling for persons age 65 and over. In addition, the auditor shall collect the issuing fees on licenses sold by the auditor to a licensee.

Sec. 19. Minnesota Statutes 1990, section 97B.801, is amended to read:

97B.801 [MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.]

Except as provided in this section, a person required to possess a small game license may not take migratory waterfowl without a Minnesota migratory waterfowl stamp in possession. Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess the stamp. In addition, a person taking geese in a special season or area, or in a controlled hunting zone, may be required by the commissioner to obtain and have in possession a second Minnesota migratory waterfowl stamp.

Sec. 20. Minnesota Statutes 1990, section 168C.04, subdivision 1, is amended to read:

Subdivision 1. The registration fee for bicycles shall be \$3 until January 1, 1985, and shall be \$5 thereafter \$9 after July 1, 1991. These fees shall be paid at the time of registration. The fees, and any donations in excess of the fees must be deposited in the general fund a special revenue account in the general government fund entitled the bicycle transportation account. Proof of purchase is required for registration. Bicycles lacking proof of purchase may be registered if there is no evidence that the bicycle is stolen. However, the registration record must be marked to indicate that no proof of purchase was provided. The registration is valid for three calendar years. A person registering a bicycle may add an additional amount to the registration fee, and all amounts so added must be deposited in the same manner as registration fees. A person registering a bicycle must at the time of registration be informed that a registrant may add an additional amount to the fee and that all such additional amounts will be used for the purposes specified in subdivision 2.

Sec. 21. [STUDY; LEGISLATIVE RECOMMENDATIONS.]

The commissioner shall submit recommendations to the legislature before January 1, 1992, concerning the snowmobile account, its continuing viability, and the grants made to local governments from the snowmobile account for grants-in-aid trail operations and maintenance equipment. The recommendations should address, at a minimum, ways to ensure funding for trail-grooming equipment and the appropriateness of the present formula dedicating a share of the unrefunded gas tax to the snowmobile account.

Sec. 22. [REPEALER.]

Minnesota Statutes 1990, section 97B.721, is repealed.

Sec. 23. [EFFECTIVE DATE.]

Sections 3, 4, and 12 are effective the day after final enactment. Sections 15 to 18 are effective for the licensing year commencing March 1, 1992, and for each licensing year thereafter."

Delete the title and insert:

"A bill for an act relating to natural resources; amending certain provisions concerned with the management of fish and wildlife; increasing certain bicycle, snowmobile, watercraft, and game and fish license fees; directing a study; appropriating money; amending Minnesota Statutes 1990, sections 84.82, subdivisions 2 and 3; 84.944, subdivision 2; 84.96, subdivision 5; 86B.415, subdivisions 1 to 7; 97A.075, subdivision 2; 97A.325, subdivision 2; 97A.435, subdivision 2; 97A.475, subdivisions 2, 3, and 7; 97A.485, subdivision 7; 97B.801; 168C.04, subdivision 1; repealing Minnesota Statutes 1990, section 97B.721."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1481, A bill for an act relating to emergency telephone service; establishing a grant program for counties to initiate and improve emergency telephone services; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 403.

Reported the same back with the recommendation that the bill

pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1527, A bill for an act relating to self-insurance; regulating custodial accounts; amending Minnesota Statutes 1990, sections 79A.03, subdivisions 3, 7, and 9; 79A.04, subdivision 2; and 79A.06, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 79A; repealing Minnesota Rules, part 2780.0400, subparts 2, 3, 6, and 7.

Reported the same back with the following amendments:

Page 8, line 17, delete "and" and after "7" insert ", and 8"

Amend the title as follows:

Page 1, line 7, after "6," insert "7,"

Page 1, line 8, delete "7" and insert "8"

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Governmental Operations to which was referred:

H. F. No. 1534, A bill for an act relating to retirement; state unclassified employees retirement program; permitting plan participants who move to unclassified positions not covered by the plan to elect to participate in the plan; amending Minnesota Statutes 1990, section 352D.02, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 15, after "full-time" insert "unclassified"

Page 1, line 23, after "contributions" insert "with six percent interest"

Page 2, line 12, after "contributions" insert "with six percent interest"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1593, A bill for an act relating to natural resources; authorizing limited leasing of a tract of land within Lake Maria state park.

Reported the same back with the following amendments:

Page 1, line 12, delete everything after "with"

Page 1, delete line 13 and insert "a person who has donated land valued at not less than \$14,000 to the state for inclusion in Lake Maria state park;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Clark from the Committee on Housing to which was referred:

S. F. No. 652, A bill for an act relating to housing; providing for the payment of fees for certain publicly owned facilities; amending Minnesota Statutes 1990, section 327.23, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 371, 425, 540, 669, 897, 916, 958, 989, 1052, 1054, 1125, 1185, 1220, 1234, 1391, 1417, 1527, 1534 and 1593 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 328, 339, 732, 925 and 652 were read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Rest introduced:

H. F. No. 1623, A bill for an act relating to taxation; property; providing for classification of certain low-income housing; amending Minnesota Statutes 1990, sections 13.51, by adding a subdivision; 13.54, by adding a subdivision; and 273.13, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Cooper and Brown introduced:

H. F. No. 1624, A bill for an act relating to taxation; imposing a sales or excise tax on sales of certain property and services; increasing the sales tax on certain items of tangible personal property; amending Minnesota Statutes 1990, sections 295.01, subdivision 10; 297A.01, subdivisions 3 and 8; 297A.02, by adding a subdivision; 297A.25, subdivisions 2 and 8; 297B.02, by adding a subdivision; 297C.01, by adding a subdivision; 297C.02, by adding subdivisions; 297C.06, subdivision 1; 297C.07; and 297C.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 297A and 297C.

The bill was read for the first time and referred to the Committee on Taxes.

Cooper introduced:

H. F. No. 1625, A bill for an act relating to health; allowing licensed practitioners to delegate the dispensing of a legend drug under certain circumstances; amending Minnesota Statutes 1990, section 151.37, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Swenson, Bettermann, Stanius, Dille and Koppendraye introduced:

H. F. No. 1626, A bill for an act relating to education; equalizing a portion of the debt levy; equalizing a portion of the referendum levy; limiting referendum levy amounts; increasing training and experience revenue; providing an equalized training and experience aid and levy; amending Minnesota Statutes 1990, sections 124A.04; 124A.22, subdivisions 4, 8, 9, and by adding subdivisions; 275.125, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 124 and 124A; repealing Minnesota Statutes 1990, section 124A.03.

The bill was read for the first time and referred to the Committee on Education.

Valento, Smith, Schafer and Johnson, V., introduced:

H. F. No. 1627, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 4, limiting the term of consecutive service of senators and representatives to 12 consecutive years.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Girard, Rukavina, Begich and Abrams introduced:

H. F. No. 1628, A bill for an act relating to the legislature; leave of absences for service; making it clear that leaves of absence must be granted whenever attending to public business; amending Minnesota Statutes 1990, section 3.088, subdivision 1.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Lynch, Newinski, Runbeck, Leppik and Kinkel introduced:

H. F. No. 1629, A bill for an act relating to education; providing for the parent empowerment and academic excellence act; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was read for the first time and referred to the Committee on Education.

Dorn introduced:

H. F. No. 1630, A bill for an act relating to human services; expanding the coverage of the Unitary Residence Act to community-based services; defining placements as excluded time for the purpose of determining financial responsibility; limiting the ability to change residence while in an excluded time status; reinstating the concept of derivative settlement in human service programs; eliminating the tie between social service and income maintenance programs; amending Minnesota Statutes 1990, sections 256G.01, subdivision 3; 256G.02, subdivisions 4, 6, and by adding a subdivision; 256G.03, subdivision 2; 256G.06; 256G.07, by adding a subdivision; and 256G.10.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Trimble, Pugh, Tompkins, Long and Dempsey introduced:

H. F. No. 1631, A bill for an act relating to education; authorizing the treasurer to issue commemorative medallions and particularly, a "SUPER BOWL XXVI" medallion; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 7.

The bill was read for the first time and referred to the Committee on Appropriations.

Olson, K., introduced:

H. F. No. 1632, A bill for an act relating to highways; designating the B. E. Grottum memorial highway; amending Minnesota Statutes 1990, section 161.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Girard introduced:

H. F. No. 1633, A bill for an act relating to taxation; imposing personal liability for unpaid property taxes on owners of certain property used for retail sales; allowing county auditors to impose charges for certain collection activities; amending Minnesota Statutes 1990, section 384.151, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 279.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, V., and Ogren introduced:

H. F. No. 1634, A bill for an act relating to taxation; providing a special levy for comprehensive local water implementation activities; amending Minnesota Statutes 1990, section 275.50, subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Orfield and Munger introduced:

H. F. No. 1635, A bill for an act relating to waste management; requiring counties to prepare and amend solid waste management plans; requiring counties and solid waste facilities to develop and implement problem materials management plans; prohibiting issuance and renewal of certain permit if plans are not developed and implemented; amending Minnesota Statutes 1990, sections 115A.03, subdivision 24a; 115A.45; 115A.46, subdivisions 1 and 2; 115A.956; 115A.96, subdivision 6; and 116.07, subdivisions 4j and 4k.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Nelson, K., and Long introduced:

H. F. No. 1636, A bill for an act relating to taxation; reducing the property tax class rate applied to certain homesteads and commercial-industrial property; amending Minnesota Statutes 1990, section 273.13, subdivisions 22, 24, and 32.

The bill was read for the first time and referred to the Committee on Taxes.

Osthoff introduced:

H. F. No. 1637, A bill for an act relating to retirement; local police and salaried firefighters relief association consolidation procedure; changing the interest and salary increase assumptions governing consolidation actuarial work; amending Minnesota Statutes 1990, sections 353A.05, subdivision 1; 353A.09, subdivisions 1 and 5; and 356.215, subdivision 4d.

The bill was read for the first time and referred to the Committee on Governmental Operations.

HOUSE ADVISORIES

The following House Advisories were introduced:

Winter, Wenzel, Steensma and Krueger introduced:

H. A. No. 10, A proposal for the implementation of a Centralized Notification System for agricultural product liens.

The advisory was referred to the Committee on Agriculture.

Wenzel, Bertram, Bodahl, Omann and Marsh introduced:

H. A. No. 11, A proposal to study the law governing payment of public safety officer's survivor benefits.

The advisory was referred to the Committee on Governmental Operations.

Long moved that the House recess subject to the call of the Chair to meet with the Senate in Joint Convention. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

The Sergeant at Arms announced the arrival of the members of the Senate and they were escorted to the seats reserved for them at the front of the Chamber.

JOINT CONVENTION

The Speaker of the House as President of the Joint Convention called the Joint Convention to order.

Prayer was offered by Senator Pat Piper, District 31, Austin, Minnesota.

The roll being called, the following Senators answered to their names: Adkins, Beckman and Belanger

Senator Moe, R. D., moved that further proceedings of the roll call be dispensed with. The motion prevailed and a quorum was declared present.

REPORT FROM THE HOUSE COMMITTEE ON EDUCATION, THE
EDUCATION DIVISION OF THE HOUSE COMMITTEE ON APPROPRIATIONS,
THE SENATE COMMITTEE ON EDUCATION, AND THE EDUCATION
DIVISION OF THE SENATE COMMITTEE ON FINANCE

To the Honorable Robert E. Vanasek, Speaker of the House of Representatives, as President of the Joint Convention of the Senate and House of Representatives meeting to elect Regents of the University of Minnesota:

The House Committee on Education, the Education Division of the House Committee on Appropriations, the Senate Committee on Education, and the Education Division of the Senate Committee on Finance make the following report:

We have selected the following named persons as a slate of nominees for Regents of the University of Minnesota, to hold office for the term specified for each from the first Monday of February, 1991:

Stanley D. Sahlstrom, Seventh Congressional District, Six Years

Wendell R. Anderson, Sixth Congressional District, Six Years

Ann J. Wynia, Fourth Congressional District, Six Years

James H. Manahan, First Congressional District, Six Years

We hereby submit the recommendation and the names of said persons in nomination for the offices and terms hereinbefore designated.

Respectfully submitted,

BOB O. McEACHERN, Chair
House Education Committee
and Co-Chair of the Joint Committee

GREGORY L. DAHL, Chair
Senate Education Committee
and Co-Chair of the Joint Committee

Representative McEachern and Senator Dahl moved that the report of the Joint Committee be adopted.

The motion prevailed and the report was adopted.

ELECTION OF BOARD OF REGENTS

Pursuant to the Joint Rules of the Senate and House of Representatives the Joint Convention proceeded to elect four regents of the University of Minnesota, one from the Seventh Congressional District, one from the Sixth Congressional District, one from the Fourth Congressional District and one from the First Congressional District, each for a term of six years.

Stanley D. Sahlstrom from the Seventh Congressional District was nominated by the Joint Committee for a term of six years.

Wendell R. Anderson from the Sixth Congressional District was nominated by the Joint Committee for a term of six years.

Ann J. Wynia from the Fourth Congressional District was nominated by the Joint Committee for a term of six years.

James H. Manahan from the First Congressional District was nominated by the Joint Committee for a term of six years.

Bishop nominated H. Bryan Neel III from the First Congressional District for a term of six years.

Anderson, R., nominated Jay D. Myster from the Seventh Congressional District for a term of six years.

Valento nominated Arthur William Sands, Jr., from the Fourth Congressional District for a term of six years.

Mariani nominated Eduardo Wolle from the First Congressional District for a term of six years.

There being no further nominations, the President declared nominations closed.

The Secretary called the roll.

190 members voted for Stanley D. Sahlstrom, Seventh Congressional District Regent, for a six-year term, as follows:

SENATE ROLL CALL

Adkins	Berglin	Davis	Frank	Halberg
Beckman	Bernhagen	Day	Frederickson,	Hottinger
Belanger	Bertram	DeCramer	D.J.	Hughes
Benson, D. D.	Brataas	Dicklich	Frederickson,	Johnson, D. E.
Benson, J. E.	Cohen	Finn	D.R.	Johnson, D. J.
Berg	Dahl	Flynn	Gustafson	Johnson, J. B.

Johnston	McGowan	Novak	Reichgott	Stumpf
Kelly	Mehrrens	Olson	Renneke	Traub
Kroening	Merriam	Pappas	Rivness	Vickerman
Laidig	Metzen	Pariseau	Sams	Waldorf
Langseth	Moe, R. D.	Piper	Samuelson	
Lessard	Mondale	Pogemiller	Solon	
Luther	Morse	Price	Spear	
Marty	Neuville	Ranum	Storm	

HOUSE OF REPRESENTATIVES ROLL CALL

Abrams	Frederick	Kelso	Olsen, S.	Skoglund
Anderson, I.	Frerichs	Kinkel	Olson, E.	Solberg
Anderson, R. H.	Garcia	Knickerbocker	Olson, K.	Sparby
Battaglia	Girard	Koppendraye	Omann	Stanius
Bauerly	Greenfield	Krinkie	Onnen	Steensma
Beard	Gruenes	Krueger	Orenstein	Sviggum
Begich	Gutknecht	Lasley	Orfield	Swenson
Bertram	Hanson	Leppik	Osthoff	Thompson
Bettermann	Hartle	Lieder	Ostrom	Tompkins
Bishop	Hasskamp	Limmer	Ozment	Trimble
Blatz	Haukoos	Long	Pauly	Tunheim
Bodahl	Hausman	Lourey	Pellow	Valento
Boo	Heir	Lynch	Pelowski	Vellenga
Brown	Henry	Macklin	Peterson	Wagenius
Carlson	Hufnagle	Mariani	Pugh	Waltman
Carruthers	Hugoson	Marsh	Reding	Weaver
Clark	Jacobs	McEachern	Rest	Wejcmán
Cooper	Janezich	McGuire	Rice	Welker
Dauner	Jaros	McPherson	Rukavina	Welle
Dauids	Jefferson	Milbert	Runbeck	Wenzel
Dawkins	Jennings	Morrison	Sarna	Winter
Dempsey	Johnson, A.	Munger	Schafer	Pres. Vanasek
Dille	Johnson, R.	Murphy	Scheid	
Dorn	Johnson, V.	Nelson, K.	Seaberg	
Erhardt	Kahn	O'Connor	Segal	
Farrell	Kalis	Ogren	Simoneau	

7 members voted for Jay D. Myster, Seventh Congressional District Regent, for a six year term, as follows:

SENATE ROLL CALL

Larson

HOUSE OF REPRESENTATIVES ROLL CALL

Anderson, R.	Nelson, S.	Smith
Goodno	Newinski	Uphus

197 members voted for Wendell R. Anderson, Sixth Congressional District Regent, for a six year term, as follows:

SENATE ROLL CALL

Adkins	Berglin	Davis	Frank	Halberg
Beckman	Bernhagen	Day	Frederickson,	Hottinger
Belanger	Bertram	DeCramer	D. J.	Hughes
Benson, D. D.	Brataas	Dicklich	Frederickson,	Johnson, D. E.
Benson, J. E.	Cohen	Finn	D. R.	Johnson, D. J.
Berg	Dahl	Flynn	Gustafson	Johnson, J. B.

Johnston	Marty	Neuville	Ranum	Storm
Kelly	McGowan	Novak	Reichgott	Stumpf
Kroening	Mehrkens	Olson	Renneke	Traub
Laidig	Merriam	Pappas	Riveness	Vickerman
Langseth	Metzen	Pariseau	Sams	Waldorf
Larson	Moe, R. D.	Piper	Samuelson	
Lessard	Mondale	Pogemiller	Solon	
Luther	Morse	Price	Spear	

HOUSE OF REPRESENTATIVES ROLL CALL

Abrams	Frederick	Kelso	Ogren	Skoglund
Anderson, I.	Frerichs	Kinkel	Olson, S.	Smith
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Solberg
Anderson, R. H.	Girard	Koppendrayar	Olson, K.	Sparby
Battaglia	Goodno	Krinkie	Omann	Stanius
Bauerly	Greenfield	Krueger	Onnen	Steensma
Beard	Gruenes	Lasley	Orenstein	Sviggum
Begich	Gutknecht	Leppik	Orfield	Swenson
Bertram	Hanson	Lieder	Osthoff	Thompson
Bettermann	Hartle	Limmer	Ostrom	Tompkins
Bishop	Hasskamp	Long	Ozment	Trimble
Blatz	Haukoos	Lourey	Pauly	Tunheim
Bodahl	Hausman	Lynch	Pellow	Uphus
Boo	Heir	Macklin	Pelowski	Valento
Brown	Henry	Mariani	Peterson	Vellenga
Carlson	Hufnagle	Marsh	Pugh	Wagenius
Carruthers	Hugoson	McEachern	Reding	Waltman
Clark	Jacobs	McGuire	Rest	Weaver
Cooper	Janezich	McPherson	Rice	Wejman
Dauner	Jaros	Milbert	Rukavina	Welker
Davids	Jefferson	Morrison	Runbeck	Welle
Dawkins	Jennings	Munger	Sarna	Wenzel
Dempsey	Johnson, A.	Murphy	Schafer	Winter
Dille	Johnson, R.	Nelson, K.	Scheid	Pres. Vanasek
Dorn	Johnson, V.	Nelson, S.	Seaberg	
Erhardt	Kahn	Newinski	Segal	
Farrell	Kalis	O'Connor	Simoneau	

152 members voted for Ann J. Wynia, Fourth Congressional District Regent, for a six year term, as follows:

SENATE ROLL CALL

Adkins	Dicklich	Kelly	Morse	Samuelson
Beckman	Finn	Kroening	Novak	Solon
Belanger	Flynn	Langseth	Pappas	Spear
Berg	Frank	Lessard	Piper	Stumpf
Berglin	Frederickson,	Luther	Pogemiller	Traub
Bertram	D. J.	Marty	Price	Vickerman
Brataas	Halberg	Mehrkens	Ranum	Waldorf
Cohen	Hottinger	Merriam	Reichgott	
Dahl	Hughes	Metzen	Renneke	
Davis	Johnson, D. J.	Moe, R. D.	Riveness	
DeCramer	Johnson, J. B.	Mondale	Sams	

HOUSE OF REPRESENTATIVES ROLL CALL

Anderson, I.	Beard	Bodahl	Cooper	Farrell
Anderson, R.	Begich	Brown	Dauner	Frederick
Anderson, R. H.	Bertram	Carlson	Dawkins	Garcia
Battaglia	Bishop	Carruthers	Dorn	Greenfield
Bauerly	Blatz	Clark	Erhardt	Gutknecht

Hanson	Kalis	Munger	Pugh	Thompson
Hartle	Kelso	Murphy	Reding	Trimble
Hasskamp	Kinkel	Nelson, K.	Rest	Tunheim
Haukoos	Knickerbocker	Nelson, S.	Rice	Vellenga
Hausman	Krueger	O'Connor	Rukavina	Wagenius
Heir	Lasley	Ogren	Runbeck	Waltman
Hugoson	Leppik	Olson, E.	Sarna	Weaver
Jacobs	Lieder	Olson, K.	Scheid	Wejman
Janezich	Long	Onnen	Seaberg	Welker
Jaros	Lourey	Orenstein	Segal	Welle
Jefferson	Lynch	Orfield	Simoneau	Wenzel
Jennings	Mariani	Ostrom	Skoglund	Winter
Johnson, A.	McEachern	Ozment	Solberg	Pres. Vanasek
Johnson, R.	McGuire	Pauly	Sparby	
Johnson, V.	Milbert	Pelowski	Steensma	
Kahn	Morrison	Peterson	Sviggum	

45 members voted for Arthur William Sands, Jr., Fourth Congressional District Regent, for a six year term, as follows:

SENATE ROLL CALL

Benson, D. D.	Frederickson,	Johnston	Neville
Benson, J. E.	D. R.	Laidig	Olson
Bernhagen	Gustafson	Larson	Pariseau
Day	Johnson, D. E.	McGowan	Storm

HOUSE OF REPRESENTATIVES ROLL CALL

Abrams	Girard	Limmer	Osthoff	Uphus
Bettermann	Goodno	Macklin	Pellow	Valento
Boo	Gruenes	Marsh	Schafer	
Davids	Henry	McPherson	Smith	
Dempsey	Hufnagle	Newinski	Stanius	
Dille	Koppendrayner	Olsen, S.	Swenson	
Frerichs	Krinkie	Omann	Tompkins	

113 members voted for H. Bryan Neel III, First Congressional District Regent, for a six year term, as follows:

SENATE ROLL CALL

Belanger	Day	Johnson, D. E.	Mehrkens	Renneke
Benson, D. D.	Frank	Johnston	Merriam	Sams
Benson, J. E.	Frederickson,	Laidig	Metzen	Solon
Berg	D. R.	Langseth	Neville	Storm
Bernhagen	Gustafson	Larson	Olson	Stumpf
Bertram	Halberg	Lessard	Pariseau	Vickerman
Brataas	Hughes	McGowan	Pogemiller	Waldorf

HOUSE OF REPRESENTATIVES ROLL CALL

Abrams	Bodahl	Frerichs	Haukoos	Johnson, V.
Anderson, I.	Boo	Garcia	Heir	Knickerbocker
Anderson, R.	Dauner	Girard	Henry	Koppendrayner
Anderson, R. H.	Davids	Goodno	Hufnagle	Krinkie
Battaglia	Dempsey	Gruenes	Hugoson	Krueger
Bettermann	Dille	Gutknecht	Janezich	Leppik
Bishop	Erhardt	Hanson	Jefferson	Limmer
Blatz	Frederick	Hartle	Jennings	Lynch

Macklin	Omamm	Runbeck	Sparby	Valento
Marsh	Onnen	Schafer	Stanius	Vellenga
McPherson	Osthoff	Scheid	Sviggum	Waltman
Milbert	Ozment	Seaberg	Swenson	Weaver
Morrison	Pauly	Segal	Thompson	Welker
Newinski	Pellow	Simoneau	Tompkins	Wenzel
O'Connor	Pugh	Smith	Tunheim	Winter
Olsen, S.	Rest	Solberg	Uphus	

80 members voted for James H. Manahan, First Congressional District Regent, for a six year term, as follows:

SENATE ROLL CALL

Adkins	Dicklich	Johnson, J. B.	Morse	Riveness
Beckman	Finn	Kelly	Novak	Samuelson
Berglin	Flynn	Kroening	Pappas	Spear
Cohen	Frederickson,	Luther	Piper	Traub
Dahl	D.J.	Marty	Price	
Davis	Hottinger	Moe, R. D.	Ranum	
DeCramer	Johnson, D. J.	Mondale	Reichgott	

HOUSE OF REPRESENTATIVES ROLL CALL

Bauerly	Dorn	Kinkel	Nelson, S.	Rice
Beard	Farrell	Lasley	Ogren	Rukavina
Begich	Greenfield	Lieder	Olson, E.	Sarna
Bertram	Hausman	Long	Olson, K.	Skoglund
Brown	Jaros	Lourey	Orenstein	Steenasma
Carlson	Johnson, A.	McEachern	Orfield	Trimble
Carruthers	Johnson, R.	McGuire	Ostrom	Wagenius
Clark	Kahn	Munger	Pelowski	Wejzman
Cooper	Kalis	Murphy	Peterson	Pres. Vanasek
Dawkins	Kelso	Nelson, K.	Reding	

1 member voted for Eduardo Wolle, First Congressional District Regent, for a six year term, as follows:

HOUSE OF REPRESENTATIVES ROLL CALL

Mariani

DECLARATION OF ELECTION

Stanley D. Sahlstrom, Seventh Congressional District Regent, six years; Wendell R. Anderson, Sixth Congressional District Regent, six years; Ann J. Wynia, Fourth Congressional District Regent, six years; H. Bryan Neel III, First Congressional District Regent, six years; having received the largest number of votes at the Joint Convention were declared by the President of the Joint Convention to be elected to the Board of Regents of the University of Minnesota for terms ending the first Monday of February, 1997.

Moe, R. D., moved that the Joint Convention arise. The motion prevailed and the President declared the Joint Convention adjourned.

RECONVENED

The House reconvened and was called to order by the Speaker.

CERTIFICATION

April 17, 1991

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, April 17, 1991, 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 from the first Monday of February, 1991:

Stanley D. Sahlstrom, Seventh Congressional District, Six Years

Wendell R. Anderson, Sixth Congressional District, Six Years

Ann J. Wynia, Fourth Congressional District, Six Years

H. Bryan Neel III, First Congressional District, Six Years

JEROME M. HUGHES
President of the Senate

ROBERT E. VANASEK
Speaker of the House
of Representatives

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Long, from the Committee on Rules and Legislative Administration, pursuant to rule 1.09, designated the following bills as Special Orders to be acted upon immediately preceding General Orders for today, Wednesday, April 17, 1991, and that the printed Special Orders pending for today be discontinued.

H. F. Nos. 345, 1584, 200, 173, 716, 808, 815, 977, 1001, 1017 and 1035; S. F. Nos. 34 and 254; H. F. Nos. 739, 248, 756 and 579; S. F. No. 391; H. F. Nos. 674, 914 and 551; and S. F. No. 713.

CONSENT CALENDAR

H. F. No. 49, A bill for an act relating to stepparents; designating Stepparents Day; proposing coding for new law in Minnesota Statutes, chapter 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olson, E.	Smith
Anderson, I.	Garcia	Knickerbocker	Olson, K.	Solberg
Anderson, R. H.	Girard	Koppendrayner	Omann	Sparby
Battaglia	Goodno	Krinkie	Onnen	Stanius
Bauerly	Greenfield	Krueger	Orenstein	Steensma
Beard	Gruenes	Lasley	Orfield	Sviggum
Begich	Gutknecht	Leppik	Osthoff	Swenson
Bertram	Hanson	Lieder	Ostrom	Thompson
Bettermann	Hartle	Limmer	Ozment	Tompkins
Bishop	Hasskamp	Lourey	Pauly	Trimble
Blatz	Haukoos	Lynch	Pellow	Tunheim
Bodahl	Hausman	Macklin	Pelowski	Uphus
Boo	Heir	Mariani	Peterson	Valento
Brown	Henry	Marsh	Pugh	Vellenga
Carlson	Hufnagle	McEachern	Reding	Wagenius
Carruthers	Hugoson	McGuire	Rest	Waltman
Clark	Jacobs	McPherson	Rice	Weaver
Cooper	Janezich	Milbert	Rodosovich	Wejzman
Dauner	Jaros	Morrison	Rukavina	Welker
Dauids	Jefferson	Munger	Runbeck	Welle
Dawkins	Jennings	Murphy	Sarna	Wenzel
Dempsey	Johnson, A.	Nelson, K.	Schafer	Winter
Dille	Johnson, R.	Nelson, S.	Scheid	Spk. Vanasek
Dorn	Johnson, V.	Newinski	Seaberg	
Erhardt	Kahn	O'Connor	Segal	
Farrell	Kalis	Ogren	Simoneau	
Frederick	Kelso	Olsen, S.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 121, A bill for an act relating to education; encouraging a Minnesota international volunteer corps; amending Minnesota Statutes 1990, section 16B.88, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olsen, E.	Smith
Anderson, R. H.	Girard	Koppendrayer	Olsen, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanisus
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejzman
Davids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

H. F. No. 470, A bill for an act relating to metropolitan government; providing for the powers of the mosquito control district; amending Minnesota Statutes 1990, sections 473.1623, subdivision 6, and by adding a subdivision; 473.704, by adding a subdivision; and 473.705.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Brown	Frederick	Heir	Kelso
Anderson, R.	Carlson	Frerichs	Henry	Kinkel
Anderson, R. H.	Carruthers	Garcia	Hugoson	Koppendrayer
Battaglia	Clark	Girard	Jacobs	Krinkie
Bauerly	Cooper	Goodno	Janezich	Krueger
Beard	Dauner	Greenfield	Jaros	Lasley
Begich	Davids	Gruenes	Jefferson	Lieder
Bertram	Dawkins	Gutknecht	Jennings	Long
Bettermann	Dempsey	Hanson	Johnson, A.	Lourey
Bishop	Dille	Hartle	Johnson, R.	Lynch
Blatz	Dorn	Hasskamp	Johnson, V.	Macklin
Bodahl	Erhardt	Haukoos	Kahn	Mariani
Boo	Farrell	Hausman	Kalis	Marsh

McEachern	Olsen, S.	Peterson	Simoneau	Uphus
McGuire	Olsen, E.	Pugh	Skoglund	Valento
McPherson	Olson, K.	Reding	Solberg	Vellenga
Milbert	Omann	Rest	Sparby	Wagenius
Morrison	Onnen	Rice	Stanius	Waltman
Munger	Orenstein	Rodosovich	Steensma	Weaver
Murphy	Orfield	Rukavina	Sviggum	Wejman
Nelson, K.	Ostrom	Runbeck	Swenson	Welker
Nelson, S.	Ozment	Sarna	Thompson	Welle
Newinski	Pauly	Schafer	Tompkins	Wenzel
O'Connor	Pellow	Seaberg	Trimble	Winter
Ogren	Pelowski	Segal	Tunheim	Spk. Vanasek

Those who voted in the negative were:

Abrams	Knickerbocker	Scheid
Hufnagle	Limmer	Smith

The bill was passed and its title agreed to.

H. F. No. 664, A bill for an act relating to commerce; requiring accessibility specialists; requiring certification by building officials; amending Minnesota Statutes 1990, sections 16B.63, by adding a subdivision; 16B.65, by adding a subdivision; and 471.468.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kalis	O'Connor	Simoneau
Anderson, I.	Frederick	Kelso	Ogren	Skoglund
Anderson, R.	Frerichs	Kinkel	Olsen, S.	Smith
Anderson, R. H.	Girard	Knickerbocker	Olson, E.	Solberg
Battaglia	Goodno	Koppendrayer	Olson, K.	Sparby
Bauerly	Greenfield	Krueger	Omann	Stanius
Beard	Gruenes	Lasley	Onnen	Steensma
Begich	Gutknecht	Leppik	Orenstein	Sviggum
Bertram	Hanson	Lieder	Orfield	Swenson
Bettermann	Hartle	Limmer	Osthoff	Thompson
Bishop	Hasskamp	Long	Ostrom	Tompkins
Blatz	Haukoos	Lourey	Ozment	Trimble
Bodahl	Hausman	Lynch	Pauly	Tunheim
Boo	Heir	Macklin	Pellow	Uphus
Brown	Henry	Mariani	Pelowski	Valento
Carlson	Hufnagle	Marsh	Peterson	Vellenga
Carruthers	Hugoson	McEachern	Pugh	Wagenius
Clark	Jacobs	McGuire	Reding	Waltman
Cooper	Janezich	McPherson	Rest	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejman
Davids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Scheid	Winter
Dorn	Johnson, V.	Nelson, S.	Seaberg	Spk. Vanasek
Erhardt	Kahn	Newinski	Segal	

Those who voted in the negative were:

Krinkie Sarna

The bill was passed and its title agreed to.

H. F. No. 954, A bill for an act relating to retirement; public employees retirement association; granting the equivalent of two months maternity leave to a certain St. Louis county employee.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omman	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejzman
Dauids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

The Speaker called Krueger to the Chair.

H. F. No. 1179, A bill for an act relating to metropolitan government; directing the metropolitan council to conduct a study.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kahn	Newinski	Segal
Anderson, I.	Frederick	Kalis	Ogren	Simoneau
Anderson, R.	Frerichs	Kelso	Olsen, S.	Skoglund
Anderson, R. H.	Garcia	Kinkel	Olson, E.	Smith
Battaglia	Girard	Knickerbocker	Olson, K.	Solberg
Bauerly	Goodno	Koppendrayer	Omann	Sparby
Beard	Greenfield	Krinkie	Onnen	Stanius
Begich	Gruenes	Krueger	Orenstein	Steensma
Bertram	Gutknecht	Lasley	Orfield	Sviggum
Bettermann	Hanson	Leppik	Osthoff	Swenson
Bishop	Hartle	Lieder	Ostrom	Thompson
Blatz	Hasskamp	Limmer	Ozment	Tompkins
Bodahl	Haukoos	Long	Pauly	Trimble
Boo	Hausman	Lourey	Pellow	Tunheim
Brown	Heir	Lynch	Pelowski	Uphus
Carlson	Henry	Macklin	Peterson	Valento
Carruthers	Hufnagle	Mariani	Pugh	Vellenga
Clark	Hugoson	Marsh	Reding	Wagenius
Cooper	Jacobs	McEachern	Rest	Waltman
Dauner	Janezich	McGuire	Rice	Weaver
Davids	Jaros	McPherson	Rodosovich	Wejzman
Dawkins	Jefferson	Milbert	Rukavina	Welker
Dempsey	Jennings	Munger	Sarna	Welle
Dille	Johnson, A.	Murphy	Schafer	Wenzel
Dorn	Johnson, R.	Nelson, K.	Scheid	Winter
Erhardt	Johnson, V.	Nelson, S.	Seaberg	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 1405, A bill for an act relating to charitable organizations; changing distribution requirements for charitable organizations; amending Minnesota Statutes 1990, section 309.501, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Begich	Brown	Dawkins	Frerichs
Anderson, I.	Bertram	Carlson	Dempsey	Garcia
Anderson, R.	Bettermann	Carruthers	Dille	Girard
Anderson, R. H.	Bishop	Clark	Dorn	Goodno
Battaglia	Blatz	Cooper	Erhardt	Greenfield
Bauerly	Bodahl	Dauner	Farrell	Gruenes
Beard	Boo	Davids	Frederick	Gutknecht

Hanson	Kinkel	Munger	Peterson	Svigum
Hartle	Knickerbocker	Murphy	Pugh	Swenson
Hasskamp	Koppendrayner	Nelson, K.	Reding	Thompson
Haukoos	Krinkie	Nelson, S.	Rest	Tompkins
Hausman	Krueger	Newinski	Rice	Trimble
Heir	Lasley	O'Connor	Rodosovich	Tunheim
Henry	Leppik	Ogren	Rukavina	Uphus
Hufnagle	Lieder	Olson, S.	Runbeck	Valento
Hugoson	Limmer	Olson, E.	Sarna	Vellenga
Jacobs	Long	Olson, K.	Schafer	Wagenius
Janezich	Lourey	Omann	Scheid	Waltman
Jaros	Lynch	Onnen	Seaberg	Weaver
Jefferson	Macklin	Orenstein	Segal	Wejzman
Jennings	Mariani	Orfield	Simoneau	Welker
Johnson, A.	Marsh	Osthoff	Skoglund	Welle
Johnson, R.	McEachern	Ostrom	Smith	Wenzel
Johnson, V.	McGuire	Ozment	Solberg	Winter
Kahn	McPherson	Pauly	Sparby	Spk. Vanasek
Kalis	Milbert	Pellow	Stanuis	
Kelso	Morrison	Pelowski	Steensma	

The bill was passed and its title agreed to.

H. F. No. 1455, A bill for an act relating to the Minneapolis park and recreation board; providing for two members appointed by the Minneapolis park and recreation board on the Minneapolis reapportionment commission; establishing standards for park board redistricting.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Janezich	Mariani	Ostrom
Anderson, I.	Dille	Jaros	Marsh	Ozment
Anderson, R.	Dorn	Jefferson	McEachern	Pauly
Anderson, R. H.	Erhardt	Jennings	McGuire	Pellow
Battaglia	Farrell	Johnson, A.	McPherson	Pelowski
Bauerly	Frederick	Johnson, R.	Milbert	Peterson
Beard	Frerichs	Johnson, V.	Morrison	Pugh
Begich	Garcia	Kahn	Munger	Reding
Bertram	Girard	Kalis	Murphy	Rest
Bettermann	Goodno	Kelso	Nelson, K.	Rice
Bishop	Greenfield	Kinkel	Nelson, S.	Rodosovich
Blatz	Gruenes	Knickerbocker	Newinski	Rukavina
Bodahl	Gutknecht	Koppendrayner	O'Connor	Runbeck
Boo	Hanson	Krinkie	Ogren	Sarna
Brown	Hartle	Krueger	Olson, S.	Schafer
Carlson	Hasskamp	Lasley	Olson, E.	Scheid
Carruthers	Haukoos	Leppik	Olson, K.	Seaberg
Clark	Hausman	Lieder	Omann	Segal
Cooper	Henry	Long	Onnen	Simoneau
Dauner	Hufnagle	Lourey	Orenstein	Skoglund
Davids	Hugoson	Lynch	Orfield	Smith
Dawkins	Jacobs	Macklin	Osthoff	Solberg

Sparby	Swenson	Uphus	Waltman	Welle
Stanius	Tompkins	Valento	Weaver	Wenzel
Steensma	Trimble	Vellenga	Wejzman	Winter
Sviggun	Tunheim	Wagenius	Welker	Spk. Vanasek

Those who voted in the negative were:

Limmer

The bill was passed and its title agreed to.

H. F. No. 1509, A bill for an act relating to water resources; allowing certain land to be used as a veterans cemetery under certain circumstances; amending Minnesota Statutes 1990, section 103F.369, subdivision 2, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggun
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejzman
Davids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

H. F. No. 1536, A bill for an act relating to the city of St. Cloud;

authorizing the commissioner of administration to sell certain surplus lands to the city.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gucknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejcman
Davids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

H. F. No. 1551, A bill for an act relating to retirement; Edina volunteer firefighters relief association; modifying limitations on survivor benefit coverage; amending Laws 1965, chapter 592, section 4, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kahn	O'Connor	Seaberg
Anderson, I.	Frederick	Kalis	Ogren	Segal
Anderson, R.	Frerichs	Kelso	Olson, S.	Simoneau
Anderson, R. H.	Garcia	Knickerbocker	Olson, E.	Skoglund
Battaglia	Girard	Koppendrayer	Olson, K.	Smith
Bauerly	Goodno	Krinkie	Omann	Solberg
Beard	Greenfield	Krueger	Onnen	Sparby
Begich	Gruenes	Lasley	Orenstein	Stanius
Bertram	Gutknecht	Leppik	Orfield	Sviggum
Bettermann	Hanson	Lieder	Osthoff	Swenson
Bishop	Hartle	Limmer	Ostrom	Tompkins
Blatz	Hasskamp	Long	Ozment	Trimble
Bodahl	Haukoos	Lourey	Pauly	Tunheim
Boo	Hausman	Lynch	Pellow	Uphus
Brown	Heir	Macklin	Pelowski	Valento
Carlson	Henry	Mariani	Peterson	Vellenga
Carruthers	Hufnagle	Marsh	Pugh	Wagenius
Clark	Hugoson	McEachern	Reding	Waltman
Cooper	Jacobs	McGuire	Rest	Weaver
Dauner	Janezich	McPherson	Rice	Wejzman
Davids	Jaros	Milbert	Rodosovich	Welker
Dawkins	Jefferson	Morrison	Rukavina	Welle
Dempsey	Jennings	Munger	Runbeck	Wenzel
Dille	Johnson, A.	Murphy	Sarna	Winter
Dorn	Johnson, R.	Nelson, K.	Schafer	Spk. Vanasek
Erhardt	Johnson, V.	Newinski	Scheid	

The bill was passed and its title agreed to.

SPECIAL ORDERS

H. F. No. 345 was reported to the House.

Leppik, Bishop, Blatz, Vellenga, Segal, Orenstein, Simoneau, Garcia, Morrison, Stanius, Limmer, Lynch, Onnen, Macklin, Bodahl, Orfield, Abrams, Bettermann, Wejzman, Pauly and Erhardt moved to amend H. F. No. 345, the second engrossment, as follows:

Page 3, line 3, after "(d)" insert: "Indictments or complaints for violation of sections 609.342 to 609.344 if the victim was 18 years old or older at the time the offense was committed, shall be found or made and filed in the proper court within seven years after the commission of the offense.

(e)"

Page 3, line 7, strike "(e)" and insert "(f)"

Page 3, line 13, strike "(f)" and insert "(g)"

Page 3, line 18, strike "(g)" and insert "(h)"

Amend the title as follows:

Page 1, line 6, before the semicolon, insert "and in certain criminal sexual conduct cases involving an adult victim"

The motion prevailed and the amendment was adopted.

H. F. No. 345, A bill for an act relating to sexual abuse; extending the statute of limitations for intentional torts involving the sexual abuse of a minor; expanding the statute of limitations in criminal sexual conduct cases involving a minor victim and in certain criminal sexual conduct cases involving an adult victim; amending Minnesota Statutes 1990, sections 541.073; and 628.26.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Smith
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Solberg
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Sparby
Anderson, R. H.	Girard	Koppendraye	Olson, K.	Stanius
Battaglia	Goodno	Krinkie	Omann	Steensma
Bauerly	Greenfield	Krueger	Onnen	Sviggum
Beard	Gruenes	Lasley	Orenstein	Swenson
Begich	Gutknecht	Leppik	Orfield	Thompson
Bertram	Hanson	Lieder	Osthoff	Tompkins
Bettermann	Hartle	Limmer	Ostrom	Trimble
Bishop	Hasskamp	Long	Ozment	Tunheim
Blatz	Haukoos	Lourey	Pauly	Uphus
Bodahl	Hausman	Lynch	Pellow	Valento
Boo	Heir	Macklin	Pelowski	Vellenga
Brown	Henry	Mariani	Pugh	Wagenius
Carlson	Hufnagle	Marsh	Reding	Waltman
Carruthers	Hugoson	McEachern	Rest	Weaver
Clark	Jacobs	McGuire	Rice	Wejcman
Cooper	Janezich	McPherson	Rodosovich	Welker
Dauner	Jaros	Milbert	Rukavina	Welle
Dauids	Jefferson	Morrison	Runbeck	Wenzel
Dawkins	Jennings	Munger	Sarna	Winter
Dempsey	Johnson, A.	Murphy	Schafer	Spk. Vanasek
Dille	Johnson, R.	Nelson, K.	Scheid	
Dorn	Johnson, V.	Nelson, S.	Segal	
Erhardt	Kahn	Newinski	Simoneau	
Farrell	Kalis	O'Connor	Skoglund	

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

H. F. No. 1584 was reported to the House.

Lourey moved to amend H. F. No. 1584, the first engrossment, as follows:

Page 21, line 31, after "A" insert "former member or"

Page 29, line 3, delete "one month as of the"

Page 29, line 4, delete "current June 30," and insert "7 months,"

Page 29, line 9, delete the new language and insert "7 months is eligible to"

Page 29, line 12, delete the comma and strike the remainder of the line

Page 29, line 13, strike "of consolidation"

Page 40, delete lines 13 to 19 and insert:

"Sec. 49. [EFFECTIVE DATE.]

Sections 1 to 19, 21 to 29, and 31 to 46 are effective the day following final enactment.

Section 20 is effective the day following final enactment and applies to all refunds paid after that date.

Section 30 is effective retroactive to December 31, 1990.

Section 47 is retroactive to October 1, 1990."

The motion prevailed and the amendment was adopted.

H. F. No. 1584, A bill for an act relating to retirement; the public employees retirement association; making various changes reflecting benefits, administration, and investment practices; amending Minnesota Statutes 1990, sections 353.01, subdivisions 2b, 6, 10, 15, 16, and 20; 353.03, subdivision 1; 353.27, subdivisions 4, 7, 12, 12a, and by adding subdivisions; 353.28, subdivision 6; 353.29, subdivision 4; 353.31, subdivision 1; 353.32, subdivision 1a; 353.33, subdivision 3a; 353.34, subdivision 1; 353.64, by adding a subdivision; 353.656, subdivision 1a; 353.657; 353A.01, subdivision 1; 353A.02, subdivision 16, and by adding a subdivision; 353A.03; 353A.06; 353A.08, subdivision 1; 353C.06, subdivision 3; 353C.07, subdivision 1; 353C.08, subdivision 2; 353C.09; 353D.01, subdivision 2; 353D.02; 353D.04; 353D.05, subdivision 2; 353D.07, subdivisions 2 and 3; 353D.12, subdivision 1; 356.371, subdivision 3; 356.86, subdivisions 2 and 4; 356.87; Laws 1990, chapter 570, article 8, section 14, subdivision 1; and repealing Minnesota Statutes 1990, sections 353.33, subdivision 5a; and 353C.07, subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Kahn	Newinski	Simoneau
Anderson, I.	Frederick	Kalis	Ogren	Skoglund
Anderson, R.	Frerichs	Kelso	Olsen, S.	Smith
Anderson, R. H.	Garcia	Kinkel	Olson, E.	Solberg
Battaglia	Girard	Knickerbocker	Olson, K.	Sparby
Bauerly	Goodno	Koppendrayer	Omann	Stanius
Beard	Greenfield	Krinkie	Ommen	Steensma
Begich	Gruenes	Krueger	Orenstein	Svigum
Bertram	Gutknecht	Lasley	Orfield	Swenson
Bettermann	Hanson	Leppik	Ostrom	Thompson
Bishop	Hartle	Lieder	Ozment	Tompkins
Blatz	Hasskamp	Limmer	Pauly	Trimble
Bodahl	Haukoos	Long	Pellow	Tunheim
Boo	Hausman	Lourey	Pelowski	Uphus
Brown	Heir	Lynch	Peterson	Valento
Carlson	Henry	Macklin	Pugh	Vellenga
Carruthers	Hufnagle	Mariani	Reding	Wagenius
Clark	Hugoson	Marsh	Rest	Waltman
Cooper	Jacobs	McEachern	Rice	Weaver
Dauner	Janezich	McGuire	Rodosovich	Wejcman
Davids	Jaros	McPherson	Rukavina	Welker
Dawkins	Jefferson	Morrison	Runbeck	Welle
Dempsey	Jennings	Munger	Sarna	Wenzel
Dille	Johnson, A.	Murphy	Schafer	Winter
Dorn	Johnson, R.	Nelson, K.	Seaberg	Spk. Vanasek
Erhardt	Johnson, V.	Nelson, S.	Segal	

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

H. F. No. 200, A bill for an act relating to courts; allowing counties with chambered judges to retain the judicial position; recognizing adequate access to the courts as a factor in determining whether a judicial position should remain or be abolished or transferred; amending Minnesota Statutes 1990, section 2.722, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abrams	Bauerly	Bishop	Carlson	Dawkins
Anderson, I.	Beard	Blatz	Carruthers	Dempsey
Anderson, R.	Begich	Bodahl	Clark	Dille
Anderson, R. H.	Bertram	Boo	Cooper	Dorn
Battaglia	Bettermann	Brown	Dauner	Erhardt

Farrell	Jefferson	Mariani	Osthoff	Solberg
Frederick	Jennings	Marsh	Ostrom	Sparby
Frerichs	Johnson, A.	McEachern	Ozment	Stanius
Garcia	Johnson, R.	McGuire	Pauly	Steensma
Girard	Johnson, V.	McPherson	Pellow	Sviggum
Goodno	Kahn	Milbert	Pelowski	Tompkins
Greenfield	Kalis	Morrison	Peterson	Trimble
Gruenes	Kelso	Munger	Pugh	Tunheim
Gutknecht	Kinkel	Murphy	Reding	Uphus
Hanson	Knickerbocker	Nelson, K.	Rest	Valento
Hartle	Koppndrayer	Nelson, S.	Rice	Vellenga
Hasskamp	Krinkie	Newinski	Rodosovich	Wagenius
Haukoos	Krueger	O'Connor	Rukavina	Waltman
Hausman	Lasley	Ogren	Sarna	Weaver
Heir	Leppik	Olsen, S.	Schafer	Wejzman
Henry	Lieder	Olson, E.	Scheid	Welker
Hufnagle	Limmer	Olson, K.	Seaberg	Welle
Hugoson	Long	Oman	Segal	Wenzel
Jacobs	Lourey	Onnen	Simoneau	Winter
Janezich	Lynch	Orenstein	Skoglund	Spk. Vanasek
Jaros	Macklin	Orfield	Smith	

Those who voted in the negative were:

Davids Runbeck Swenson

The bill was passed and its title agreed to.

H. F. No. 173 was reported to the House.

Garcia and Rukavina moved to amend H. F. No. 173, the first engrossment, as follows:

Page 3, after line 26, insert:

"Sec. 2. Minnesota Statutes 1990, section 179A.11, subdivision 2, is amended to read:

Subd. 2. [UNIVERSITY OF MINNESOTA EMPLOYEE SEVERANCE.] Each of the following groups of University of Minnesota employees ~~shall have~~ has the right, as specified in this subdivision, to separate from the instructional and supervisory units: (1) health sciences instructional employees at all campuses with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, (2) instructional employees of the law school with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, (3) instructional supervisors, ~~and~~ (4) noninstructional professional supervisors, and (5) academic professional and administrative staff supervisors. This right shall may be exercised by petition between September 1 and November 1. If a group separates from its unit, it has no right to meet and negotiate, but retains the right to meet and confer with the appropriate officials on any matter of concern to ~~them~~ the group.

The right to separate ~~shall~~ must be exercised as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a statewide basis wish to separate from their unit may petition the commissioner for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support from the employees, the commissioner shall hold an election on the separation issue. This election ~~shall~~ must be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from their unit, the commissioner shall certify that result. ~~This election shall,~~ Where not inconsistent with other provisions of this section, be the election is governed by section 179A.12. If a group of employees severs, ~~they~~ it may rejoin that unit by following the procedures for severance during the periods for severance."

Amend the title as follows:

Page 1, lines 4 and 5, delete "subdivision 1" and insert "subdivisions 1 and 2"

The motion prevailed and the amendment was adopted.

H. F. No. 173, A bill for an act relating to the University of Minnesota; changing the structure of certain bargaining units; amending Minnesota Statutes 1990, section 179A.11, subdivisions 1 and 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Cooper	Hartle	Kinkel	Milbert
Anderson, I.	Dauner	Hasskamp	Knickerbocker	Morrison
Anderson, R.	Davids	Haukoos	Koppendrayer	Munger
Anderson, R. H.	Dawkins	Hausman	Krinkie	Murphy
Battaglia	Dempsey	Heir	Krueger	Nelson, K.
Bauerly	Dille	Henry	Lasley	Nelson, S.
Beard	Dorn	Hufnagle	Leppik	Newinski
Begich	Erhardt	Hugoson	Lieder	O'Connor
Bertram	Farrell	Jacobs	Limmer	Ogren
Bettermann	Frederick	Janezich	Long	Olsen, S.
Bishop	Frerichs	Jaros	Lourey	Olsen, E.
Blatz	Garcia	Jefferson	Lynch	Olsen, K.
Bodahl	Girard	Jennings	Macklin	Omann
Boo	Goodno	Johnson, A.	Mariani	Onnen
Brown	Greenfield	Johnson, R.	Marsh	Orenstein
Carlson	Gruenes	Johnson, V.	McEachern	Orfield
Carruthers	Gutknecht	Kahn	McGuire	Osthoff
Clark	Hanson	Kalis	McPherson	Ostrom

Ozment	Rodosovich	Skoglund	Tompkins	Wejzman
Pauly	Rukavina	Smith	Trimble	Welker
Pellow	Runbeck	Solberg	Tunheim	Welle
Pelowski	Sarna	Sparby	Uphus	Wenzel
Peterson	Schafer	Stanius	Valento	Winter
Pugh	Scheid	Steensma	Vellenga	Spk. Vanasek
Reding	Seaberg	Sviggum	Wagenius	
Rest	Segal	Swenson	Waltman	
Rice	Simoneau	Thompson	Weaver	

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

H. F. No. 716 was reported to the House.

Seaberg moved to amend H. F. No. 716, the first engrossment, as follows:

Page 5, after line 9, insert:

“If the commissioner or other custodial authority provides a victim with notice of an offender’s escape under this subdivision, the commissioner or other custodial authority shall make all reasonable efforts to notify the victim when the offender is located and returned to custody or supervision.”

The motion prevailed and the amendment was adopted.

H. F. No. 716, A bill for an act relating to crime victims; requiring victims to be notified of offender’s escape; requiring notification to victim of final disposition of case; waiving fees necessary to obtain a temporary restraining order for harassment if petitioner is indigent; amending Minnesota Statutes 1990, sections 609.748, subdivisions 3, 4, and 6; 611A.02, subdivision 2; and 611A.06; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bertram	Carruthers	Dorn	Greenfield
Anderson, I.	Bettermann	Clark	Erhardt	Gruenes
Anderson, R.	Bishop	Cooper	Farrell	Gutknecht
Anderson, R. H.	Blatz	Dauner	Frederick	Hanson
Battaglia	Bodahl	Dauids	Frerichs	Hartle
Bauerly	Boo	Dawkins	Garcia	Hasskamp
Beard	Brown	Dempsey	Girard	Haukoos
Begich	Carlson	Dille	Goodno	Hausman

Heir	Krueger	Nelson, S.	Reding	Swenson
Henry	Lasley	Newinski	Rest	Thompson
Hufnagle	Leppik	O'Connor	Rice	Tompkins
Hugoson	Lieder	Ogren	Rodosovich	Trimble
Jacobs	Limmer	Olsen, S.	Rukavina	Tunheim
Janezich	Long	Olson, E.	Runbeck	Uphus
Jaros	Lourey	Olson, K.	Sarna	Valento
Jefferson	Lynch	Omann	Schafer	Vellenga
Jennings	Macklin	Onnen	Scheid	Wagenius
Johnson, A.	Mariani	Orenstein	Seaberg	Waltman
Johnson, R.	Marsh	Orfield	Segal	Weaver
Johnson, V.	McEachern	Osthoff	Simoneau	Wejcmán
Kahn	McGuire	Ostrom	Skoglund	Welker
Kalis	McPherson	Ozment	Smith	Welle
Kelso	Milbert	Pauly	Solberg	Wenzel
Kinkel	Morrison	Pellow	Sparby	Winter
Knickerbocker	Munger	Pelowski	Stanisus	Spk. Vanasek
Koppendrayner	Murphy	Peterson	Steensma	
Krinkie	Nelson, K.	Pugh	Sviggum	

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

H. F. No. 808, A bill for an act relating to child care; permitting variances from certain staffing requirements for parent cooperative programs; amending Minnesota Statutes 1990, sections 245A.02, by adding a subdivision; and 245A.14, subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Johnson, R.	Munger	Rukavina
Anderson, I.	Farrell	Johnson, V.	Murphy	Runbeck
Anderson, R.	Frederick	Kahn	Nelson, K.	Sarna
Anderson, R. H.	Frerichs	Kalis	Nelson, S.	Schafer
Battaglia	Garcia	Kelso	Newinski	Scheid
Bauerly	Girard	Kinkel	O'Connor	Seaberg
Beard	Goodno	Knickerbocker	Ogren	Segal
Begich	Greenfield	Koppendrayner	Olsen, S.	Simoneau
Bertram	Gruenes	Krinkie	Olson, E.	Skoglund
Beßermann	Gutknecht	Krueger	Olson, K.	Smith
Bishop	Hanson	Lasley	Onnen	Solberg
Blatz	Hartle	Leppik	Orenstein	Sparby
Bodahl	Hasskamp	Lieder	Orfield	Stanisus
Boo	Haukoos	Limmer	Osthoff	Steensma
Brown	Hausman	Long	Ostrom	Sviggum
Carlson	Heir	Lourey	Ozment	Swenson
Carruthers	Henry	Lynch	Pauly	Thompson
Clark	Hufnagle	Macklin	Pellow	Tompkins
Cooper	Hugoson	Mariani	Pelowski	Trimble
Dauner	Jacobs	Marsh	Peterson	Tunheim
Davids	Janezich	McEachern	Pugh	Uphus
Dawkins	Jaros	McGuire	Reding	Valento
Dempsey	Jefferson	McPherson	Rest	Vellenga
Dille	Jennings	Milbert	Rice	Wagenius
Dorn	Johnson, A.	Morrison	Rodosovich	Waltman

Weaver
Wejzman

Welker
Welle

Wenzel
Winter

Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 815 was reported to the House.

Skoglund moved to amend H. F. No. 815, the first engrossment, as follows:

Page 4, line 11, after "Sections" insert "1 and"

The motion prevailed and the amendment was adopted.

Onnen moved to amend H. F. No. 815, the first engrossment, as amended, as follows:

Page 1, after line 17, insert:

"Sec. 2. Minnesota Statutes 1990, section 62E.02, subdivision 2, is amended to read:

Subd. 2. "Employer" means any person, partnership, association, trust, estate or corporation, including the state of Minnesota or any agency, instrumentality or governmental subdivision thereof, which employs ten or more individuals who are residents of this state. For purposes of sections 62E.10 to 62E.14, employer has the meaning given the term in this subdivision, except that the term covers employers which are not self-insured and which employ one or more, but fewer than 50, individuals who are residents of this state.

Sec. 3. Minnesota Statutes 1990, section 62E.02, subdivision 8, is amended to read:

Subd. 8. "Employee" means any Minnesota resident who has entered into the employment of or works under contract or service or apprenticeship with any employer. "Employee" does not include a person who has been employed for less than 30 days by that person's present employer, nor one who is employed less than 30 hours per week by that person's present employer, nor an independent contractor. For purposes of sections 62E.10 to 62E.14, employee has the meaning given the term in this subdivision, except that the term does not include a person who is employed less than 17.5 hours per week by that person's present employer.

Sec. 4. Minnesota Statutes 1990, section 62E.02, subdivision 13, is amended to read:

Subd. 13. "Eligible person" means an individual who is currently and has been a resident of Minnesota for the six months immediately preceding the date of receipt by the association or its writing carrier of a completed certificate of eligibility and who meets the enrollment requirements of section 62E.11 or 62E.14. For purposes of section 62E.11 or 62E.14, the term includes an employee, an employee's spouse, or the employee's dependents."

Page 2, after line 24, insert:

"Sec. 9. Minnesota Statutes 1990, section 62E.11, subdivision 2, is amended to read:

Subd. 2. Any employer which has in its employ one or more eligible persons enrolled in the comprehensive health insurance plan may make all or any portion of the state plan premium payment to the state plan directly to the writing carrier.

Notwithstanding any law to the contrary, an employer may, at the time of initial application, enroll an eligible person in the comprehensive health insurance plan if the employer has received a letter of rejection for a group insurance policy, group subscriber contract, or health care plan due to the health status of that person.

The employer may make all or any portion of the state plan premium payment to the state plan directly to the writing carrier.

An employer has the enrollment right set forth in this subdivision only if:

(1) the employer has not previously provided group health coverage to its employees for the two-year period immediately preceding the initial application; and

(2) the person to be enrolled in MCHA is already an MCHA enrollee."

Page 4, after line 9, insert:

"Sec. 13. Minnesota Statutes 1990, section 363.02, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] The provisions of section 363.03, subdivision 1, shall not apply to:

(1) The employment of any individual

(a) by the individual's parent, grandparent, spouse, child, or grandchild, or

(b) in the domestic service of any person;

(2) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment;

(3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice;

(4) The operation of a bona fide seniority system which mandates differences in such things as wages, hiring priorities, layoff priorities, vacation credit, and job assignments based on seniority, so long as the operation of the system is not a subterfuge to evade the provisions of this chapter;

(5) With respect to age discrimination, a practice by which a labor organization or employer offers or supplies varying insurance benefits or other fringe benefits to members or employees of differing ages, so long as the cost to the labor organization or employer for the benefits is reasonably equivalent for all members or employees;

(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, and applied uniformly and without exception to all individuals, which establishes a maximum age for entry into employment as a peace officer or firefighter.

(7) Nothing in this chapter concerning age discrimination shall be construed to validate or permit age requirements which have a disproportionate impact on persons of any class otherwise protected by section 363.03, subdivision 1 or 5.

(8) It is not an unfair employment practice for an employer, employment agency, or labor organization:

(i) to require or request a person to undergo physical examination, which may include a medical history, for the purpose of determining the person's capability to perform available employment, provided

(a) that an offer of employment has been made on condition that the person meets the physical or mental requirements of the job, except that a law enforcement agency filling a peace officer position or part-time peace officer position may require or request an applicant to undergo psychological evaluation before a job offer is made provided that the psychological evaluation is for those job-related abilities set forth by the board of peace officer standards and training for psychological evaluations and is otherwise lawful;

(b) that the examination tests only for essential job-related abilities; and

(c) that the examination except for examinations authorized under chapter 176 is required of all persons conditionally offered employment for the same position regardless of disability; or

(ii) with the consent of the employee, after employment has commenced, to obtain additional medical information for the purposes of assessing continuing ability to perform the job or employee health insurance eligibility; for purposes mandated by local, state, or federal law; for purposes of assessing the need to reasonably accommodate an employee or obtaining information to determine eligibility for the second injury fund under chapter 176; or pursuant to sections 181.950 to 181.957; or other legitimate business reason not otherwise prohibited by law;

(iii) to administer preemployment tests, provided that the tests (a) measure only essential job-related abilities, (b) are required of all applicants for the same position regardless of disability except for tests authorized under chapter 176, and (c) accurately measure the applicant's aptitude, achievement level, or whatever factors they purport to measure rather than reflecting the applicant's impaired sensory, manual, or speaking skills except when those skills are the factors that the tests purport to measure; or

(iv) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work; or

(v) to provide special safety considerations for pregnant women involved in tasks which are potentially hazardous to the health of the unborn child, as determined by medical criteria; or

(vi) to enroll an eligible person in the comprehensive health insurance plan if:

(a) in the opinion of the commissioner of commerce, the coverage is similar to health coverage offered to other employees;

(b) due to the person's health status, the employer would otherwise be unable to obtain affordable coverage for other employees; and

(c) the employer: (i) pays the difference between the deductible paid by other employees for the group coverage and the deductible paid by the eligible person for the comprehensive health insurance plan; (ii) pays the difference between the coinsurance paid by other employees under the group health plan and the eligible person under the comprehensive insurance plan; and (iii) the eligible person does not pay more in premium contribution and out-of-pocket maximums for coverage under the state plan than the largest contribution toward premium and out-of-pocket maximums paid by

any other employee receiving health care coverage through the same employers."

Page 4, line 11, delete "3 to 8" and insert "6 to 8 and 10 to 12"

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

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

H. F. No. 815, A bill for an act relating to insurance; the Minnesota comprehensive health insurance plan; regulating premium determinations, meetings, and experimental delivery and managed care delivery methods; authorizing preferred provider networks; classifying PPO agreement data; regulating access; amending Minnesota Statutes 1990, sections 13.71, by adding a subdivision; 62E.08, by adding a subdivision; 62E.10, subdivisions 4 and 9; 62E.12; 62E.13, by adding a subdivision; and 62E.14, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62E.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Hugoson	Long	Omann
Anderson, I.	Dille	Jacobs	Lourey	Onnen
Anderson, R.	Dorn	Janezich	Lynch	Orenstein
Anderson, R. H.	Erhardt	Jaros	Macklin	Orfield
Battaglia	Farrell	Jefferson	Mariani	Osthoff
Bauerly	Frederick	Jennings	Marsh	Ostrom
Beard	Frerichs	Johnson, A.	McEachern	Ozment
Begich	Garcia	Johnson, R.	McGuire	Pauly
Bertram	Girard	Johnson, V.	McPherson	Pellow
Bettermann	Goodno	Kahn	Milbert	Pelowski
Blatz	Greenfield	Kalis	Morrison	Peterson
Bodahl	Gruenes	Kelso	Munger	Pugh
Boo	Gutknecht	Kinkel	Murphy	Reding
Brown	Hanson	Knickerbocker	Nelson, K.	Rest
Carlson	Hartle	Koppendrayner	Nelson, S.	Rice
Carruthers	Hasskamp	Krinkie	Newinski	Rodosovich
Clark	Haukoos	Krueger	O'Connor	Rukavina
Cooper	Hausman	Lasley	Ogren	Runbeck
Dauner	Heir	Leppik	Olsen, S.	Sarna
Davids	Henry	Lieder	Olson, E.	Schafer
Dawkins	Hufnagle	Limmer	Olson, K.	Scheid

Segal	Stanius	Trimble	Waltman	Winter
Simoneau	Steensma	Tunheim	Weaver	Spk. Vanasek
Skoglund	Sviggum	Uphus	Wejman	
Smith	Swenson	Valento	Welker	
Solberg	Thompson	Vellenga	Welle	
Sparby	Tompkins	Wagenius	Wenzel	

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

H. F. No. 977 was reported to the House.

Solberg moved that H. F. No. 977 be continued on Special Orders. The motion prevailed.

H. F. No. 1001, A bill for an act relating to game and fish; authorizing radio communication between a handler and dog; amending Minnesota Statutes 1990, section 97B.085, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Girard	Krinkie	Onnen	Sviggum
Anderson, I.	Goodno	Krueger	Orenstein	Swenson
Anderson, R.	Greenfield	Lasley	Orfield	Thompson
Anderson, R. H.	Gruenes	Leppik	Osthoff	Tompkins
Battaglia	Gutknecht	Lieder	Ostrom	Trimble
Bauerly	Hanson	Limmer	Ozment	Tunheim
Beard	Hartle	Long	Pauly	Uphus
Begich	Hasskamp	Lourey	Pellow	Valento
Bertram	Haukoos	Lynch	Pelowski	Vellenga
Bettermann	Hausman	Macklin	Peterson	Wagenius
Blatz	Heir	Mariani	Pugh	Waltman
Bodahl	Henry	Marsh	Reding	Weaver
Boo	Hufnagle	McEachern	Rest	Wejman
Brown	Hugoson	McGuire	Rice	Welker
Carlson	Jacobs	McPherson	Rodosovich	Welle
Carruthers	Janezich	Milbert	Rukavina	Wenzel
Cooper	Jaros	Morrison	Runbeck	Winter
Dauner	Jefferson	Munger	Sarna	Spk. Vanasek
Davids	Jennings	Murphy	Schafer	
Dawkins	Johnson, A.	Nelson, K.	Scheid	
Dempsey	Johnson, R.	Nelson, S.	Seaberg	
Dille	Johnson, V.	Newinski	Segal	
Dorn	Kahn	O'Connor	Simoneau	
Erhardt	Kalis	Ogren	Smith	
Farrell	Kelso	Olsen, S.	Solberg	
Frederick	Kinkel	Olson, E.	Sparby	
Frerichs	Knickerbocker	Olson, K.	Stanius	
Garcia	Koppendrayner	Omann	Steensma	

Those who voted in the negative were:

Skoglund

The bill was passed and its title agreed to.

H. F. No. 1017 was reported to the House.

Bertram moved to amend H. F. No. 1017, the first engrossment, as follows:

Page 2, line 18, delete "food service" and insert "all or part of the"

Page 2, line 19, delete "responsibilities in" and insert "duties of the commissioner pertaining to retail food handlers that are" and delete "to"

Page 2, line 20, delete everything before the period.

Page 4, after line 12, insert:

"Sec. 6. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

The motion prevailed and the amendment was adopted.

H. F. No. 1017, A bill for an act relating to agriculture; regulating certain sales and services offered by grocery stores; limiting applicability of certain licensing and regulatory provisions; amending Minnesota Statutes 1990, sections 28A.05; 145A.03, by adding a subdivision; 157.01, subdivision 1; and 412.221, subdivision 30; proposing coding for new law in Minnesota Statutes, chapter 28A.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Beard	Bodahl	Clark	Dempsey
Anderson, R.	Begich	Boo	Cooper	Dille
Anderson, R. H.	Bertram	Brown	Dauner	Dorn
Battaglia	Bettermann	Carlson	Dauids	Erhardt
Bauerly	Blatz	Carruthers	Dawkins	Farrell

Frederick	Jennings	McEachern	Pauly	Stanius
Frerichs	Johnson, A.	McGuire	Pellow	Steensma
Garcia	Johnson, R.	McPherson	Pelowski	Svigggum
Girard	Johnson, V.	Milbert	Peterson	Swenson
Goodno	Kahn	Morrison	Pugh	Thompson
Greenfield	Kalis	Munger	Reding	Tompkins
Gruenes	Kelso	Murphy	Rest	Trimble
Gutknecht	Kinkel	Nelson, K.	Rice	Tunheim
Hanson	Koppendrayer	Nelson, S.	Rodosovich	Uphus
Hartle	Krinkie	Newinski	Rukavina	Valento
Hasskamp	Krueger	O'Connor	Runbeck	Vellenga
Haukoos	Lasley	Ogren	Sarna	Wagenius
Hausman	Leppik	Olson, E.	Schafer	Waltman
Heir	Lieder	Olson, K.	Scheid	Weaver
Henry	Limmer	Omman	Seaberg	Wejzman
Hufnagle	Long	Onnen	Segal	Welker
Hugoson	Lourey	Orenstein	Simoneau	Welle
Jacobs	Lynch	Orfield	Skoglund	Wenzel
Janezich	Macklin	Osthoff	Smith	Winter
Jaros	Mariani	Ostrom	Solberg	Spk. Vanasek
Jefferson	Marsh	Ozment	Sparby	

Those who voted in the negative were:

Abrams Knickerbocker Olsen, S.

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

H. F. No. 1035, A bill for an act relating to retirement; teachers retirement association; making various changes in laws governing the administration of the association; amending Minnesota Statutes 1990, sections 136.82, subdivision 1; 176.021, subdivision 7; 354.05, subdivisions 5, 13, 22, 35, 35a, and by adding a subdivision; 354.071, subdivision 2; 354.092; 354.093; 354.094, subdivision 1; 354.095; 354.10, subdivisions 1, 2, and 4; 354.33, subdivision 6; 354.35; 354.41, subdivision 7; 354.46, subdivision 2; 354.48, subdivisions 2, 4, 6, 7, and 8; 354.49, subdivision 3; 354.50, subdivision 1; 354.52, subdivision 2, and by adding a subdivision; 356.30, by adding a subdivision; and 356.87; repealing Minnesota Statutes 1990, sections 354.094, subdivisions 1a and 1b; and 354.48, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Begich	Carlson	Dempsey	Garcia
Anderson, I.	Bertram	Carruthers	Dille	Girard
Anderson, R.	Bettermann	Clark	Dorn	Goodno
Anderson, R. H.	Blatz	Cooper	Erhardt	Greenfield
Battaglia	Bodahl	Dauner	Farrell	Gruenes
Bauerly	Boo	Davids	Frederick	Gutknecht
Beard	Brown	Dawkins	Frerichs	Hanson

Hartle	Knickerbocker	Murphy	Pugh	Swenson
Hasskamp	Koppendraye	Nelson, K.	Reding	Thompson
Haukoos	Krinkie	Nelson, S.	Rest	Tompkins
Hausman	Krueger	Newinski	Rice	Trimble
Heir	Lasley	O'Connor	Rodosovich	Tunheim
Henry	Leppik	Ogren	Rukavina	Uphus
Hufnagle	Lieder	Olsen, S.	Runbeck	Valento
Hugoson	Limmer	Olson, E.	Sarna	Vellenga
Jacobs	Long	Olson, K.	Schafer	Wagenius
Janezich	Lourey	Omann	Scheid	Waltman
Jaros	Lynch	Onnen	Seaberg	Weaver
Jefferson	Macklin	Orenstein	Segal	Wejzman
Jennings	Mariani	Orfield	Simoneau	Welker
Johnson, A.	Marsh	Osthoff	Skoglund	Welle
Johnson, R.	McEachern	Ostrom	Smith	Wenzel
Johnson, V.	McGuire	Ozment	Solberg	Winter
Kahn	McPherson	Pauly	Sparby	Spk. Vanasek
Kalis	Milbert	Pellow	Stanisus	
Kelso	Morrison	Pelowski	Steensma	
Kinkel	Munger	Peterson	Sviggum	

The bill was passed and its title agreed to.

S. F. No. 34, A bill for an act relating to the state agricultural society; including the Red River Valley Winter Shows as a state agricultural society member; amending Minnesota Statutes 1990, section 37.03, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Johnson, A.	Milbert	Reding
Anderson, I.	Farrell	Johnson, R.	Morrison	Rest
Anderson, R.	Frederick	Johnson, V.	Munger	Rice
Anderson, R. H.	Frerichs	Kahn	Murphy	Rodosovich
Battaglia	Garcia	Kalis	Nelson, K.	Rukavina
Bauerly	Girard	Kelso	Nelson, S.	Runbeck
Beard	Goodno	Kinkel	Newinski	Sarna
Begich	Greenfield	Knickerbocker	O'Connor	Schafer
Bertram	Gruenes	Koppendraye	Ogren	Scheid
Bettermann	Gutknecht	Krinkie	Olsen, S.	Seaberg
Blatz	Hanson	Krueger	Olson, E.	Segal
Bodahl	Hartle	Lasley	Olson, K.	Simoneau
Boo	Hasskamp	Leppik	Omann	Skoglund
Brown	Haukoos	Lieder	Onnen	Smith
Carlson	Hausman	Limmer	Orenstein	Solberg
Carruthers	Heir	Long	Orfield	Sparby
Clark	Henry	Lourey	Osthoff	Stanisus
Cooper	Hufnagle	Lynch	Ostrom	Steensma
Dauner	Hugoson	Macklin	Ozment	Sviggum
Davids	Jacobs	Mariani	Pauly	Swenson
Dawkins	Janezich	Marsh	Pellow	Thompson
Dempsey	Jaros	McEachern	Pelowski	Tompkins
Dille	Jefferson	McGuire	Peterson	Trimble
Dorn	Jennings	McPherson	Pugh	Tunheim

Uphus	Wagenius	Wejeman	Wenzel
Valento	Waltman	Welker	Winter
Vellenga	Weaver	Welle	Spk. Vanasek

The bill was passed and its title agreed to.

S. F. No. 254, A bill for an act relating to health; maternal and child health; clarifying newborn screening requirements; clarifying eligibility for maternal and child health services; requiring birth or death certificate medical supplements to report prenatal exposure to controlled substances; amending Minnesota Statutes 1990, sections 144.126; 144.128; 145.883, subdivision 5; and 626.5562, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayner	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omamn	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Svigum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejeman
Davids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

H. F. No. 739 was reported to the House.

Simoneau moved that H. F. No. 739 be continued on Special Orders. The motion prevailed.

H. F. No. 248, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water or natural wetlands in Anoka county.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayner	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanisus
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejzman
Davids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

H. F. No. 756 was reported to the House.

Rukavina moved that H. F. No. 756 be continued on Special Orders. The motion prevailed.

H. F. No. 579, A bill for an act relating to retirement; contributions and benefit computation for members of the Richfield police relief association; amending Laws 1965, chapter 458, sections 2, 4, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omman	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanius
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggum
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejcman
Dauids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

S. F. No. 391, A bill for an act relating to animal health; providing alternative methods for the disposal of certain animal carcasses; amending Minnesota Statutes 1990, section 35.82, subdivisions 1b and 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bishop	Dauids	Girard	Heir
Anderson, I.	Blatz	Dawkins	Goodno	Henry
Anderson, R.	Bodahl	Dempsey	Greenfield	Hufnagle
Anderson, R. H.	Boo	Dille	Gruenes	Hugoson
Battaglia	Brown	Dorn	Gutknecht	Jacobs
Bauerly	Carlson	Erhardt	Hanson	Janezich
Beard	Carruthers	Farrell	Hartle	Jaros
Begich	Clark	Frederick	Hasskamp	Jefferson
Bertram	Cooper	Frerichs	Haukoos	Jennings
Bettermann	Dauner	Garcia	Hausman	Johnson, A.

Johnson, R.	Macklin	Omann	Runbeck	Trimble
Johnson, V.	Mariani	Onnen	Sarna	Tunheim
Kahn	Marsh	Orenstein	Schafer	Uphus
Kalis	McEachern	Orfield	Scheid	Valento
Kelso	McGuire	Osthoff	Seaberg	Vellenga
Kinkel	McPherson	Ostrom	Segal	Wagenius
Knickerbocker	Milbert	Ozment	Simoneau	Waltman
Koppendrayer	Morrison	Pauly	Skoglund	Weaver
Krinkie	Munger	Pellow	Smith	Wejcmán
Krueger	Murphy	Pelowski	Solberg	Welker
Lasley	Nelson, K.	Peterson	Sparby	Welle
Leppik	Nelson, S.	Pugh	Stanius	Wenzel
Lieder	Newinski	Reding	Steensma	Winter
Limmer	Ogren	Rest	Sviggum	Spk. Vanasek
Long	Olsen, S.	Rice	Swenson	
Lourey	Olson, E.	Rodosovich	Thompson	
Lynch	Olson, K.	Rukavina	Tompkins	

The bill was passed and its title agreed to.

H. F. No. 674, A bill for an act relating to commerce; regulating irrevocable funeral trusts; excluding certain trusts from the asset limitation requirements for medical assistance; amending Minnesota Statutes 1990, sections 149.11; and 256B.056, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Ogren	Simoneau
Anderson, I.	Frerichs	Kinkel	Olsen, S.	Smith
Anderson, R.	Garcia	Knickerbocker	Olson, E.	Sparby
Anderson, R. H.	Girard	Koppendrayer	Olson, K.	Stanius
Battaglia	Goodno	Krinkie	Omann	Steensma
Bauerly	Greenfield	Krueger	Onnen	Sviggum
Beard	Gruenes	Lasley	Orenstein	Swenson
Begich	Gutknecht	Leppik	Orfield	Thompson
Bertram	Hanson	Lieder	Osthoff	Tompkins
Bettermann	Hartle	Limmer	Ostrom	Trimble
Bishop	Hasskamp	Long	Ozment	Tunheim
Blatz	Haukoos	Lourey	Pauly	Uphus
Bodahl	Hausman	Lynch	Pellow	Valento
Boo	Heir	Macklin	Pelowski	Vellenga
Brown	Henry	Mariani	Peterson	Wagenius
Carlson	Hufnagle	Marsh	Pugh	Waltman
Carruthers	Hugoson	McEachern	Reding	Weaver
Clark	Jacobs	McGuire	Rest	Wejcmán
Cooper	Janezich	McPherson	Rice	Welker
Dauner	Jaros	Milbert	Rodosovich	Welle
Davids	Jefferson	Morrison	Rukavina	Wenzel
Dawkins	Jennings	Munger	Runbeck	Winter
Dempsey	Johnson, A.	Murphy	Sarna	Spk. Vanasek
Dille	Johnson, R.	Nelson, K.	Schafer	
Dorn	Johnson, V.	Nelson, S.	Scheid	
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	

The bill was passed and its title agreed to.

Anderson, R. H., was excused for the remainder of today's session.

H. F. No. 914 was reported to the House.

Lasley moved to amend H. F. No. 914, the first engrossment, as follows:

Page 4, after line 14, insert:

“Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective on the day after final enactment.”

The motion prevailed and the amendment was adopted.

H. F. No. 914, A bill for an act relating to state lands; authorizing Otter Tail county to return donated state land to the donor's heir; requiring that description of certain tax-forfeited land bordering public water be submitted to commissioner of natural resources before proposing legislation to permit conveyance of the land; amending Minnesota Statutes 1990, section 282.018, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Davids	Hausman	Krinkie	Nelson, K.
Anderson, I.	Dawkins	Heir	Krueger	Nelson, S.
Anderson, R.	Dempsey	Henry	Lasley	Newinski
Battaglia	Dille	Hufnagle	Leppik	O'Connor
Bauerly	Dorn	Hugoson	Lieder	Ogren
Beard	Erhardt	Jacobs	Limmer	Olson, S.
Begich	Farrell	Janezich	Long	Olson, E.
Bertram	Frederick	Jaros	Lourey	Olson, K.
Bettermann	Frerichs	Jefferson	Lynch	Omann
Bishop	Garcia	Jennings	Macklin	Onnen
Blatz	Girard	Johnson, A.	Mariani	Orenstein
Bodahl	Goodno	Johnson, R.	Marsh	Orfield
Boo	Greenfield	Johnson, V.	McEachern	Osthoff
Brown	Gruenes	Kahn	McGuire	Ostrom
Carlson	Gutknecht	Kalis	McPherson	Ozment
Carruthers	Hanson	Kelso	Milbert	Pauly
Clark	Hartle	Kinkel	Morrison	Pellow
Cooper	Hasskamp	Knickerbocker	Munger	Pelowski
Dauner	Haukoos	Koppendrayer	Murphy	Peterson

Pugh	Schafer	Sparby	Tunheim	Welker
Reding	Scheid	Stanisus	Uphus	Welle
Rest	Seaberg	Steensma	Valento	Wenzel
Rice	Segal	Sviggun	Vellenga	Spk. Vanasek
Rodosovich	Simoneau	Swenson	Wagenius	
Rukavina	Skoglund	Thompson	Waltman	
Runbeck	Smith	Tompkins	Weaver	
Sarna	Solberg	Trimble	Wejeman	

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

H. F. No. 551, A bill for an act relating to drivers' licenses; extending waiting period for person to receive limited driver's license who has been convicted of certain crimes; providing a penalty; amending Minnesota Statutes 1990, sections 171.17; and 171.30, subdivisions 2, 4, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olsen, S.	Skoglund
Anderson, I.	Garcia	Knickerbocker	Olson, E.	Smith
Anderson, R.	Girard	Koppendraye	Olson, K.	Solberg
Battaglia	Goodno	Krinkie	Omann	Sparby
Bauerly	Greenfield	Krueger	Onnen	Stanisus
Beard	Gruenes	Lasley	Orenstein	Steensma
Begich	Gutknecht	Leppik	Orfield	Sviggun
Bertram	Hanson	Lieder	Osthoff	Swenson
Bettermann	Hartle	Limmer	Ostrom	Thompson
Bishop	Hasskamp	Long	Ozment	Tompkins
Blatz	Haukoos	Lourey	Pauly	Trimble
Bodahl	Hausman	Lynch	Pellow	Tunheim
Boo	Heir	Macklin	Pelowski	Uphus
Brown	Henry	Mariani	Peterson	Valento
Carlson	Hufnagle	Marsh	Pugh	Vellenga
Carruthers	Hugoson	McEachern	Reding	Wagenius
Clark	Jacobs	McGuire	Rest	Waltman
Cooper	Janezich	McPherson	Rice	Weaver
Dauner	Jaros	Milbert	Rodosovich	Wejeman
Davids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	Spk. Vanasek
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	O'Connor	Segal	
Frederick	Kelso	Ogren	Simoneau	

The bill was passed and its title agreed to.

S. F. No 713, A bill for an act relating to human services licensing; repealing certain rule criteria for disqualification of applicants for

licensing and their employees; amending Minnesota Statutes 1990, section 245A.04, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kalis	O'Connor	Seaberg
Anderson, I.	Frerichs	Kelso	Ogren	Segal
Anderson, R.	Garcia	Kinkel	Olsen, S.	Simoneau
Battaglia	Girard	Knickerbocker	Olsen, E.	Smith
Bauerly	Goodno	Koppendrayner	Olsen, K.	Solberg
Beard	Greenfield	Krinkie	Omann	Sparby
Begich	Gruenes	Krueger	Onnen	Stanius
Bertram	Gutknecht	Lasley	Orenstein	Steensma
Bettermann	Hanson	Leppik	Orfield	Sviggum
Bishop	Hartle	Lieder	Osthoff	Swenson
Blatz	Hasskamp	Limmer	Ostrom	Thompson
Bodahl	Haukoos	Long	Ozment	Tompkins
Boo	Hausman	Lourey	Pauly	Trimble
Brown	Heir	Lynch	Pellow	Tunheim
Carlson	Henry	Macklin	Pelowski	Uphus
Carruthers	Hufnagle	Mariani	Peterson	Valento
Clark	Hugoson	Marsh	Pugh	Vellenga
Cooper	Jacobs	McEachern	Reding	Wagenius
Dauner	Janezich	McGuire	Rest	Waltman
Dauids	Jaros	McPherson	Rice	Weaver
Dawkins	Jefferson	Morrison	Rodosovich	Wejeman
Dempsey	Jennings	Munger	Rukavina	Welker
Dille	Johnson, A.	Murphy	Runbeck	Welle
Dorn	Johnson, R.	Nelson, K.	Sarna	Wenzel
Erhardt	Johnson, V.	Nelson, S.	Schafer	Winter
Farrell	Kahn	Newinski	Scheid	Spk. Vanasek

The bill was passed and its title agreed to.

GENERAL ORDERS

Long moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Macklin moved that the name of Leppik be added as an author on H. F. No. 1272. The motion prevailed.

Nelson, K., moved that the names of Limmer and Bertram be added as authors on H. F. No. 1310. The motion prevailed.

Dille moved that the names of Girard and Hugoson be added as authors on H. F. No. 1389. The motion prevailed.

Jacobs moved that the name of Lynch be added as an author on H. F. No. 1500. The motion prevailed.

Johnson, A., moved that the name of Leppik be added as an author on H. F. No. 1606. The motion prevailed.

Vellenga moved that the names of Clark, Jefferson and O'Connor be added as authors on H. F. No. 1621. The motion prevailed.

Wenzel moved that H. F. No. 982, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Dorn moved that H. F. No. 1471 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Jacobs moved that H. F. No. 1185, now on Technical General Orders, be re-referred to the Committee on Taxes. The motion prevailed.

Olsen, S., moved that H. F. No. 538 be returned to its author. The motion prevailed.

Pellow moved that H. F. No. 649 be returned to its author. The motion prevailed.

Welker moved that H. F. No. 1487 be returned to its author. The motion prevailed.

Macklin and Limmer introduced:

House Resolution No. 4, A house resolution requesting that the Capitol Area Architectural and Planning Board rent space to former governors for the display of their portraits.

The resolution was referred to the Committee on Governmental Operations.

ADJOURNMENT

Long moved that the House adjourn. The motion prevailed, and Speaker pro tempore Krueger declared the House stands adjourned until 2:30 p.m., Thursday, April 18, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives